

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**2009 GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF NORTH CAROLINA**  
**FIRST SESSION**  
**2009**  
**VOLUME 1**  
**And**  
**VOLUME 2**



**OFFICERS AND MEMBERS  
OF  
THE SENATE OF THE NORTH CAROLINA  
2009 GENERAL ASSEMBLY**

WALTER DALTON, President.....Rutherfordton  
 MARC BASNIGHT, President *Pro Tempore* ..... Manteo  
 CHARLIE S. DANNELLY, Deputy President *Pro Tempore* .....Charlotte  
 JANET B. PRUITT, Principal Clerk ..... Raleigh  
 TED HARRISON, Reading Clerk ..... Cary  
 CECIL GOINS, Sergeant-at-Arms ..... Raleigh

DISTRICT	NAME OF SENATOR	RESIDENCE
1	MARC BASNIGHT (D).....	Manteo
2	JEAN R. PRESTON (R).....	Emerald Isle
3	S. CLARK JENKINS (D).....	Tarboro
4	EDWARD W. JONES (D).....	Enfield
5	DONALD G. DAVIS (D).....	Snow Hill
6	HARRY BROWN (R).....	Jacksonville
7	DOUG BERGER (D).....	Youngsville
8	R. C. SOLES, JR. (D).....	Tabor City
9	JULIA BOSEMAN (D).....	Wilmington
10	CHARLES W. ALBERTSON (D).....	Beulaville
11	A. B. SWINDELL IV (D).....	Nashville
12	DAVID ROUZER (R).....	Benson
13	DAVID F. WEINSTEIN (D) (Resigned 9-30-2009).....	Lumberton
	MICHAEL P. WALTERS (D) (Appointed 11-03-2009)....	Fairmont
14	VERNON MALONE (D) (Deceased 4-18-2009).....	Raleigh
	DANIEL T. BLUE (D) (Appointed 5-19-2009).....	Raleigh
15	NEAL HUNT (R).....	Raleigh
16	JOSHUA H. STEIN (D).....	Raleigh
17	RICHARD Y. STEVENS (R).....	Cary
18	BOB ATWATER (D).....	Chapel Hill
19	TONY RAND (D) (Resigned 12-31-2009).....	Fayetteville
20	FLOYD B. McKISSICK, JR. (D).....	Durham
21	LARRY SHAW (D).....	Fayetteville

22	HARRIS BLAKE (R).....	Pinehurst
23	ELEANOR KINNAIRD (D).....	Carrboro
24	ANTHONY FORIEST (D) .....	Graham
25	WILLIAM R. PURCELL (D).....	Laurinburg
26	PHILIP E. BERGER (R).....	Eden
27	DONALD R. VAUGHAN (D).....	Greensboro
28	KATIE G. DORSETT (D).....	Greensboro
29	JERRY W. TILLMAN (R).....	Archdale
30	DON W. EAST (R).....	Pilot Mountain
31	PETER S. BRUNSTETTER (R) .....	Lewisville
32	LINDA GARROU (D).....	Winston-Salem
33	STAN BINGHAM (R).....	Denton
34	ANDREW C. BROCK (R).....	Mocksville
35	W. EDWARD GOODALL, JR. (R).....	Weddington
36	FLETCHER L. HARTSELL, JR. (R).....	Concord
37	DANIEL G. CLODFELTER (D).....	Charlotte
38	CHARLIE S. DANNELLY (D).....	Charlotte
39	ROBERT A. RUCHO R).....	Matthews
40	MALCOLM GRAHAM (D).....	Charlotte
41	JAMES FORRESTER (R).....	Mt. Holly
42	AUSTIN M. ALLRAN (R).....	Hickory
43	DAVID W. HOYLE (D).....	Dallas
44	JIM JACUMIN (R).....	Connelly Springs
45	STEVE GOSS (D) .....	Boone
46	DEBBIE A. CLARY (R).....	Cherryville
47	JOE SAM QUEEN (D) .....	Waynesville
48	TOM APODACA (R).....	Hendersonville
49	MARTIN L. NESBITT, JR. (D).....	Asheville
50	JOHN J. SNOW, JR. (D).....	Murphy

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# SENATE JOURNAL

## 2009 SESSION

### FIRST DAY

Senate Chamber  
Wednesday, January 28, 2009

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 Walter Dalton, 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 Chair extends privileges of the floor to Dr. Albert Osbahr from Hickory, North Carolina, who is serving the Senate as Doctor of the Day, and to Eileen Kohlenberg from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.*

The President recognizes the Sergeant-at-Arms of the 2007 Session of the General Assembly who announces that the members of the Judiciary and the Secretary of State are 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 Secretary of State to their seats.

The President directs the Sergeant-at-Arms of the 2007 Session of the General Assembly to open the doors of the Senate and to escort Katherine Fritsch, a fourth-grade student from Raleigh, to the Well of the Senate.

The President introduces The Reverend Mike Morris, Senate Chaplain for the 2009 Session of the General Assembly, who offers prayer as follows:

"Dear God, the 148th Session of the General Assembly has begun. Lieutenant Governor Dalton now presides as President of the Senate. We pray that you will bless and guide him in his new responsibilities. Opening day of a new session is always a celebration and we are grateful that you are here to celebrate with us. You celebrate the call of these members to public service. You celebrate the families and friends gathered around the Senators who by

their own sacrifices and encouragement have made this day possible. Look around this Senate Chamber, O God. These men and women have the equivalent of Phd's in lawmaking and they will have to summon all their knowledge and experiences to tackle the challenges before them. But most likely on some days they will be better served to forget all they've learned. To vision as if through new eyes-01 course work, entry level learning because a new vision may be the only good answer to the unprecedented problems never before faced in our lifetime. The Lieutenant Governor and Senators don't ask for an easy road. I know these women and men and you do, too, Lord. With your guidance and wisdom, they will be up to the task. In your holy name we pray. Amen."

#### **PRESENTATION OF THE COLORS**

The Chair orders the Sergeant-at-Arms of the 2007 Session to open the doors of the Chamber for the presentation of the Colors by the Greene Central High School Army Junior ROTC from Snow Hill, 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 Katherine Fritsch, a fourth-grade student from Raleigh, who sings the National Anthem.

#### **CALL OF THE ROLL**

The Chair directs the Reading Clerk of the 2007 Session to call the roll by Senatorial District, and the following Senators-elect appear with the proper certificates of election received from the Secretary of State, Elaine F. Marshall:

**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 25th day of November, A.D., 2008, 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 4th, 2008 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 2009, to wit:

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<b>DISTRICT</b>	<b>NAME</b>
First District	Marc Basnight
Second District	Jean Preston
Third District	S. Clark Jenkins
Fourth District	Ed Jones
Fifth District	Donald Gene Davis
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	David Rouzer
Thirteenth District	David F. Weinstein
Fourteenth District	Vernon Malone
Fifteenth District	Neal Hunt
Sixteenth District	Josh Stein
Seventeenth District	Richard Stevens
Eighteenth District	Robert (Bob) Atwater
Nineteenth District	Tony Rand
Twentieth District	Floyd B. McKissick, Jr.
Twenty-first District	Larry Shaw
Twenty-second District	Harris Blake
Twenty-third District	Eleanor Kinnaird
Twenty-fourth District	Tony Foriest
Twenty-fifth District	William R. (Bill) Purcell
Twenty-sixth District	Philip Edward (Phil) Berger
Twenty-seventh District	Donald Ray Vaughan
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
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 Smith Dannelly
Thirty-ninth District	Bob Rucho
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

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**Forty-fifth District**  
**Forty-sixth District**  
**Forty-seventh District**  
**Forty-eighth District**  
**Forty-ninth District**  
**Fiftieth District**

**Steve Goss**  
**Debbie A. Clary**  
**Joe Sam Queen**  
**Tom Apodaca**  
**Martin L. Nesbitt, Jr.**  
**John J. Snow, Jr.**

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

**DONE IN OFFICE** at Raleigh, this 2nd day of December, 2008.

**(SEAL)**

S/Elaine F. Marshall  
Secretary of State

The President of the Senate recognizes The Honorable Patricia Timmons-Goodson, Associate Justice of the 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 2009 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

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

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

The President extends privileges of the floor to The Honorable Patricia Timmons-Goodson, Associate Justice of the Supreme Court of North Carolina; The Honorable Howard E. Manning, Jr., Superior Court Judge; The Honorable Michael R. Morgan, Wake County Superior Court Judge, Judicial District 10; The Honorable Robert C. Hunter, Judge, North Carolina Court of Appeals; The Honorable Elaine Marshall, North Carolina Secretary of State; The Honorable Zebulon D. Alley, former Senator from Haywood County; The Honorable Richard J. Conder, former Senator from Richmond County; The Honorable Cal Cunningham, former Senator from Davidson County; The Honorable Fern

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Shubert, former Senator from Union County; Mrs. Dot Helms, wife of the late former United States Senator, Jesse Helms, who is seated on the floor as a guest of Senator David Rouzer; Lucille Dalton, wife of Lieutenant Governor Walter Dalton; Elizabeth and Brian Dalton, who are seated in the gallery; and Kathy Beetham, Interpreter for the day.

*The President extends the courtesies of the gallery to all visitors present today.*

### **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 Weinstein who offers the following nomination and remarks:

"Mr. President and ladies and gentlemen of the Senate, I rise to nominate Senator Marc Basnight for President *Pro Tempore* of the Senate of North Carolina. Senator Basnight is currently serving his ninth term as President *Pro Tempore* of the Senate, a leadership post he has held since 1993. Senator Basnight has dedicated his life to help make North Carolina a better place to live. He is always willing to listen and consider the view of every Senator because it is the right thing to do. Senator Basnight is a strong supporter of education, affordable health care, job growth, and the general welfare of the citizens of North Carolina. In this difficult economic period, Senator Basnight is calling for government efficiency and job growth investment. Personally, I am proud of his leadership and the 2000 school bond building issue and his leadership in the construction of a new cancer hospital in Chapel Hill which will benefit all the citizens of North Carolina. We have a lot of hard work ahead of us and we need a Senate leader who can bring us all together to face these challenges. I ask you to join me in electing Senator Marc Basnight, President *Pro Tempore* of the Senate in the 2009-2010 Session of the General Assembly. Thank you."

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

"It is a privilege and honor to stand here on behalf of Senator Basnight this morning. He has certainly been a tremendous visionary leader for the State of North Carolina. As Senator Weinstein indicated, he has been President *Pro Tempore* since 1993 and he is the longest serving person within our history to serve in that capacity. We have been fortunate to be blessed with his leadership. He is a consensus builder who understands the needs of North Carolina. He

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understands that North Carolina today has to be a community and a State where all of our citizens are embraced, where the aspirations of each of those citizens are able to be realized and, most importantly, that there is a need to chart a vision and a path and a plan for our State. He has been at the helm of our State when it comes to stewardship on environmental issues. He is the person who we have looked to for the clean water management trust fund, a fund which is dedicated to preserving our environmentally sensitive areas. He was also a leader when it came to the clean water responsibility act which is protecting our rivers. He understands that there is a need to protect our environment, not just for today, but for the generation that is yet to come. He has also been one of those that, looking at our legislative campus here, made sure when it came to energy sufficiency and efficiency and water conservation issues they were in fact embodied on our campus here. In the field of education, Senator Basnight has been one who always understands the fact that we need to have a population here in North Carolina with the skills to meet the needs of business and industry. In 2001, he worked hard to see that the \$3.1 billion bond issue was approved to make certain the needs of our universities and community colleges were met. He championed the ABCs for public education to award schools for academic achievement. He sponsored the excellent schools act which raised teaching standards and teaching pay, as well. During his tenure, the pay of teachers in North Carolina has made a substantial stride forward in terms of the national average, something we can all feel proud of. As Senator Weinstein indicated, in terms of healthcare he always understands the needs for healthcare of our citizens. But most importantly, he understands that cancer touches the lives of virtually every family. He stood in the forefront in appropriating \$50 million for the UNC System to build the cancer hospital that will benefit all of us in many ways. The counties needed help when it came to being relieved of the Medicaid burden and he stood forward in helping the counties meet that need and meet that obligation. He understands that our environment and our education are inextricably linked to our ability to attract industry and jobs for North Carolina. He has supported job tax credit programs and appropriate incentives to attract business and industry to North Carolina. He understands that we have to have the type of business environment that will thrive and prosper in North Carolina. During the sixteen years that he has been President *Pro Tempore*, North Carolina has been consistently ranked as having one of the best business environments in the United States of America and that we can feel proud of. Senator Basnight got us through our tough days back in 2001 when there was a severe economic downturn. He helped us meet our challenges then and we rebounded to a period of prosperity. This year we will face similar challenges, the same type of challenges that we saw then, but perhaps even more severe. There is no better person to see us through these difficult financial times that are on the horizon. Senator Basnight understands what it takes to balance those significant competing interests. Most importantly, he does listen. He listens to all the voices in North Carolina and all the voices here in the Senate. At the conclusion of our last session, Senator Fred Smith who is no longer with us, spoke very articulately of Senator Basnight in saying his door is always open, he

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is always approachable, he is always someone you can go to and always someone who will help you. That is the type of leadership we need in North Carolina. We need someone who reaches out, who builds consensus, but most importantly, embraces the needs of all the members of this Senate and faces the challenges in North Carolina in a meaningful, significant, and progressive way. We have had few people to serve sixteen years in this capacity. In fact, he is the only one. We have been fortunate and blessed with Jim Hunt to serve sixteen years in two different terms, but Senator Basnight's leadership has been continuous. He is the man we need. He is the man who served us best and he is the one best prepared to continue assisting us in facing the challenges that we are facing now. We thank him for serving in the past and we thank his family for allowing him to serve. It is a privilege and honor that I am here today to second his nomination."

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

"I would like to place in nomination the name of Senator Phil Berger for the office of President *Pro Tempore* of the Senate. The nomination is presented."

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

"I am proud to rise and second the nomination of Senator Phil Berger of Rockingham for the office of President *Pro Tempore*."

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, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan, and Weinstein ---30.

Those voting for Senator Berger of Rockingham are: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho, and Tillman ---18

Senator Berger of Rockingham offers a motion that Senator Marc Basnight be elected by acclamation as President *Pro Tempore* of the 2009 Senate, which motion prevails.

The President declares Senator Basnight duly elected President *Pro Tempore* and appoints Senator Albertson, Senator Garrou, Senator Malone, Senator Soles, Senator Dannelly, Senator Queen, Senator Hartsell, and Senator Stevens to

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escort the President *Pro Tempore*-Elect to the Well of the Senate. Senator Garrou 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 Howard E. Manning, Jr., Superior Court Judge, administers the prescribed Oath of Office.

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

“Thank you, Lieutenant Governor Dalton, former Senators, and welcome to all members and a special thanks to Judge Manning, who is not one of our favorites, but he is a personal friend! We are here at a crucial time in history. As I looked and waited out front, I recall that in 1963 this building was opened. Senator Soles, you were in the House at the time and I read that there was an Elton Aydtlett from the First District which I represent, Manteo, and I read that there was a Senator Forsyth from Cherokee, John. John and I represent the extremes of the geography of North Carolina, as did Senator Aydtlett and Senator Forsyth and today we stand here with two members from Manteo to Murphy. Yet today, we unite ourselves in our belief that the government does provide for its people in different ways. Certainly, one of the foremost ways is the education of its people. Without knowledge, there is no success and there is little opportunity and less progress. Through North Carolina's history, it has provided for those opportunities. With the trouble that we face, declining revenues of double digits and growing, unemployment of double digits and growing, it is more so today than at any other time in my history or Senator Soles' history that we continue to provide for a quality education for all kids that follow us in North Carolina and young adults who retrain their vision and refocus their place in life as they find new employment. The economic conditions do not bring great happiness to us today, but it is the hand that is dealt us and it is the hand we will play with. There are many challenges besides education. There is transportation or infrastructure, technology, water, sewer, the state health plan with which Senator Rand needs much help, probation, energy use, climate change. The list will continue but the focus that will be the greatest, Senator Garrou, will be the budget because it will affect all the different facets of government and if we craft it in that vein and in the way as we should and protect the most important ingredients of that budget, we will do well. Think of our condition today, not in a sad way or a depressed way, but think of what this budget can deliver. Think of what this session can give its people and, also, think for a second that if this was the opening day and you were in South Carolina, Tennessee, Georgia, or Virginia, you would be much worse off. Because of this body, to the new members, I will tell you today, they did a yeoman's job in the past to protect that knowledge-based economy that we have to continue. Their condition is much worse than ours. I was thinking yesterday of a conversation I had with a young man at a Seven-Eleven in

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Manteo where I buy coffee in the mornings. He waited for me as I came out. He said he was a boat builder and he had a family and he was unemployed and that he would like to work for me in my yard or my house, painting, doing anything, digging holes, whatever it may be and he would work for minimum wage. He had a job that paid in excess of \$20 per hour. He had health benefits, Senator Jenkins, and now he has none and he has no money for gas for the car. He can't pay his mortgage payment today and the same can be said in Murphy and any other county in this great State of North Carolina. It is through employment that you protect the wishes of the family and the needs of such. Without the re-creation and the re-tooling of our industry of workers, North Carolina will suffer even greater and our deficit will be even larger. So, this session has to focus on jobs, jobs, and jobs. Now, not that we would be derelict in the other earlier mentioned difficulties and responsibilities that we have, absolutely not. But if we create that economy, re-tool it, make it available for all people, we all do well. I was also a bit mystified by the direction that South Carolina is taking in the closure of three universities. I do not have to encourage you to protect these universities. I do not have to encourage you to be frugal in your evaluation of state government, the elimination of waste, duplication, seeing that we're more efficient and we do a better job with the monies that we have. These are givens. This will occur. But I would encourage you not to find your way out of this difficulty with cuts alone. There should be a more benign way of finding revenues than just cuts. So as we go through this budget through the finance chairs, Senator Clodfelter, you will be encouraged to look at ways to find revenue that will balance the cuts against the needs and the protection of education and our future in North Carolina. We have to be careful, we have to be steady, and we have to make no errors. You have given me this responsibility to lead you for another session. To Senator McKissick and my great friend, Senator Weinstein, I thank you for nominating me and seconding me to be your leader. I will do all within the powers and ability given me by the Good Lord who looks down upon us. Godspeed and thank you."

#### **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 2009 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 (21-28).

Senator Hunt offers Amendment No. 2 which fails of adoption (18-31).

Senator Berger of Rockingham offers Amendment No. 3 which fails of adoption (17-32).

Upon motion of Senator Rand, Senate Resolution 1 is adopted (31-18).

The text of the Resolution is as follows:

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**S.R. 1, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2009 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  
2009 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.

**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.

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**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.

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(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.

(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; explanation of vote.** – (a) Upon recognition by the Presiding Officer for that purpose, any Senator may 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.

(b) Any Senator may 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.

(c) Questions of personal privilege and explanations of vote shall be the last orders of the Senate's business that day.

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, other than the computer furnished to the Senator for usage only on the floor,

are prohibited on the floor or in the gallery 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.

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(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.

**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.

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(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 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.

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**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 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. [RESERVED]

## 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
- 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 no fewer than five Senators, including the chairs and vice-chairs and ranking minority members.

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

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

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

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

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

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

**RULE 37.** (Reserved for interim operations rule).

## **VI. HANDLING BILLS**

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

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

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

**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 one bill that contains 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, March 3, 2009, 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 11, 2009, 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 Friday, March 13, 2009, 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 25, 2009, 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.

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**RULE 41. Crossover bill deadline.** – In order to be eligible for consideration by the Senate during the 2009 or 2010 Regular Sessions of the 2009 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 14, 2009, 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) 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.

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

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

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

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

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

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

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

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

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**RULE 42.5. Appropriations/Base Budget Committee meetings.**

– 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

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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 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.

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

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

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

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

(e) If the amendment or committee substitute for a bill is a material amendment, the receiving of that bill on messages shall constitute first reading, and the question before the Senate shall be concurrence on second

reading. If the motion is passed, the question then shall be concurrence on third reading on the next legislative day.

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

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

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

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

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

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

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

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

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**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.

**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 addresses 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. All acts and resolutions shall be signed by the President, the President Pro Tempore, the Deputy President Pro Tempore, or by a Senator designated by the President Pro Tempore to act as Presiding Officer.

**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.

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(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 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.

#### **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 Dorsett who offers the following nomination and remarks:

“Ladies and gentlemen of the Senate, it is my pleasure to nominate Senator Charlie Dannelly for the office of Deputy *Pro Tempore*. He is truly qualified to serve in this position as Deputy because he has experienced this. He has already served three terms as Deputy *Pro Tempore*. Charlie is an educator and a graduate of Johnson C. Smith University in Charlotte. He also attended UNC-Chapel Hill where he received a Master’s Degree in education and administration. Charlie has served in the military. He served as First Lieutenant in the 82nd Airborne. He has been a teacher and a principal in the Mecklenburg County Schools for over twenty years before his retirement in 1991. Charlie has been a tireless public servant serving on the Charlotte City Council for twelve years before joining the Senate. He has been a member of this Chamber for sixteen years. He is a committed public servant not only to his district, but to all of the citizens of North Carolina. Charlie is a strong advocate for children, the elderly, the homeless, the poor, and the mentally and physically challenged. As he moves through the Senate, he focuses his attention on improving education, providing jobs and improving the economy. He has been a voice for the voiceless. Charlie is a very active and great member of Omega Psi Phi Fraternity. He serves on many committees here in the Senate, Appropriations,

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Education, Finance, and Health, just to name a few. He and his wife have one adult son and his son and his wife are here with us today. The Dannelly family holds membership in the Friendship Missionary Baptist Church in Charlotte, North Carolina. It is my great pleasure to ask you to join me in nominating Charlie Dannelly for the Office of Deputy President *Pro Tempore*."

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

"Mr. President and ladies and gentlemen of the Senate, it is my extreme pleasure and high honor to have the opportunity to second the nomination of our good friend, Senator Charlie Dannelly, to serve as the Deputy President *Pro Tempore* of the Senate. Having served in that same office several terms several years ago, I know full well the responsibilities that come with it. We often look to the President *Pro Tempore* for leadership. The President *Pro Tempore* is here on a daily basis, but there are many times when he can't be here or needs assistance or a confidant and the Deputy *Pro Tempore* steps in and fills that challenge well. Senator Dannelly, as you heard, has a rich heritage and experience. He was born in Bishopville, South Carolina and finished his public schooling there, went off in the military where he served as a paratrooper. After that, he came to North Carolina and went to the North Carolina Universities and then served in public office throughout his City of Charlotte and Mecklenburg County. It was our good fortune to have him to come to the North Carolina Senate where he has served in a leadership position time after time with distinction. It is my pleasure and great honor to second the nomination for Senator Charlie Dannelly for Deputy President *Pro Tempore* of the Senate. Thank you."

A motion offered by Senator Soles 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 Dorsett, Senator Soles, Senator Jones, Senator Clodfelter, and Senator Weinstein to escort the Deputy President *Pro Tempore*-Elect to the Well of the Senate. Senator Dorsett presents Senator Dannelly to the President. The President directs the Sergeant-at-Arms to escort Mrs. Rose Dannelly, Chuck Dannelly, and Doreen Dannelly to the Well of the Senate where they join Senator Dannelly as he receives the prescribed Oath of Office. The Honorable Michael R. Morgan, Superior Court Judge, Judicial District 10, administers the prescribed Oath of Office.

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

"Thank you, Mr. President. First of all, let me give thanks to my Lord and Savior for my presence here and your presence. I would also like to thank the

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Honorable Michael Morgan for administering the oath. I want to thank the members for the confidence you've shown in me. Again, I want to thank my best friend, my wife, Rose, who has been here every time and our son, Charlie Dannelly II, and his wife, Doreen, who are here for the first time in my eight terms. It is a special feeling for me to have them here. Historic things have happened in this Country and in this State this year. On January 10, we swore in the first female Governor of our Great State of North Carolina. On January 20, we swore in the first African-American President of these United States. This has never happened before and I predict it will happen sometime again in the future. The glass ceiling has been somewhat broken. As a result of these happenings, positive change is occurring. Unfortunately, our Country and our State are facing the largest deficit in most of our lifetimes. I appeal to our constituents to have patience and understanding as we struggle to develop a balanced budget. It's going to be very difficult to maintain funding for our existing budget. Someone once said when you take from Peter to pay Paul we generally leave Peter in worse shape than Paul ever was. In our current crisis we need to remember the philosophy of Epicurus who said, 'One is rich not by one's possessions, but through that which one with dignity can do without.' When we strive to improve our economic outlook, we must still maintain strong support for our educational systems from preschools through the universities and community colleges. Education has always been our strength in rescuing us from large revenue shortfalls. When businesses see and recognize that we are willing to invest in ourselves, they feel that it is safe for them to invest in North Carolina's future. We are at the point when we must demand strict accountability from every recipient of state funding and we must stretch every penny to its fullest extent. Additionally, we must monitor and make sure that those who provide services to our needy citizens are certified and/or qualified to deliver those services. We must punish anyone who abuses or neglects a citizen in our state-operated facilities. This is just a microcosm of the things we must do in this term as we develop a budget which will help all North Carolinians make a better life for themselves. Someone once said that things turn out for the best for those who make the best of the way things turn out. I think we're in that position now where we will have to make the best of the way things turn out. Let me close by applying something President Bill Clinton said in one of his inaugural addresses about America. What I will do is substitute our own State. He simply said there is nothing wrong in North Carolina that cannot be cured by what is right with North Carolina. We have a big job to do. Thank you very much and God Bless."

#### **ELECTION OF STATUTORY OFFICERS**

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

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

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“Mr. President and ladies and gentlemen of the Senate, I rise to nominate Janet Pruitt for Senate Principal Clerk. Janet has served in this Chamber since 1997. During that time she has assembled a very competent staff and updated the technology in the Senate. She has flawlessly managed thousands of bills and amendments that we file each year. I have always appreciated her professionalism and her 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. Mr. President, I ask that the nominations be closed and that Ms. Pruitt be elected by acclamation.”

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

“Mr. President and ladies and gentlemen of the Senate, I consider it an honor and a privilege to stand to second the nomination for Janet Pruitt for our Principal Clerk. In seconding that nomination, I recognize her outstanding leadership and the courteous, dedicated, and flawless service that she and her professional staff provide for the North Carolina Senate and to the people of North Carolina. In further recognition of that service, I move that the nominations be closed and that Janet Pruitt be elected Principal Clerk by acclamation.”

The motion by Senator Snow that the nominations be closed and that Janet Pruitt be elected Principal Clerk of the 2009 Senate by acclamation prevails. The President declares Janet Pruitt duly elected and appoints Senator Foriest, Senator Bingham, and Senator Purcell 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 Malone who offers the following nomination and remarks:

“Mr. President, I am very pleased to nominate Ted Harrison as the Reading Clerk. Mr. Harrison has held that position for eight years and he has done it proficiently and with dignity consistent with the decorum of this Chamber. He is the only Reading Clerk I’ve known and so, therefore, I cannot imagine having anyone else in that position. Ted Harrison is a graduate of The University of North Carolina at Chapel Hill, but he really wishes he had graduated from North Carolina State University! With that being said, I am very pleased to place in nomination for Reading Clerk, Ted Harrison.”

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

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“Mr. President, Ted Harrison, many of you may not know this, began his career with WFMY-TV in Charlotte. He then became a focal point on television doing UNC broadcasts covering the North Carolina General Assembly for many, many years. His wife, Betsy, is a native of Caswell County and her father, Joe Warren, was a member of the North Carolina House and later became Sergeant-at-Arms of the House. He has a rich history in this building. He knows the history, he is willing to share it, and I would not only second his nomination, but I move we accept Ted Harrison as Reading Clerk of this Body by acclamation. Thank you.”

The motion offered by Senator Swindell that the nominations be closed and that Ted Harrison be elected Reading Clerk of the 2009 Senate by acclamation prevails. The President declares Ted Harrison duly elected and appoints Senator Albertson, Senator Stevens, Senator Soles, and Senator Nesbitt to escort the Reading Clerk-Elect to the Well of the Senate. Senator Soles 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, Mr. President and ladies and gentlemen of the Senate. It is my great privilege and high honor to place in nomination the name of Cecil Goins as the Sergeant-at-Arms for the one-hundred and forty-eighth session of the North Carolina Senate. Cecil is a graduate of North Carolina A&T. He served as a commissioned officer with the Big Red One. When he completed his service to our Country in that regard, he came back and joined the United States Marshal Service where he served until his retirement as a Deputy United States Marshal. It was during that period of time that I had the opportunity to get to know Cecil and get to know him well. During that period in my life I had the pleasure of representing certain people that were charged with anti-social behavior that was dealt with in the Federal Courts of the Eastern District of North Carolina and I always was impressed with the way Cecil did his duties. He was unfailingly courteous and very direct and straight forward, but always very serious about the performance of his duties. He has served us in the Senate, I think about nine terms, for a long time and has always done extremely well. He has always been unfailingly courteous and polite to people, but always maintained the dignity and the traditions of the Senate. If any of you have never had the opportunity to have Cecil tell you the story about the animal trainer, I would suggest you take an hour or so off one afternoon and get him to do that. It is an unforgettable experience. He is a wonderful man, he has served us well and I would solicit your support for him for this important position. Thank you, Mr. President.”

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

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“I can’t say much more than what Senator Rand has already said about Cecil. He is a wonderful gentleman with such dignity. When I think about words that really epitomize him I think about the word class. I think of the word distinction. But most importantly, he is respected by all, everyone he touches. One thing you might not have known about him is that he also was once a private investigator. If you ever go and speak to him, you realize that his eyes and ears are open at all times. His mind is engaged and he has an opinion about everything that we do in here. He is one of those go-to people that you can go to and ask a question about anything and he has an incredible memory. He is an institutional memory for this Body and is an archive that is really treasured. It is a privilege and an honor to second his nomination. I move that the nominations be closed on said name.”

The motion offered by Senator McKissick that the nominations be closed and that Cecil Goins be elected Sergeant-at-Arms of the 2009 Senate by acclamation prevails. The President declares Cecil Goins duly elected and appoints Senator Soles, Senator Forrester, Senator Jones, and Senator Swindell to escort the Sergeant-at-Arms-Elect, Cecil Goins. The Honorable Robert C. Hunter, 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

January 28, 2009

The Honorable Walter Dalton  
President of the Senate  
Room 2104, Legislative Building  
Raleigh, North Carolina 27601-2808

Dear President Dalton:

This is to advise you that the Senate Democratic Caucus met on December 17, 2008, with 28 members present and nominated the following officers for the 2009 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

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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,  
Senator Charles W. Albertson  
Secretary, Democratic Caucus

CWA:rrf

cc: The Honorable Marc Basnight  
Ms. Janet Pruitt

**North Carolina General Assembly**  
Senate Chamber  
State Legislative Building  
Raleigh 27601-1096

January 12, 2009

The Honorable Walter Dalton  
2104 Legislative Building  
Raleigh, NC 27603

Mr. President:

The Republican Caucus met on Sunday, December 7, 2008, in Greensboro and on Sunday, January 11, 2009, in Asheboro to discuss leadership matters for the upcoming 2009-2010 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, 2009:

Senator Phil Berger, Republican Leader  
Senator Harry Brown, Deputy Republican Leader  
Senator Peter Brunstetter, Deputy Republican Leader  
Senator Neal Hunt, Deputy Republican Leader  
Senator Jerry Tillman, Republican Whip  
Senator Eddie Goodall, Joint Caucus Leader

Respectfully,  
Phil Berger  
Senate Republican Leader

cc: Senator Marc Basnight, President Pro Tempore  
PEB/be

January 28, 2009

**RECONSIDERATION**

Having voted with the majority, Senator Rand offers a motion, seconded by Senator Garrou, that the vote by which Senator Basnight was elected President *Pro Tempore* of the Senate be reconsidered and further moves that the motion to reconsider do lie upon the table, which motion prevails (41-8).

**REMARKS BY THE LIEUTENANT GOVERNOR**

The President of the Senate, The Honorable Walter Dalton, offers the following remarks:

“Ladies and gentlemen, we are drawing near to the end of this and I want to take this opportunity to again congratulate Senator Basnight on what is a very historic election. It is historic not only for the number of years of service, but it is historic for the accomplishments that have been made during that period of time. You have already heard reference to many of those – the Clean Water Management Trust Fund, money to keep this State beautiful, money for infrastructure that leads to economic development, the university and community college bond bill in 1998, the largest in history. I think it’s one of the things that makes our community college system probably the very best in the Nation. It’s one of the things that makes our university system one of the best, if not the best, public university system in the Nation. That money has gone to work to prepare for the 21st Century jobs. The money for cancer research has been transformational for North Carolina. They will tell you that with that appropriation it will be the number one public cancer research center in the Nation in the very near future. It is money that supports the research of people like Dr. Smithies who last year won a Nobel prize in genomics. Money to support the research of Joe D. Simone who was recently named North Carolinian of the Year and won MIT’s award last year because he is working on a delivery system through nanoscience that may cure cancer. It will not only create jobs in North Carolina and attract businesses here but it’s going to save lives. These are investments that set North Carolina apart and these are the investments that will define North Carolina for the future. So Senator Basnight, I congratulate you. It is a great legacy. I congratulate the leadership of the majority party, Senator Dannelly, Senator Rand, Senator Dorsett and Senator Soles, and I look forward to working with you. I also want to take this opportunity to congratulate Senator Phil Berger for what is also an historic election. Three consecutive terms ties a modern-day record, Senator Berger. You can be very proud of that. It has been my privilege to serve with you for many years. You have always served with integrity and with character. You have my utmost respect and I look forward to working with you. I say the same to Senators Brown, Brunstetter, Hunt, Tillman and Goodall. Congratulations on your election and I look forward to working with you. Thankfully, the long, hard-fought battles of the campaign are over and it is time for us to put those battles aside and it is time for us to put politics aside and work for the future of

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North Carolina and the betterment of our people. You've already heard it referenced today. We know this is a difficult time. Federal trade policies and federal credit policies have crippled our Nation. Too many families are struggling to make ends meet and they are sitting around the kitchen table trying to figure out if they are going to keep their job, if they're going to be able to pay the bills. That's why it is necessary that we invest in innovative programs and policies to create jobs across this State, jobs that are sustainable, jobs that will be part of the new economy, and I think we have already done that to a great degree in some of the investments that we have made. But while we are positioned to lead in the future, we cannot abandon what we have done. We must focus our attention and make sure we continue to make those investments. Here in North Carolina, we have additional challenges other than the economy. We have challenges in mental health, probation and parole, and transportation and if we are going to compete in the global economy we have to continue to improve our public schools, not only in North Carolina, but across this Nation. We are truly in international competition and there is no question that we face many, many obstacles. But out of chaos and adversity can come opportunity. Martin Luther King once said, "It is only when the sky is dark enough that you can see the stars." It will be our challenge to find the stars and polish those stars and work together to get through these tough times and take advantage of the opportunities that are presented. To the new members, we welcome you. You will find the Senate is a very collegial body. I believe you will find that all members are well intended and it is their desire to make North Carolina better. As we all assume our duties, I ask you to remember a few things. First, remember that 70% of the money that we appropriate for the operation of government is human capital, people serving the citizens of our State. People like James Wilder and Larry Summerlin who lost their lives saving lives during Hurricane Floyd, or Sally Rohrback last year, an auditor for the Department of Insurance, who was murdered in Charlotte as she did her job, or Troopers David Blanton and Andrew Stocks who were killed last year in the line of duty. I'm talking about people like our teachers and our school administrators who invest their time and talents each day to teach our children to build that brighter future we all talk about. To make North Carolina great, we must have good people providing those services and I believe that we do. I ask that you remember them. I also ask as we go forward doing our duties that you remember that there are approximately one million working people in this State who, despite their labors, remain in poverty. For many of those, we have not fulfilled our duty to see that they have the opportunity and the tools to succeed. While it is important to keep our financial industry healthy and the Congress has said that, it is also critically important to improve the plight of the many who struggle each day to make ends meet. That means improving education and recruiting better jobs and valuing the quality of life of our citizens. As we look at the needs of our people, I ask you to also look at the abilities of our people and not the physical and mental hardships that they may face. There is tremendous potential in their abilities but that potential too often goes untapped because we fail to look beyond the surface. Let us also celebrate the diversity of our State and the

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strength that comes from that diversity. If we work together for the common good we will see progress and as we face these challenges of today we look for solutions. Let us remember that new economies often follow new inventions. That's why our investment in cancer research and photonics and nanoscience and genomics and regenerative medicine and biofuels and others is so important. North Carolina is a leader prepared to move forward in the new economy once this National economic picture improves. For this reason, we must continue our investment in research and development and we should use that knowledge and innovation to create companies and attract companies to this area to provide good jobs with good benefits for our people. In doing so, we must insure that all of North Carolina can take advantage of these opportunities, particularly the rural areas of North Carolina which have sustained repeated blows. Infrastructure investment and continued high speed broadband build-out will help them succeed. While these tough times attempt to divert our path and our path of progress we must navigate our course for the future. At the end of the day if we make government more efficient and more responsible and if we invest wisely we will be better for the struggle. Again, we must make sure that there may be a detour but it cannot be a derailment. I will close by telling you a story of my friend, The Reverend Everett Chapman. Reverend Chapman serves a rural area of North Carolina and one day one of his parishioners came to him and said 'I would love for you to do the service for my mother. She passed away just the other day.' It was at another church. Reverend Chapman went there and he did the service and when he came out the funeral service came over to him and said, 'Reverend Chapman, the burial is fifteen miles away and the police escort didn't show up and we don't know how to get there. Do you know where that graveyard is and can you help get us there.' He said, 'Yes, I know where it is. I'll be happy to.' So Everett pulled his Buick to the front of the funeral procession, cranked it up, started out, and put in his classical music. Everett is not as young as he used to be and he will admit that sometimes he gets a little forgetful. He was driving down the road and he remembered that he needed some shave cream. So Everett put on his right turn signal and turned into the Wal-Mart parking lot. He looked in his rearview mirror in shock and horror as he realized what he had done and the funeral procession was right behind him. As he went through the Wal-Mart parking lot all the shoppers stood at attention very reverently. He got to the gravesite, he did the service, and afterwards his parishioner, the son, came over to him, and said, 'Pastor, that was a stroke of genius. How you knew to do that I will never know. My mama loved Wal-Mart.' Well, you know sometimes we get diverted off the direction but we have to make that destination and I think we will. Our difficulties may have thrown us off track but I am convinced that if we work together we will get through the tough times, seize the opportunities presented and build a better future. There are many other thoughts I have but I realize that we're going to be together for several months so I will conclude by saying again that I welcome each and every one of you. I express my gratitude to the people who cast their votes to give you this opportunity. They have sent you here to make a better North Carolina. Many of them want better jobs, some want to improve

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education or roads or law enforcement. Others are focused on access to health care and lower taxes. It will be your job to balance those issues and lay a solid foundation for the future. I look forward to working with you and I stand ready to help you in any way that I can.”

Upon motion of Senator Basnight, seconded by Senator Vaughan, the Senate adjourns at 1:49 P.M. to meet tomorrow, January 29, at 11:00 A.M.

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## SECOND DAY

Senate Chamber  
Thursday, January 29, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Gracious God, there was a roll call yesterday but I thought another would be appropriate today. Five are present and one is absent. Those present, Senators Clary, Davis, Rouzer, Stein, and Vaughan. Welcome to your second day as North Carolina Senators. We hope that you are encouraged to know that our prayers are with you and that the veteran Senators, who themselves were once second-day Senators, are here to help and encourage you during the first days and weeks of orientation. We wish you Godspeed. The sixth person, the person absent, is Coach Kay Yow. She was an inspiration to all of us. Thousands have mourned her death and celebrated her life. Kay Yow was a great ambassador for North Carolina State University, the State of North Carolina and, most importantly to her, a great ambassador for you, O God. The roll call she answered last week was your call to her to the kingdom of heaven. We shall miss her. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, January 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. John Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Julie Zaha from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.*

January 29, 2009

**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 Snow, Nesbitt; Allran, Boseman, Goss, Jacumin, Preston 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 Snow; and Queen:

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES.

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

By Senators Snow and Nesbitt:

**S.B. 4**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE QUALIFICATIONS FOR APPOINTMENT AS AN EMERGENCY JUDGE OF THE SUPERIOR COURT OR THE DISTRICT COURT.

Referred to the **Judiciary I Committee**.

By Senator Stevens:

**S.B. 5**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESALE DEALER, OR RETAIL DEALER OF CROSSBOWS THAT OBTAINS A PERMIT FOR THE SALE, RECEIPT, OR OTHER TRANSFER OF A CROSSBOW IS DEEMED TO HAVE A CONTINUING PERMIT THAT AUTHORIZES THE FUTURE SALE, GIVEAWAY, TRANSFER, PURCHASE, OR RECEIPT OF CROSSBOWS BY THE CORPORATION AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESALE DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESALE DEALERS OR RETAIL DEALERS.

Referred to the **Commerce Committee**.

By Senators Boseman, Soles; Brown and Preston:

**S.B. 6**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A TEMPORARY STAY ON INCREASED SURCHARGES AND DEDUCTIBLES FOR CERTAIN POLICIES UNDER THE BEACH PLAN

AND ON PROPERTY INSURANCE RATE INCREASES FOR CERTAIN HOMEOWNER'S POLICIES ACROSS THE STATE.

Referred to the **Commerce Committee**.

By Senator Boseman:

**S.B. 7**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING HUNTING ON SUNDAY.

Referred to the **Judiciary II Committee**.

By Senators Boseman; and Kinnaird:

**S.B. 8**, 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 PROVIDE A STATE/FEDERAL MATCH FOR ADDITIONAL CAP/MR-DD SLOTS.

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

By Senator Boseman:

**S.B. 9**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PRIVATE DETECTIVE OR PRIVATE INVESTIGATOR WHO ENGAGES IN AN ACTIVITY THAT IS UNLAWFUL UNDER G.S. 14-202 WHICH PROHIBITS SECRETLY PEEPING INTO A ROOM OCCUPIED BY ANOTHER PERSON IS IN VIOLATION OF THAT LAW AND IS NOT PROTECTED BY THE CLAIM THAT THE DETECTIVE OR INVESTIGATOR WAS ENGAGED IN THE LEGAL DISCHARGE OF HIS OR HER OFFICIAL PROFESSIONAL DUTIES.

Referred to the **Judiciary I Committee**.

By Senator Boseman:

**S.B. 10**, A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS BY MUNICIPALITIES IN NEW HANOVER COUNTY.

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

By Senators Boseman; Brown and Preston:

**S.B. 11**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY 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 I Committee**.

By Senators Dannelly; Dorsett, Forrester, Garrou, Goss, Jones, Malone and Purcell:

**S.B. 12**, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE OR ACCESSING ADDITIONAL TECHNOLOGY

January 29, 2009

UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Commerce Committee**.

By Senators Berger of Franklin; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Jacumin, Jones, Preston, Rouzer, Snow, Stevens and Tillman:

**S.B. 13**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE FROM THE UNDERLYING OFFENSE TO A SEPARATE OFFENSE IF THE WOMAN IS PAST HER TWENTIETH WEEK OF PREGNANCY AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

Referred to the **Judiciary I Committee**.

By Senators Berger of Franklin; Kinnaird, McKissick and Nesbitt:

**S.B. 14**, A BILL TO BE ENTITLED AN ACT ENHANCING WORKER SAFETY IN NORTH CAROLINA BY CREATING THE EMPLOYMENT SAFETY AND SECURITY COMMISSION AND BY TRANSFERRING TO THAT COMMISSION THE FUNCTIONS OF THE OCCUPATIONAL SAFETY AND HEALTH DIVISION OF THE DEPARTMENT OF LABOR AND CERTAIN OTHER STATUTORY POWERS AND DUTIES OF THE COMMISSIONER OF LABOR RELATING TO EMPLOYEE SAFETY.

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

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

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

House of Representatives  
January 28, 2009

Mr. 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

January 29, 2009

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

Sergeant-at-Arms: Robert R. Samuels  
Chaplain: 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: Thom Tillis  
Republican Freshman Leader: Justin P. Burr

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  
January 28, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Beverly Eaves Perdue on January 26, 2009, Darren G. Jackson has been administered the oath of office as a Member of the House of Representatives for the 2009 General Assembly. Representative Jackson has been seated to fill the vacancy created by the resignation of the Honorable Linda Coleman from the Thirty Ninth House District.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **MESSAGE FROM GOVERNOR EASLEY**

The following special message is received from the Governor:

January 29, 2009

**STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
20301 Mail Service Center Raleigh, NC 27699-0301**

Michael F. Easley  
Governor

December 30, 2008

The Honorable Walter Dalton  
Lieutenant Governor-Elect  
Legislative Office Building, Room 523  
Raleigh, NC 27601

Dear Lt. Governor-Elect Dalton:

Pursuant to North Carolina General Statute § 62-10(g), I hereby appoint Susan Rabon and Bryan Beatty to serve as members of the North Carolina Utilities Commission and submit their names for confirmation by the North Carolina General Assembly. Mrs. Rabon's term shall begin upon her taking the oath of office as required by General Statute § 62-11, and, upon confirmation, will expire June 30, 2015. Mr. Beatty'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, 2009.

Mrs. Rabon will fill the seat formally held by Samuel James "Jimmy" Ervin. Mr. Beatty will fill the seat formally held by James Kerr.

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

cc: The Honorable Marc Basnight  
The Honorable Joe Hackney  
Ms. Denise Weeks  
Ms. Janet Pruitt  
The Honorable Beverly Perdue

Referred to the **Commerce Committee**.

January 29, 2009

**EXECUTIVE ORDERS**

Executive Orders received from Governor Michael Easley from September 2 - January 9, 2009, are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

**Executive Order Number 143**, Proclamation of a State of Disaster for Cabarrus and Mecklenburg Counties.

**Executive Order Number 144**, Proclamation of a State of Emergency due to Tropical Storm Hanna and Hurricane Ike.

**Executive Order Number 145**, Emergency Relief for damage caused by Tropical Storm Hanna and other related storm events affecting the Atlantic Coast Region.

**Executive Order Number 146**, Abnormal Market Disruption.

**Executive Order Number 147**, Extending Executive Order No. 145 Emergency Relief for damage caused by Tropical Storm Hanna and other related storm events affecting the Atlantic Coast Region.

**Executive Order Number 148**, Proclamation of a State of Disaster for Wilson and Johnston Counties.

**Executive Order Number 149**, Proclamation of a State of Disaster for the Town of Mount Pleasant, the Town of Kannapolis, and the Town of Concord.

**Executive Order Number 150**, E-mail Retention and Archiving.

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

**Executive Order Number 1**, Governor's Task Force for the development of an Endowment for Positive Gubernatorial Campaigns.

**Executive Order Number 2**, Reforming Department of Transportation.

**Executive Order Number 3**, On-Site and State-STAT Performance Management and Accountability.

**Executive Order Number 4**, Openbook Government for North Carolina.

**Executive Order Number 5**, Establishing the North Carolina Budget Reform and Accountability Commission (BRAC).

**Executive Order Number 6**, Budget Administration due to National Economic Slowdown.

January 29, 2009

**Executive Order Number 7**, Proclamation of State of Emergency.

**Executive Order Number 8**, Notice of Termination of Executive Order of State of Disaster and State of Emergency.

Upon motion of Senator Basnight, seconded by Senator Davis, the Senate adjourns at 11:24 A.M. subject to Committee Appointments, to meet Monday, February 2, at 7:00 P.M.

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### THIRD DAY

Senate Chamber  
Monday, February 2, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Thank you, O God, for hearing our personal silent petitions on behalf of the Long family. As we begin a new week, we do so moving along in our accustomed routines, relatively secure, mostly satisfied and fairly content. Though we pray each day in the Senate for your guidance, sometimes when you show up things get, well, interesting. We confess that we love the predictable and the pleasant sometimes more than we love you. Despite all this, move among us this week. Intrude, demonstrate to us that you are our living God, free of our attempts to pin you down or make you manageable. In your Holy name we pray, Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Conrad Flick from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Debbie Beasley from Apex, North Carolina, who is serving the Senate as Nurse of the Day.*

### PRIVILEGES OF THE FLOOR

The President extends privileges of the floor to The Honorable Larry Kissell, Congressman from the 8th Congressional District of North Carolina.

February 2, 2009

**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; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goss, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, Preston, Purcell, Queen, Rouzer, Rucho, Shaw, Snow, Soles, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS.

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

By Senators Boseman; Berger of Franklin, Dannelly, Dorsett, Foriest, Graham, Jones, Kinnaird, Malone and McKissick:

**S.B. 16**, 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/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Goss; Allran, Brown, Hoyle, Jacumin, Preston, Snow, Stevens and Swindell:

**S.B. 17**, A BILL TO BE ENTITLED AN ACT TO FULLY FUND THE ABCS BONUSES EARNED BY PUBLIC SCHOOL EMPLOYEES DURING THE 2007-2008 SCHOOL YEAR.

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

By Senators Goss; Jacumin, Snow, Stevens and Swindell:

**S.B. 18**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CEMETERY ACT BY MODIFYING THE MEMBERSHIP OF THE CEMETERY COMMISSION, CHANGING THE INVESTMENTS OPTIONS FOR PERPETUAL CARE TRUST FUNDS, AND ELIMINATING THE ABILITY TO POST BONDS IN LIEU OF DEPOSITS TO TRUST ACCOUNTS.

Referred to the **Commerce Committee**.

By Senators Goss; Bingham, Jacumin, Rand and Stevens:

**S.B. 19**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Judiciary I Committee**.

February 2, 2009

By Senators Berger of Franklin; Atwater, Kinnaird, McKissick, Nesbitt, Queen and Snow:

**S.B. 20**, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT.

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

#### MESSAGE FROM THE GOVERNOR

The following special message is received from Governor Michael Easley:

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

December 31, 2008

MICHAEL F EASLEY  
GOVERNOR

The Honorable Walter Dalton  
Lieutenant Governor-Elect  
Legislative Office Building, Room 523  
Raleigh, NC 27601

Dear Lt. Governor-Elect Dalton:

Pursuant to G.S. § 135-6, I hereby submit to you the name of Mr. Dennis Ducker 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 June 30, 2009.

Enclosed is a copy of Mr. Ducker's biographical information. If further information is needed or desired, please feel free to call on him or contact the Office of Boards and Commissions for the Governor's Office at (919) 715-0966.

With kindest regards, I remain

Very truly yours,  
S/Michael F. Easley

MFE:as  
Enclosures

cc: The Honorable Marc Basnight  
Ms. Janet Pruitt  
The Honorable Beverly Perdue

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

February 2, 2009

**MESSAGE FROM THE GOVERNOR**

The following special message is received from Governor Beverly Perdue:

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
20301MAIL SERVICE CENTER • RALEIGH, NC 7699-0301

BEVERLY EAVES PERDUE  
GOVERNOR

January 27, 2009

Ms. Janet Pruitt  
Principal Clerk  
North Carolina Senate Legislative Building  
Raleigh, North Carolina 27603~5925

Dear Ms. Pruitt:

This letter is written to comply with Sections 1 and 2 of Executive Order Number 107, dated February 20, 1997, in the Hunt Administration.

This letter shall serve as my official designation of Room 1039 within the Administration Building as the "Office of the Governor's Legislative Counsel" as referenced in Section 1. In addition, a second official designation will be the office of Zach Ambrose in the State Capitol Building.

I hereby designate the following employees of the Governor's Office as the officials to whom delivery of bills can be made under the provision of Section 2.

1. Andy Willis
2. Courtney Crowder
3. Annette Newkirk

Thank you for your attention to this matter.

Sincerely,  
S/Beverly Eaves Perdue

BEP:mrl

cc: Denise Weeks, House Principal Clerk

**SENATE PAGES**

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

Jamaal Brown, Durham; Patrick Carter, Durham; Dwayne Mitchell, Jr.; and Emmanuel Mitchell, Garner.

February 2, 2009

Upon motion of Senator Basnight, seconded by Senator Stein, the Senate adjourns at 7:13 P.M. to meet Tuesday, February 3, at 1:00 P.M.

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#### FOURTH DAY

Senate Chamber  
Tuesday, February 3, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, you have called us to be your people, to venture forth with you to be servant leaders and helpers to those we encounter. When we consider our misgivings, our weaknesses, our fears, sometimes we wonder why you have called people like us. Without that call we might have been content to live our lives less conspicuously, on our own, without much concern for anyone but ourselves. Yet you did call us and we responded. Especially in these difficult times, help us to serve with good judgment, empathy for others and grace. For your sake we pray, Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. R. Darrell Nelson from Winston-Salem, North Carolina, who is serving the Senate as Doctor of the Day, and to Rausa McManus 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 Foriest:

**S.B. 21**, A BILL TO BE ENTITLED AN ACT ESTABLISHING ORGAN DONATION AWARENESS MONTH.

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

February 3, 2009

By Senators Forrester; and Allran:

**S.B. 22**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Judiciary II Committee**.

By Senators Tillman; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, Clodfelter, Davis, East, Forrester, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Preston, Rand, Rouzer, Snow, Stevens and Swindell:

**S.B. 23**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE RESTRAINT OF JUVENILES IN THE COURTROOM.

Referred to the **Judiciary I Committee**.

By Senators Blake; Apodaca, Boseman, Brock, Davis, East, Forrester, Goss, Graham, Hoyle, Hunt, Preston, Rucho, Snow, Tillman and Vaughan:

**S.B. 24**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A "HOME OF AMERICAN GOLF" SPECIAL REGISTRATION PLATE FOR THE GIVEN MEMORIAL LIBRARY, INC.

Referred to the **Finance Committee**.

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

**S.B. 25**, 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 **Judiciary I Committee**.

By Senators Brunstetter; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Davis, Forrester, Goodall, Jacumin, Preston and Stevens:

**S.B. 26**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE TO A SEPARATE OFFENSE, AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

Referred to the **Judiciary I Committee**.

#### **ADDITIONAL SPONSOR**

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

February 3, 2009

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS.

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

**S.B. 17**, A BILL TO BE ENTITLED AN ACT TO FULLY FUND THE ABCS BONUSES EARNED BY PUBLIC SCHOOL EMPLOYEES DURING THE 2007-2008 SCHOOL YEAR.

Upon motion of Senator Basnight, seconded by Senator McKissick, the Senate adjourns at 1:13 P.M. subject to announcement of committee appointments, to meet Wednesday, February 4, at 3:00 P.M.

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### FIFTH DAY

Senate Chamber  
Wednesday, February 4, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Eternal God, each days newspaper seems to contain a list and a long story outlining the possible cuts necessary to balance the State's budget in these difficult economic times. The members here are faced with an unenviable task. But there is a promise in Holy Scripture that says for those of us who believe in you, the works you do, we shall do also and even greater works shall we do. That promise is not only humbling, but also offers a source of encouragement and empowerment. Enable the members and staff in the Senate to do and be more than they could ever think or imagine. If that is your promise, then help them claim it. Amen."

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

*The Chair extends privileges of the floor to Dr. Sherman C. Lee from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Lynetta Fort from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.*

February 4, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
February 4, 2009

Mr. President:

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

Democratic Freshman Caucus Leader Co-Chair: Jane Whilden  
Democratic Freshman Caucus Leader Co-Chair: Kelly M. Alexander, Jr.  
Democratic Freshman Secretary: Elmer Floyd

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**ADDITIONAL SPONSORS**

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

**S.B. 13**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE FROM THE UNDERLYING OFFENSE TO A SEPARATE OFFENSE IF THE WOMAN IS PAST HER TWENTIETH WEEK OF PREGNANCY AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

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

**S.B. 25**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

**REMOVAL OF BILL CO-SPONSOR**

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

February 4, 2009

**S.B. 26**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE TO A SEPARATE OFFENSE, AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to introduction of bills and announcement of committee appointments, to meet Thursday, February 5, 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 Purcell; and McKissick:

**S.B. 27**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE NATIONAL CHILDHOOD CANCER FOUNDATION.

Referred to the **Finance Committee**.

By Senator Purcell:

**S.B. 28**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF STANFIELD TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senators Purcell; and Jones:

**S.B. 29**, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD.

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

By Senators Snow; Atwater, Goss, Jones, McKissick and Queen:

**S.B. 30**, 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 Senators Snow, Clary; Goss and Hoyle:

**S.B. 31**, 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 WHO PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST.

Referred to the **Commerce Committee**.

By Senators Snow; Allran, Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Davis, Goss, Hoyle, Jacumin, McKissick, Nesbitt, Queen, Rand, Swindell, Tillman and Vaughan:

**S.B. 32**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EMPLOYERS IN THIS STATE USE THE FEDERAL E-VERIFY PROGRAM OR A SIMILAR VERIFICATION OF WORK AUTHORIZATION PROGRAM; AND TO APPROPRIATE FUNDS TO ESTABLISH AND SUPPORT A POSITION TO ASSIST IN THE IMPLEMENTATION AND EXECUTION OF THIS ACT.

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

By Senators Snow; Atwater, Berger of Franklin, Dannelly, Dorsett, Goss, Jones, Kinnaird, Malone, Purcell and Queen:

**S.B. 33**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

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

By Senators Hoyle; Allran, Clary, Forrester, Jenkins, Preston, Stevens and Weinstein:

**S.B. 34**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

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

By Senators Hoyle; Clary, Forrester, Garrou, Jenkins, Preston, Stevens and Weinstein:

**S.B. 35**, 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 **Rules and Operations of the Senate Committee**.

By Senators Forrester; Allran and Hartsell:

**S.B. 36**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE IREDELL COUNTY CRIME LABORATORY AS AN ADDITIONAL CONTROLLED SUBSTANCE CHEMICAL ANALYSIS SITE.

Referred to the **Judiciary I Committee**.

February 4, 2009

By Senators Tillman; Allran, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Davis, Foriest, Goodall, Goss, Hoyle, Jenkins, Jones, Preston, Rand, Rucho, Stevens and Vaughan:

**S.B. 37**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE OPERATION OF CERTAIN MOTORSPORTS VEHICLE COMBINATIONS.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

**S.B. 38**, A BILL TO BE ENTITLED AN ACT TO CONTINUE TO APPLY SPECIAL RULES TO MUNICIPAL REDISTRICTING AFTER THE 2010 CENSUS THAT APPLY TO ELECTIONS SCHEDULED FOR 2011.

Referred to the **Judiciary I Committee**.

By Senator Jones:

**S.B. 39**, A BILL TO BE ENTITLED AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE.

Referred to the **Transportation Committee**.

By Senator Jones:

**S.B. 40**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Jones:

**S.B. 41**, 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. 42**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NEWBOLD-WHITE HOUSE IN PERQUIMANS COUNTY.

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

By Senators Jones; and Preston:

**S.B. 43**, A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

Referred to the **Commerce Committee**.

By Senator Kinnaird:

**S.B. 44**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING APPEALS OF QUASI-JUDICIAL DECISIONS MADE

UNDER ARTICLE 19 OF CHAPTER 160A AND ARTICLE 18 OF CHAPTER 153A OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

By Senators Bingham; Allran, Apodaca, Blake, Brunstetter, Davis, Dorsett, Forrester, Goodall, Hartsell, Hoyle, Purcell and Stevens:

**S.B. 45**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO CREATE A NONREVERTING REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED AS THE OFF-ROAD VEHICLE TRUST FUND TO BE USED TO PROVIDE ALL-TERRAIN VEHICLE SAFETY TRAINING, ACQUIRE NEW LANDS, MANAGE LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES, AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.

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

By Senators Goss; Allran, Bingham, Davis, Jones, Stevens and Tillman:

**S.B. 46**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO COMMUNICATE FALSE, DEFAMATORY MATERIAL THAT IS LIBELOUS OR SLANDEROUS THROUGH AN ELECTRONIC MEDIUM.

Referred to the **Judiciary I Committee**.

By Senators Goss; Bingham, Jones and Stevens:

**S.B. 47**, A BILL TO BE ENTITLED AN ACT LIMITING LIABILITY FOR THE UNAUTHORIZED USE OF WIRELESS TELEPHONES TO FIFTY DOLLARS.

Referred to the **Commerce Committee**.

By Senators Goss; Bingham, Jones and Tillman:

**S.B. 48**, A BILL TO BE ENTITLED AN ACT TO PERMIT EMPLOYERS WITH LESS THAN FIFTY EMPLOYEES TO REVERT TO THE SEMIMONTHLY SALES TAX COLLECTION METHOD.

Referred to the **Finance Committee**.

By Senators Goss; Davis, Jones, Stevens and Tillman:

**S.B. 49**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR PRICE GOUGING AND TO EXPAND PRICE GOUGING PROTECTIONS TO SITUATIONS IN WHICH A DISASTER DECLARATION HAS NOT BEEN DECLARED.

Referred to the **Commerce Committee**.

By Senators Goss; Jones, Stevens and Tillman:

**S.B. 50**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A

February 4, 2009

MAXIMUM FEE FOR STORAGE CHARGES THAT MAY BE CHARGED BY A TOWING SERVICE OR COMPANY.

Referred to the **Commerce Committee**.

By Senator Soles:

**S.B. 51**, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW STATE ATTRACTION PLATE FOR THE BALD HEAD ISLAND LIGHTHOUSE ALSO KNOWN AS "OLD BALDY."

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 52**, A BILL TO BE ENTITLED AN ACT AUTHORIZING PENDER COUNTY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 53**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 54**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CREATION OF MUNICIPAL SERVICE DISTRICTS FOR DRAINAGE.

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 55**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INGRAM PLANETARIUM IN SUNSET BEACH.

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

By Senator Soles:

**S.B. 56**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE RIGHT OF VOTERS TO RECEIVE ASSISTANCE.

Referred to the **Judiciary I Committee**.

By Senator Goss:

**S.B. 57**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.

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

#### 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 2009-2010 Session:

February 4, 2009

**Agriculture/Environment/Natural Resources**

<b>Chairman</b>	Senator Atwater
<b>Vice Chairman</b>	Senator Allran
<b>Vice Chairman</b>	Senator Davis
<b>Vice Chairman</b>	Senator Kinnaird
<b>Vice Chairman</b>	Senator Weinstein
<b>Members</b>	Senators Albertson, Bingham, Brock, Brown, Clodfelter, Hartsell, Preston, Queen, Rouzer, Snow, Swindell, Tillman

**Appropriations/Base Budget**

<b>Co-Chairman</b>	Senator Garrou
<b>Co-Chairman</b>	Senator Albertson
<b>Co-Chairman</b>	Senator Swindell
<b>Co-Chairman</b>	Senator Dannelly
<b>Members</b>	Senators Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Davis, Dorsett, East, Foriest, Forrester, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Tillman, Vaughan, Weinstein

**Appropriations on Natural and Economic Resources**

<b>Co-Chairman</b>	Senator Weinstein
<b>Co-Chairman</b>	Senator McKissick
<b>Members</b>	Senators Foriest, Jacumin, Rouzer

**Appropriations on Education/Higher Education**

<b>Co-Chairman</b>	Senator Malone
<b>Co-Chairman</b>	Senator Stevens
<b>Vice Chairman</b>	Senator Graham
<b>Vice Chairman</b>	Senator Queen
<b>Members</b>	Senators Davis, Hartsell, Preston, Tillman, Vaughan

**Appropriations on Department of Transportation**

<b>Co-Chairman</b>	Senator Boseman
<b>Co-Chairman</b>	Senator Goss
<b>Vice Chairman</b>	Senator Soles

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**Members** Senators Berger of Rockingham,  
Brown, Hunt, Jenkins, Rucho, Shaw,  
Stein

**Appropriations on Health and Human Services**

**Co-Chairman** Senator Purcell  
**Co-Chairman** Senator Berger of Franklin  
**Vice Chairman** Senator Nesbitt  
**Members** Senators Blake, Clary, Forrester, Hoyle

**Appropriations on Justice and Public Safety**

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

**Appropriations on General Government and Information Technology**

**Co-Chairman** Senator Dorsett  
**Co-Chairman** Senator Atwater  
**Members** Senators Brock, East, Rand

**Commerce**

**Chairman** Senator Soles  
**Vice Chairman** Senator Hoyle  
**Vice Chairman** Senator McKissick  
**Vice Chairman** Senator Rand  
**Members** Senators Apodaca, Berger of  
Franklin, Berger of Rockingham,  
Blake, Boseman, Brunstetter, Clary,  
Dorsett, Foriest, Forrester, Garrou,  
Goodall, Goss, Graham, Hunt,  
Jacumin, Jenkins, Malone, Nesbitt,  
Purcell, Queen, Rucho, Shaw, Stein,  
Stevens, Vaughan

**Education/Higher Education**

**Co-Chairman** Senator Malone  
**Co-Chairman** Senator Stevens  
**Vice Chairman** Senator Boseman  
**Vice Chairman** Senator Dorsett  
**Vice Chairman** Senator Queen  
**Members** Senators Allran, Apodaca, Berger of  
Franklin, Berger of Rockingham,  
Brown, Dannelly, Davis, Foriest,  
Forrester, Garrou, Goodall, Graham,

Hartsell, Hoyle, Jones, McKissick,  
Nesbitt, Preston, Purcell, Rand, Rucho,  
Snow, Stein, Swindell, Tillman

### Finance

<b>Co-Chairman</b>	Senator Hoyle
<b>Co-Chairman</b>	Senator Clodfelter
<b>Co-Chairman</b>	Senator Jenkins
<b>Vice Chairman</b>	Senator Hartsell
<b>Vice Chairman</b>	Senator Shaw
<b>Members</b>	Senators Albertson, Allran, Apodaca, Atwater, Berger of Rockingham, Blake, Boseman, Brock, Brown, Dannelly, East, Foriest, Garrou, Goodall, Goss, Hunt, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Soles, Stein, Stevens, Swindell, Tillman, Weinstein

### Health Care

<b>Co-Chairman</b>	Senator Purcell
<b>Co-Chairman</b>	Senator Bingham
<b>Vice Chairman</b>	Senator Dorsett
<b>Vice Chairman</b>	Senator Foriest
<b>Vice Chairman</b>	Senator Forrester
<b>Members</b>	Senators Atwater, Allran, Berger of Franklin, Blake, Brown, Brunstetter, Clary, Dannelly, Davis, Goodall, Goss, Graham, Hartsell, Hoyle, Jacumin, Kinnaird, Malone, Nesbitt, Queen, Rand, Rouzer, Rucho, Stein

### Judiciary I

<b>Chairman</b>	Senator Nesbitt
<b>Vice Chairman</b>	Senator Clodfelter
<b>Vice Chairman</b>	Senator Brunstetter
<b>Vice Chairman</b>	Senator Soles
<b>Vice Chairman</b>	Senator Stein
<b>Members</b>	Senators Albertson, Berger of Rockingham, Brock, Brown, Clary, Graham, Hoyle, Jenkins, Kinnaird, Malone, McKissick, Rand, Rouzer, Stevens, Tillman

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**Judiciary II**

**Chairman** Senator Hartsell  
**Vice Chairman** Senator Allran  
**Vice Chairman** Senator Vaughan  
**Vice Chairman** Senator Jones  
**Members** Senators Apodaca, Atwater, Berger of  
Franklin, Bingham, Boseman,  
Dannelly, Dorsett, Forrester, Goodall,  
Jacumin, Queen, Snow, Swindell

**Mental Health & Youth Services**

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

**Pensions & Retirement and Aging**

**Chairman** Senator Foriest  
**Vice Chairman** Senator Garrou  
**Members** Senators Albertson, Atwater, Bingham,  
Clodfelter, Dorsett, East, Jenkins,  
Malone, Nesbitt, Preston, Purcell,  
Queen, Stevens, Swindell

**Rules and Operations of the Senate**

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

**State and Local Government**

**Co-Chairman** Senator Jones  
**Co-Chairman** Senator East  
**Vice Chairman** Senator Dorsett  
**Members** Senators Albertson, Apodaca,  
Berger of Rockingham, Blake,  
Boseman, Davis, Hartsell, Malone,  
McKissick, Queen, Soles, Stevens,  
Weinstein

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**Transportation**

**Chairman** Senator Shaw  
**Vice Chairman** Senator Goss  
**Vice Chairman** Senator Jenkins  
**Members** Senators Allran, Apodaca, Berger of Rockingham, Boseman, Brown, Davis, East, Goodall, Graham, Hoyle, Hunt, McKissick, Preston, Snow, Soles, Stevens, Swindell, Tillman, Weinstein, Vaughan

**Ways and Means**

**Chairman** Senator Dannelly  
**Members** Senators Albertson, Atwater, Bingham, Forrester, Goss, Hartsell, Hoyle, Jones, Malone, Swindell

**Senate Select Committee on Energy, Science and Technology**

**Co-Chairman** Senator Dorsett  
**Co-Chairman** Senator Queen  
**Members** Senators Albertson, Atwater, Brock, Brown, Clary, Clodfelter, Davis, Hartsell, Malone, Rand, Rouzer, Stein, Stevens, Swindell, Vaughan

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:06 P.M.

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**SIXTH DAY**

Senate Chamber  
 Thursday, February 5, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, I had a written prayer ready but while walking down here this morning in twenty-something degree weather, it occurred to me that a simple prayer of gratitude to you would suffice. For the promise of a four or five day

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stretch of sixty-five degree weather in our State, thank you. We are going to enjoy it. Now grant traveling mercies to the members as they return to their homes for the weekend. Give them rest. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, February 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. John K. Williford, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day.*

#### **ADDITIONAL SPONSORS**

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

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS.

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

**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.

**S.B. 11**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

**S.B. 21**, A BILL TO BE ENTITLED AN ACT ESTABLISHING ORGAN DONATION AWARENESS MONTH.

**S.B. 32**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EMPLOYERS IN THIS STATE USE THE FEDERAL E-VERIFY PROGRAM OR A SIMILAR VERIFICATION OF WORK AUTHORIZATION PROGRAM; AND TO APPROPRIATE FUNDS TO ESTABLISH AND SUPPORT A POSITION TO ASSIST IN THE IMPLEMENTATION AND EXECUTION OF THIS ACT.

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**S.B. 34**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

**S.B. 35**, 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.

**S.B. 46**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO COMMUNICATE FALSE, DEFAMATORY MATERIAL THAT IS LIBELOUS OR SLANDEROUS THROUGH AN ELECTRONIC MEDIUM.

#### **REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 13**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE CLASSIFICATION HIGHER OFFENSE FROM THE UNDERLYING OFFENSE TO A SEPARATE OFFENSE IF THE WOMAN IS PAST HER TWENTIETH WEEK OF PREGNANCY AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns subject to introduction of bills, to meet Monday, February 9, at 6:00 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. 58**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HENDERSONVILLE TO ENROLL ITS EMPLOYEES OR RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Rand:

**S.B. 59**, A BILL TO BE ENTITLED AN ACT ALLOWING ANY JUDGE OR JUSTICE TO PERFORM MARRIAGE CEREMONIES.

Referred to the **Judiciary I Committee**.

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By Senator Rand:

**S.B. 60**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 61**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST DEAF CHILDREN WITH COCHLEAR IMPLANTS TO DEVELOP SPOKEN LANGUAGE.

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

By Senator Soles:

**S.B. 62**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE NORTH CAROLINA BLUEBERRY FESTIVAL HELD IN BURGAW AS THE OFFICIAL STATE BLUEBERRY FESTIVAL.

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

By Senator Goodall:

**S.B. 63**, A BILL TO BE ENTITLED AN ACT TO ADD THE VILLAGE OF MARVIN TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senators Brown and Rand:

**S.B. 64**, 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.

Referred to the **Judiciary I Committee**.

By Senators Tillman; Atwater, Blake, Brock, Brown, Brunstetter, Clary, Davis, Hunt, Jacumin, Kinnaird, Preston, Purcell, Queen, Rucho, Snow and Weinstein:

**S.B. 65**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS.

Referred to the **Judiciary I Committee**.

By Senators Dorsett, Tillman; Albertson, Allran, Apodaca, Berger of Franklin, Bingham, Brown, Brunstetter, Clary, Dannelly, Davis, Foriest, Garrou, Goss, Graham, Hoyle, Jacumin, Jenkins, Jones, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stevens, Swindell, Vaughan and Weinstein:

**S.B. 66**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT

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FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

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

By Senators Dorsett; Bingham and Vaughan:

**S.B. 67**, A BILL TO BE ENTITLED AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS.

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

By Senators Dorsett; Malone, McKissick, Tillman and Vaughan:

**S.B. 68**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN 1,000 FEET OF A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

By Senators Bingham; Allran, Brown, Brunstetter, Clary, Goss, Hartsell, Jones, Kinnaird, McKissick, Preston and Stevens:

**S.B. 69**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FROM REGULATING THE FEE AMOUNT CHARGED BY A WRECKER SERVICE THAT PARTICIPATES IN THE ROTATION WRECKER SYSTEM FOR THE STATE HIGHWAY PATROL FOR TOWING, REMOVAL, RECOVERY, AND STORAGE.

Referred to the **Commerce Committee**.

By Senators Bingham; Allran, Brown, Brunstetter, Clary, Goss, Hartsell, Jacumin, Jones, Kinnaird, McKissick and Stevens:

**S.B. 70**, A BILL TO BE ENTITLED AN ACT REGARDING CONSTRUCTION AND SAFETY STANDARDS OF MANUFACTURED HOMES.

Referred to the **Commerce Committee**.

By Senators Hunt; Blake, Forrester and Tillman:

**S.B. 71**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PURPOSE OF THE HOME PROTECTION PROGRAM.

Referred to the **Commerce Committee**.

By Senators Hunt; Blake, Forrester and Tillman:

**S.B. 72**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE WAKE COUNTY BOARD OF

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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 **Education/Higher Education Committee**.

By Senators Hunt; Blake, Forrester and Tillman:

**S.B. 73**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LENDERS TO DISCLOSE COMMERCIAL LOAN INTEREST ACCRUAL SCHEDULES.

Referred to the **Commerce Committee**.

By Senator Jones:

**S.B. 74**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1 FELONY.

Referred to the **Judiciary II Committee**.

By Senator Jones:

**S.B. 75**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A NEW FACILITY TO HOUSE PROGRAMS AND SERVICES FOR SENIOR CITIZENS IN GATES COUNTY.

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

By Senator Jones:

**S.B. 76**, 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. 77**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HOBGOOD TO ENROLL ITS EMPLOYEES AND RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Jones:

**S.B. 78**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE NORTH CAROLINA CENTER FOR AUTOMOTIVE RESEARCH, INC.

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

By Senator Jones:

**S.B. 79**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to the **Finance Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:21 A.M.

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### SEVENTH DAY

Senate Chamber  
Monday, February 9, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, President John Quincy Adams once said, 'Patience and perseverance have a magical affect before which difficulties disappear and obstacles vanish.' On this Presidents Day, we pray for President Obama as he leads our nation, asking specifically for you to give him patience and perseverance. As you have taught, it's not magic. It takes patience and perseverance, faith and works to move mountains. Give us all a goodly measure of each because we're all in this together. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Brunstetter, Senator Rand, Senator Soles and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Elizabeth Kanof from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Alice Goode from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

### SENATE PAGES

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

Trevor Clark, Manteo; Andre Harris, Greensboro; and Carrie Leggins, Connelly Springs.

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**REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 69**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FROM REGULATING THE FEE AMOUNT CHARGED BY A WRECKER SERVICE THAT PARTICIPATES IN THE ROTATION WRECKER SYSTEM FOR THE STATE HIGHWAY PATROL FOR TOWING, REMOVAL, RECOVERY, AND STORAGE.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 6:07 P.M. to meet Tuesday, February 10, at 2:00 P.M.

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**EIGHTH DAY**

Senate Chamber  
Tuesday, February 10, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, across the centuries, you have baptized your people in the waters of crisis. You shook cosmopolitan Abraham out of suburbia in UR of the Chaldees. Through the trials of following your promises, Abraham became the Father of Nations. You pushed Prince Moses from the comfort of Pharaoh's Palace and thrust him into the disciplines of the desert so he could be ready for the Exodus. You're not finished. We feel our own foundations shaking. If this is another one of your Baptisms, O God, help us to be strong like Abraham and Moses and then rise to new life. 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, February 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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*The Chair extends privileges of the floor to Dr. Mark Shapiro from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Alice Goode from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

#### **PRESENTATION OF "YES WE CAN" SPEECH**

Upon motion of Senator Albertson, privileges of the floor are granted to Oshe' Pittman a middle school student from Kenansville, who presents an excerpt from President Obama's "Yes We Can" Speech.

Upon motion of Senator Albertson, the Chair extends the courtesies of the gallery to Oshe' Pittman's parents, Steven and Stephanie Pittman; his aunt, Doreatha Houston; his sister, Sierra Pittman; The Reverend Alphonso Williamston; and other friends.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Brown:

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

By Senator Brown:

**S.B. 81**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY.

Referred to the **Finance Committee**.

By Senators Jacumin; Allran, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Dorsett, East, Foriest, Forrester, Goss, Hartsell, Jones, Kinnaird, Malone, Preston, Rouzer, Rucho, Snow, Stevens, Tillman and Weinstein:

**S.B. 82**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A GRADUATED SYSTEM OF MATCHING FUNDS FOR GRANTS BASED ON TIER STATUS.

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

By Senator Kinnaird:

**S.B. 83**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

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By Senator Goss:

**S.B. 84**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OUTDOOR HISTORICAL DRAMA "HORN IN THE WEST."

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

By Senators Purcell; Atwater, Dannelly and Dorsett:

**S.B. 85**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADOLESCENT PREGNANCY PREVENTION CAMPAIGN OF NORTH CAROLINA.

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

By Senators Purcell; Atwater and Dorsett:

**S.B. 86**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE ASSISTANCE TO COMMUNITY RESOURCE COUNCILS AT PRISON UNITS THROUGHOUT THE STATE.

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

By Senators Tillman; Allran, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Forrester, Goodall, Hunt, Jacumin, Preston and Rucho:

**S.B. 87**, 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 Senators Tillman; Blake, Brock, Brown, Brunstetter, Clary, Hunt, Jacumin, Preston, Rucho and Weinstein:

**S.B. 88**, A BILL TO BE ENTITLED AN ACT TO ALLOW INDIVIDUALS TO DEDUCT THE COST OF HEALTH INSURANCE FROM THEIR INCOME TAX LIABILITY.

Referred to the **Finance Committee**.

By Senators Queen, Goss, Jacumin; Albertson, Allran, Atwater, Berger of Rockingham, Bingham, Blake, Brock, Brown, Clodfelter, Davis, Dorsett, Foriest, Garrou, Hoyle, Kinnaird, Malone, Preston, Purcell, Rucho, Shaw, Snow, Stein, Stevens, Swindell, Tillman and Vaughan:

**S.B. 89**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM.

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

By Senator Soles:

**S.J.R. 90**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF SUSAN RABON AND BRYAN BEATTY TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

By Senator Preston:

**S.B. 91**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES.

Referred to the **Finance Committee**.

By Senators Goss; Allran, Apodaca, Blake, Brock, Brown, East, Forrester, Goodall, Hartsell and Rucho:

**S.J.R. 92**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WALTER BROWN, FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

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

By Senator Goss:

**S.B. 93**, A BILL TO BE ENTITLED AN ACT TO REAPPOINT PERSONS TO THE BOARDS OF COMMISSIONERS OF DARE AND WATAUGA COUNTIES AND VALIDATE ACTIONS.

The Rules are suspended and the bill is placed on today's Calendar.

By Senator Foriest:

**S.B. 94**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO ASSAULT OR OTHERWISE ENDANGER A PROBATION OR PAROLE OFFICER.

Referred to the **Judiciary II Committee**.

By Senators Tillman; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Brown, Dorsett, East, Foriest, Forrester, Hartsell, Hunt, Jacumin, Preston, Rouzer and Stevens:

**S.B. 95**, A BILL TO BE ENTITLED AN ACT TO ALLOW TAXPAYERS TO DEDUCT INCOME LOST FROM SERVING ON A STATE OR FEDERAL JURY.

Referred to the **Finance Committee**.

### CALENDAR

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

**S.B. 93**, A BILL TO BE ENTITLED AN ACT TO REAPPOINT PERSONS TO THE BOARDS OF COMMISSIONERS OF DARE AND WATAUGA COUNTIES AND VALIDATE ACTIONS, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (42-1).

The bill, as amended, passes its second reading and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

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**PRIVILEGES OF THE FLOOR**

The President extends privileges of the floor to the Honorable William D. Mills, former Senator from Onslow County.

Upon motion of Senator Basnight, seconded by Senator Vaughan, the Senate adjourns at 2:30 P.M. to meet Wednesday, February 11, at 2:00 P.M.

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**NINTH DAY**

Senate Chamber  
Wednesday, February 11, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, at the outset, we remember Senator Brunstetter's son and Senator Apodaca's father and we ask that you continue to be an agent of their healing process. Yesterday, Oshe' Pittman, the young man from Kenansville, offered his well-spoken and thoughtful tribute to President Obama. He has been inspired by the President to set a high goal for himself. That is to be a Supreme Court Justice. I hope it is encouraging to the Lieutenant Governor and Senators who walk into this Chamber each day to understand that there are young people from around our State whom they inspire by their public service to such lofty goals. May that thought never be lost to the members during this session. Amen."

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

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

*The Chair extends privileges of the floor to Dr. Carol Shores from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Carolyn Mullins from Matthews, North Carolina, who is serving the Senate as Nurse of the Day.*

**PRIVILEGES OF THE FLOOR**

Upon motion of Senator Purcell and Senator Blake, privileges of the floor are granted to Robin G. Cummings, M.D., FACC, FACS Chairman, HeartSafe

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Moore County and Drexdal Pratt, North Carolina Office of Emergency Medical Services, who address the Senate.

Joseph Zalkin, Wake County EMS and Lee Van Fleet, Wake County EMS demonstrate an Automated External Defibrillator (AED).

#### **CHANGES TO 2009 SENATE COMMITTEES**

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

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

#### **ADDITIONAL SPONSOR**

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

**S.B. 34**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

#### **REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 46**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO COMMUNICATE FALSE, DEFAMATORY MATERIAL THAT IS LIBELOUS OR SLANDEROUS THROUGH AN ELECTRONIC MEDIUM.

Upon motion of Senator Dannelly, seconded by Senator Berger of Rockingham, the Senate adjourns subject to introduction of bills, to meet Thursday, February 12, at 10:00 A.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Bingham; Foriest, Forrester, Jones, McKissick, Stevens and Tillman:

**S.B. 96**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Judiciary II Committee**.

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By Senator Hartsell:

**S.B. 97**, A BILL TO BE ENTITLED AN ACT TO ALLOW PARKS AND RECREATION AS AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 98**, 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 AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senator Hartsell:

**S.B. 99**, A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, AND TO IMPOSE A PRIVILEGE LICENSE TAX ON GROSS RECEIPTS RECEIVED TO THE EXTENT THEY EXCEED FACE VALUE OF THE TICKET.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 100**, 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. 101**, 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 Senator Hartsell:

**S.B. 102**, 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**.

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By Senator Goodall:

**S.B. 103**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF STALLINGS TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senator Albertson:

**S.B. 104**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

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

By Senator Albertson:

**S.B. 105**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO STRENGTHEN ENFORCEMENT OF CERTAIN LAWS RELATED TO MARINE RESOURCES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senator Albertson:

**S.B. 106**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senator Albertson:

**S.B. 107**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

By Senator Albertson:

**S.B. 108**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH INDIVIDUAL TRANSFERABLE FISHING QUOTAS TO TAKE STRIPED BASS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

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By Senator Jones:

**S.B. 109**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF AHOSKIE FOR A BOYS AND GIRLS CLUB.

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

By Senator Jones:

**S.J.R. 110**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS GHIO "SONNY BOY" JOYNER, WHILE JOINING THE CITIZENS OF WELDON IN RECOGNIZING THE TOWN AS THE ROCKFISH CAPITAL OF THE WORLD.

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

By Senator Jones:

**S.B. 111**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC BARKER HOUSE IN EDENTON.

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

By Senator Jones:

**S.B. 112**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HISTORIC HOPE PLANTATION IN WINDSOR.

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

By Senator Jones:

**S.B. 113**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A PUBLIC LIBRARY IN THE TOWN OF AHOSKIE.

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

By Senator Hoyle:

**S.B. 114**, A BILL TO BE ENTITLED AN ACT EXEMPTING PLACES OF WORSHIP OWNED AND OPERATED BY RELIGIOUS INSTITUTIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED USE AND LIMITED ACCESS ELEVATORS.

Referred to the **Commerce Committee**.

By Senator Hoyle:

**S.B. 115**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF GASTON.

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

By Senator Hoyle:

**S.B. 116**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A DANIEL STOWE BOTANICAL GARDEN SPECIAL REGISTRATION PLATE FOR THE DANIEL STOWE BOTANICAL GARDEN FOUNDATION, INC.

Referred to the **Finance Committee**.

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By Senators Hoyle; Blake and Jenkins:

**S.B. 117**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A MORATORIUM ON DEVELOPMENT APPROVALS FOR THE PURPOSE OF DEVELOPING AND ADOPTING A NEW OR REVISED DEVELOPMENT ORDINANCE.

Referred to the **Commerce Committee**.

By Senators Weinstein; Albertson, Bingham, Blake, Davis, Dorsett, Goss, Jacumin, Jones, Kinnaird, Purcell, Snow and Tillman:

**S.B. 118**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

By Senators Weinstein; Albertson, Bingham, Blake, Davis, Dorsett, Goss, Jacumin, Jones, Kinnaird, Purcell, Snow and Tillman:

**S.B. 119**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY.

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

By Senator Weinstein:

**S.B. 120**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Weinstein:

**S.B. 121**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE NORTH CAROLINA HORSE COUNCIL, INC.

Referred to the **Finance Committee**.

By Senators Davis; Dorsett, Foriest, Jones, Malone, Queen, Stein, Swindell and Vaughan:

**S.B. 122**, A BILL TO BE ENTITLED AN ACT TO REENACT THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

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

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Rouzer, Stevens and Tillman:

**S.B. 123**, A BILL TO BE ENTITLED AN ACT TO EXPAND POWERS OF LAW ENFORCEMENT OFFICERS, PROBATION OFFICERS, POST-RELEASE SUPERVISION OFFICERS, AND PAROLE OFFICERS

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RELATING TO WARRANTLESS SEARCHES OF PROBATIONERS, POST-RELEASE SUPERVISEES, AND PAROLEES, AND OF THEIR VEHICLES AND PREMISES WHILE PRESENT.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:45 P.M.

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### TENTH DAY

Senate Chamber  
Thursday, February 12, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Loving God, it might be enough for the Chaplain to simply remind the Members that this Saturday is Valentine's Day. A word to the wise. It might be enough to remember what Holy Scriptures says that faith, hope, and love abide these three, but the greatest of these, of course, is love. Of all the people in this Chamber, two don't really need those reminders. Senators Weinstein and Kinnaird, each of you have found a special Valentine. You are engaged to these persons and will be getting married. We both forgive and envy you for being like a couple of teenagers so much in love with your respective fiancées. Happy Valentine's Day and God bless you. You deserve such happiness. Amen."

The Chair grants leaves of absence for today to Senator Brunstetter and Senator Dorsett.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, February 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Daniel J. Albright from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Linda O'Boyle from Elm City, North Carolina, who is serving the Senate as Nurse of the Day.*

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### INTRODUCTION OF A RESOLUTION

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 McKissick; Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.J.R. 162, A JOINT RESOLUTION HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) ON ITS ONE HUNDRETH ANNIVERSARY.**

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

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

**Senator McKissick:**

“On this auspicious occasion, it is a pleasure to be here sponsoring this bill commemorating the 100th Anniversary of the NAACP. The bill is at your desk for your respectful consideration. Ironically, today, February 12, is Abraham Lincoln’s birthday. It was exactly 100 years ago today, February 12, 1909, when the NAACP was founded in Springfield, Illinois. I simply say it’s a very significant occasion that we are here for today. The NAACP is legendary in its reputation and legendary in its passion for civil rights and civil liberties for all people. A striking irony is that in this year we inaugurated our first African American President. In fact, when he declared his candidacy for President he did so in Springfield, Illinois, the home of Abraham Lincoln. The NAACP at its inception was a multi-racial organization. It was founded as a result of violence that was perpetrated against African Americans living in Springfield, Illinois. It was founded by white progressives, people who felt that it was wrong to see the rights and liberties of individuals in their community trampled upon. It was heard about occurring in other places and in other jurisdictions throughout the Country at that time, but not in Springfield. It was those people who had aspirations for a better society. They called upon their colleagues throughout our Country to come forth and challenged them to create an organization that would be about the advancements of the rights and liberties of all people. The NAACP as we know it is an acronym. It stands for the National Association for the Advancement of Colored People. Back in 1909 what we know as African Americans were known as colored people before the vernacular Negro became more popular and then people referred to each other as black and today it’s African American but it’s the very same thing. But that name has never

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changed and the organization and its reputation is legendary. When they made that call back on February 12, 1909, they said that we call upon all the believers in democracy to join in a national conference for the discussion of present evils, the voicing of protest and the renewal of the struggle for civil rights for political liberty. People like W. B. Dubois were present there. The thing that most people today don't realize is that in the early days the NAACP was led by whites. They were the ones that were the executive directors and presidents of that organization and they have remained a part of its membership through the years. The NAACP's mission has remained the same. It has been a constant reminder during this century to look out for the rights and liberties, the grievances, both that had been trampled upon. They've done it through peaceful, non-violent protests and have been quite successful in doing so. They have effectively lobbied and used political pressure through their membership. They have, most importantly, gone forth with efforts to change the very character of the laws of this Country through Brown vs. Board of Education, that very significant Supreme Court case, that found that separate but equal could no longer be the law of the land in this Country. We have people like Thurgood Marshall who, of course, was involved with the NAACP, a member of their legal defense fund. He was one of those advocates who always made sure that wherever causes were igniting throughout America that there was legal representation there to be available to meet the challenges. Thurgood Marshall went on to become the first African American Justice of the Supreme Court. Probably one of the things you may not know is that here in North Carolina he had a very significant impact on our institutions here. There was a case known as McKissick vs. Carmichael argued in the United States Court of Appeals back on March 15, 1951, in which my father was the plaintiff. Thurgood Marshall was there that day. That case resulted in the integration of the Law School at the University of North Carolina at Chapel Hill, an institution that is a fine jewel but up until that day at that point and that time and in that era, was segregated. Just yesterday, we received a presentation dealing with our universities and community colleges and we saw the progress which they have made in so many ways. But the striking thing about one of the things that did not come up with many of the questions that were asked was about the racial composition of our institutions today. That's a significant sign of the progress that we have made because it's no longer necessarily in the forefront of our minds as we meet the challenges to this State. Those institutions are now integrated. Those institutions that were historically black campuses are part of our System in this State today. They are provided resources, but not quite what they need but significantly more than what they ever had in the past and are part of the University System that is making inroads in providing access to opportunity. If there's one thing that equalized the playing field for those in this Country, it was access to education through the public school systems, through our universities, through our community colleges that has allowed so many of the glass ceilings to be broken. That's something for which we can all feel proud. Of course, when we sit back and we look at Thurgood Marshall and his leadership with the NAACP and Legal Defense Fund, think of others that followed him such as

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Julius Chambers who was also in charge of that agency and program for quite some time and became a Chancellor at North Carolina Central University. Mr. Chambers was also involved with a law firm in Charlotte, North Carolina. It was one of the first integrated law firms in this State and Senator Stein's father, Adam Stein, was a part of that firm. There were many other people involved with those challenges of civil rights. People like Dan Pollitt over in Chapel Hill who happens to be the fiancé of Senator Kinnaird. He was someone who did not hesitate to stand out firmly and aggressively in courtrooms throughout this State and, when necessary, throughout this Country. I think back about people like Dan who was very close to our family and was someone who didn't hesitate back in the 60's and 50's to travel with you along the highways and to go to places that were segregated at that time, black families and whites together. When you might stop in a small town like Creedmoor, you would sit there at the stoplight and a mob might come around you, jeerers might be looking at you, people would start picking up sticks perhaps because they just didn't like to see black folks and whites together. Those are the types of barriers that we don't have to deal with today and today when you go back to your districts and your homes and you drive on highways, you take for granted that when you get off of that exit you'll be able to go to that service station and you won't be faced with a sign, if you're African American, that says 'whites only.' You can stop at any eating establishment along that highway and not have to pick up take-out food or be told that you have to eat at the picnic table. These are things that have changed within my lifetime and my generation. But as a young African American growing up in North Carolina, I saw and I witnessed those things. That created an indelible impression upon a youthful mind but it's those challenges, those types of barriers to access for African Americans and for others that today we do not have to think about because we have come so far and we have met the challenges. The NAACP has carried that moral crusade for us. They have challenged our very consciousness. They have caused us to look deep within our souls, through our values, through our sensibilities, to our sense of fairness and to our sense of justice. In doing so, they set forth compelling justification for the change of laws in this Country, the passage of the Civil Rights Act back in 1964, the passage of the Voting Rights Act in 1965, and the passage of the Fair Housing Act. These are things that we take for granted today. For many of us that are in this room today that are African American, had it not been for the Voting Rights Act and its passage, we may not have been here. If it had not been for their renewal, we may not have been here. It's quite ironic that I should be here. It's quite ironic that over in the House, Kelly Alexander, Jr. is here. His father was a leader of the NAACP in the State of North Carolina. He was someone who understood those moral challenges and understood those obligations that are necessary to put your lives on the line to make certain that the rights and privileges of all are not trampled upon. It's more appropriate today that we recognize how far we have come as a Country and as a Nation and that we pay tribute to an organization that led those challenges. In the face of bomb threats and in the face of killings they continued to pursue what was right and what was morally justified. As a result of that

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vision, as a result of that crusade, as a result of the lives and energies of those that were members, we have come so far. Within my family, everybody was a member of the NAACP, everyone. When my father was active in CORE and a leader of that organization and active in SNIC and active in SCLC with Dr. King, the NAACP always had its legacy. Even if young men came to date my sisters, I had three of them, the first thing they'd be confronted with is, 'Are you a member of the NAACP?' And if they were not there was an application that they could sign and they would sign and pay their fifty cents to become a member that day. Of course, they could pay me fifty cents and I wouldn't bother them the rest of the evening! But notwithstanding that fact, there were many, many people who joined that crusade. There were many people who tried to make certain that rights and liberties that we take for granted today, getting people registered to vote, getting people out there voting on election day, tearing down those ostensible barriers of discrimination, but most importantly, making sure that we were a just society for all was accomplished. And we've come so far. Do we have challenges ahead? The answer is yes. But can we take pride? Can we take glory in knowing that we have all together, collectively, as a society, come ever so closer to being in that community where regardless of race, creed, color, or religion we can look at each other and unite as brothers? Yes, the irony of this organization's beginning in Springfield, Illinois, on February 12, 1909, should not be lost with the election of President Obama and what he represents symbolically in terms of our being able to vote for candidates based upon their qualifications, based upon their position on issues, based upon their capacity to serve our country. For those reasons, I stand in tribute to the NAACP. If you have not had a chance to sign the bill please feel free to sign on after this action is taken. I would hope that all of you as members today would be able to sign on and to be able to symbolically say that I was a part of that group that recognized the accomplishments of this organization that represented how far we have come notwithstanding the challenges that we face today. Thank you."

**Senator Foriest:**

"Mr. President, members of the Senate, I think it's very appropriate that we honor the NAACP for its vision going back one hundred years. The idea of removing barriers to racial discrimination and securing civil rights through the democratic process and informing the public of adverse affects of racial discrimination are very admirable and I think we need to understand that the NAACP was doing this before it was 'so called' fashionable. It was doing it when people who would stand up and would take their lives into someone else's hands. I don't know if you've thought a lot about this, but racism is not just the occasional mistreatment of one or two people by somebody who's stupid or ignorant. But it's better defined, I think, by one group having the power to make it very difficult or unfair to another group by denying them life, liberty, and even the pursuit of happiness. For the NAACP to organize itself and to do what it has done over the last few decades is extremely admirable. The State, I think, kind of set the tone for what we had to overcome and when I say the State, I'm

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talking about the government and the idea is that once racism takes hold it should be easy to see that centuries worth of damage can't be undone by just changing a few laws here and there. Once the damage is done sometimes it takes generations for it to sink in and for people to change in their hearts. It seems that attitudes are beginning to change now but again the problem is not with just one or two misguided souls. The thing that has to change is the institutions themselves that perpetuate the problems dealing with racism and I very much applaud the NAACP in being foremost in coming out and speaking out against these things. I think honoring the NAACP is very appropriate and, Mr. President, I certainly recommend passage of this resolution."

**Senator Graham:**

"There is an old saying that it is not your environment, it is you. It is the quality of our minds, the integrity of our soul, the determination of our wills that will decide our future and shape our lives. I stand today to salute the NAACP for creating an environment for inclusion, an environment for what is not popular but what is right, an environment for little boys and little girls to go to school where they choose, an environment that allows us to be who we are, an environment that treats people by the integrity of their souls and the determination of their wills that will create a new future for all of us. This resolution is important. It's significant and I urge each and every member here to support it. Thank you, Mr. President."

The joint resolution passes its second reading (45-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

**ADDITIONAL SPONSORS**

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

**S.B. 43, A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.**

**S.B. 56, A BILL TO BE ENTITLED AN ACT TO EXPAND THE RIGHT OF VOTERS TO RECEIVE ASSISTANCE.**

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

**S.B. 65, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT**

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AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS.

**S.B. 122**, A BILL TO BE ENTITLED AN ACT TO REENACT THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

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

**S.B. 85**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ADOLESCENT PREGNANCY PREVENTION CAMPAIGN OF NORTH CAROLINA.

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

**S.B. 46**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO COMMUNICATE FALSE, DEFAMATORY MATERIAL THAT IS LIBELOUS OR SLANDEROUS THROUGH AN ELECTRONIC MEDIUM.

#### **REMOVAL OF BILL CO-SPONSORS**

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

**S.B. 45**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO CREATE A NONREVERTING REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED AS THE OFF-ROAD VEHICLE TRUST FUND TO BE USED TO PROVIDE ALL-TERRAIN VEHICLE SAFETY TRAINING, ACQUIRE NEW LANDS, MANAGE LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES, AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.

**S.B. 46**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO COMMUNICATE FALSE, DEFAMATORY MATERIAL THAT IS LIBELOUS OR SLANDEROUS THROUGH AN ELECTRONIC MEDIUM.

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

**S.B. 13**, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE LAW THAT MAKES INJURY TO A PREGNANT WOMAN A ONE

CLASSIFICATION HIGHER OFFENSE FROM THE UNDERLYING OFFENSE TO A SEPARATE OFFENSE IF THE WOMAN IS PAST HER TWENTIETH WEEK OF PREGNANCY AND TO INCLUDE AS AN AGGRAVATING FACTOR IN FELONY CASES THAT THE VICTIM WAS PREGNANT.

Upon motion of Senator Basnight, seconded by Senator Rouzer, the Senate adjourns subject to introduction of bills and ratification of bills, to meet Monday, February 16, at 7:00 P.M.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Dorsett, Bingham, Brown; Albertson, Goodall, Hoyle, Jenkins, Jones, Kinnaird, Malone, Preston, Rouzer, Stevens and Tillman:

**S.B. 124**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A "SUPPORT SOCCER" SPECIAL REGISTRATION PLATE FOR THE NORTH CAROLINA SOCCER HALL OF FAME, INC.

Referred to the **Finance Committee**.

By Senators Dorsett; Albertson, Allran, Apodaca, Atwater, Bingham, Brown, Brunstetter, Davis, Foriest, Goss, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, Malone, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Stevens, Swindell, Tillman and Weinstein:

**S.B. 125**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA HOUSING FINANCE AGENCY'S HOUSING TRUST FUND.

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

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Goodall, Jacumin and Tillman:

**S.B. 126**, A BILL TO BE ENTITLED AN ACT TO AMEND THE TESTING REQUIREMENTS FOR NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS FOLLOWING ISSUANCE OF A CERTIFICATE OF COMPLETION.

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

By Senator Hartsell:

**S.B. 127**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

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By Senators Brown; Blake, Goss and Tillman:

**S.B. 128**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE CAROLINAS GOLF ASSOCIATION.

Referred to the **Finance Committee**.

By Senator Brown:

**S.B. 129**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

By Senators Vaughan; and Dorsett:

**S.B. 130**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS.

Referred to the **Commerce Committee**.

By Senators Vaughan; and Dorsett:

**S.B. 131**, A BILL TO BE ENTITLED AN ACT TO REQUIRE, IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY THE PRESIDING JUDGE, THAT A PERSON CONVICTED OF DRIVING WHILE IMPAIRED BE IMPRISONED FOR A PERIOD OF TWENTY-FOUR HOURS IN A CONFINEMENT FACILITY.

Referred to the **Judiciary II Committee**.

By Senators Vaughan; and Dorsett:

**S.B. 132**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE COMMEMORATING THE ONE HUNDRETH ANNIVERSARY OF THE HIGH POINT FURNITURE MARKET.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 133**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE LIMIT ON THE MONTHLY PENSION AMOUNT PAYABLE FROM THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND.

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

By Senator Rand:

**S.B. 134**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR ARTS NORTH CAROLINA, INC.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 135**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY.

Referred to the **Commerce Committee**.

By Senators Clodfelter; Brown, Dannelly and Garrou:

**S.B. 136**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senators Hunt; Blake, Brown, Forrester, Preston and Tillman:

**S.B. 137**, 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 Purcell; Bingham, Dorsett, Snow and Weinstein:

**S.B. 138**, A BILL TO BE ENTITLED AN ACT TO CLASSIFY SALVIA DIVINORUM AS A SCHEDULE I CONTROLLED SUBSTANCE.

Referred to the **Judiciary II Committee**.

By Senators Snow and Jenkins:

**S.B. 139**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE TAXES.

Referred to the **Finance Committee**.

By Senators Snow; Atwater, Berger of Franklin and Dorsett:

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE

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HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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 WHERE THE PROTECTED PARTY IS RESIDING.

Referred to the **Judiciary II Committee**.

By Senators Snow; Jacumin and Tillman:

**S.B. 141**, A BILL TO BE ENTITLED AN ACT TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN WATER OBTAINED FROM NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS BASED UPON THE RISK OF THE COMPOUNDS' PRESENCE.

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

By Senators Snow, Jones; Atwater, Blake, Brock, Brown, Dorsett, East, Goss and Preston:

**S.B. 142**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE THE SUM OF FIFTY THOUSAND DOLLARS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, STATE HIGHWAY PATROL DIVISION, TO EMPLOY A CONTRACT POSITION TO COORDINATE CAISSON ACTIVITIES FOR THE NORTH CAROLINA TROOPERS ASSOCIATION CAISSON UNIT.

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

By Senators Snow; Berger of Franklin and Dorsett:

**S.B. 143**, 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 COMMUNITY COLLEGE OR COLLEGE OR UNIVERSITY.

Referred to the **Judiciary II Committee**.

By Senators Snow; Berger of Franklin and Dorsett:

**S.B. 144**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE CIVIL LIABILITY OF DOMESTIC VIOLENCE SHELTERS AND PERSONS ASSOCIATED WITH THOSE SHELTERS.

Referred to the **Judiciary II Committee**.

By Senator Jenkins:

**S.B. 145**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF BETHEL TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senators Swindell; Albertson, Allran, Basnight, Berger of Rockingham, Bingham, Boseman, Brown, Davis, Dorsett, Forrester, Goss, Hoyle, Jacumin, Jenkins, Jones, Malone, McKissick, Nesbitt, Preston, Purcell, Rouzer, Snow, Soles, Stein, Stevens, Tillman, Vaughan and Weinstein:

**S.J.R. 146**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROGER BONE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Swindell; Allran, Atwater, Bingham, Boseman, Brown, Clodfelter, Davis, Dorsett, Forrester, Goodall, Goss, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Snow, Stein, Stevens, Tillman and Vaughan:

**S.B. 147**, 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 Senator Brock:

**S.B. 148**, 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.

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

By Senators Brock; and Hunt:

**S.B. 149**, 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; Allran, Blake, Brown, East, Forrester, Hunt, Jacumin, Rouzer and Tillman:

**S.B. 150**, A BILL TO BE ENTITLED AN ACT TO MOVE THE PRESIDENTIAL PREFERENCE PRIMARY TO FEBRUARY.

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

By Senators Stevens; Atwater, Bingham, Clodfelter, Dannelly, Dorsett, Garrou, Goss, Graham, Hartsell, Hoyle, Jenkins, Kinnaird, Malone, McKissick, Purcell, Stein and Vaughan:

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**S.B. 151**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND, TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE, TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS, AND ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

Referred to the **Finance Committee**.

By Senator Berger of Rockingham:

**S.B. 152**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 26TH SENATORIAL DISTRICT.

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

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Forrester, Goodall, Goss, Hunt, Jacumin, Snow and Tillman:

**S.B. 153**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO NOTIFY AN EMPLOYER OF ANY CONVICTIONS AFFECTING THE STATUS OF A COMMERCIAL DRIVERS LICENSE BY AN EMPLOYEE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Berger of Franklin, Brock, Brown, East, Forrester, Goodall, Jacumin, Preston, Snow and Tillman:

**S.B. 154**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OFFSET IN THE SHORT-TERM AND LONG-TERM DISABILITY INCOME PLANS FOR BENEFITS RECEIVED FROM THE DEPARTMENT OF VETERANS AFFAIRS FOR THE SAME DISABILITY.

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

By Senators Berger of Rockingham; Brock, East, Forrester, Jacumin and Tillman:

**S.B. 155**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ILLEGAL ALIENS FROM ATTENDING NORTH CAROLINA COMMUNITY COLLEGES.

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

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Forrester, Goodall, Jacumin, Preston, Stevens and Tillman:

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**S.B. 156**, 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, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin, Stevens and Tillman:

**S.B. 157**, 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** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Berger of Rockingham; Blake, Brock, Brown, East, Goodall, Hunt, Jacumin, Stevens and Tillman:

**S.B. 158**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR FELONY DEATH BY VEHICLE AND FELONY SERIOUS INJURY BY VEHICLE AND TO REPEAL AGGRAVATED DEATH BY VEHICLE AND AGGRAVATED SERIOUS INJURY BY VEHICLE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Goodall, Hunt, Jacumin, Preston, Snow, Stevens and Tillman:

**S.B. 159**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE PRIORITY FUNERAL EXPENSE ALLOWANCE AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin and Tillman:

**S.B. 160**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF 16 TO ATTEND COMMUNITY COLLEGE.

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

By Senators Berger of Rockingham; Allran, Blake, Brock, Brown, East, Forrester, Goodall, Hunt, Jacumin and Tillman:

**S.B. 161**, 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

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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**.

### 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. 93, AN ACT TO REAPPOINT PERSONS TO THE BOARDS OF COMMISSIONERS OF DARE AND WATAUGA COUNTIES AND VALIDATE ACTIONS.**

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:39 A.M.

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### ELEVENTH DAY

Senate Chamber  
Monday, February 16, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, recently sixty-five historians ranked the top five Presidents as Abraham Lincoln, George Washington, Franklin Roosevelt, Theodore Roosevelt, and Harry Truman. I don't think it's coincidental that under the leadership of these men, our Country faced national and international crises. Their leadership was successful partly because the people of the United States came together to fight a common foe. That fact reminds me of what a preacher once prayed after hearing some of his members petition during an extended prayer meeting: 'Lord, I lay before you the prayer concerns voiced this evening, even though most of them sounded like whining to me.' President Obama can lead, Lieutenant Governor Dalton and the Senators can lead. The last thing they need is for the rest of us to be whiners. We need to be thoughtful, supportive, and sacrificial until we defeat the economic crises we all face together. We humbly ask for your help and leadership to that end, O God. Amen."

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**PLEDGE OF ALLEGIANCE**

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

The Chair grants leaves of absence for today to Senator Blake and Senator Dorsett.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Cathy Chapman from Efland, 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.J.R. 162**, A JOINT RESOLUTION HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP) ON ITS ONE HUNDREDTH ANNIVERSARY. (Res. 1)

**CHAPTERED BILLS**

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

**S.B. 93**, AN ACT TO REAPPOINT PERSONS TO THE BOARDS OF COMMISSIONERS OF DARE AND WATAUGA COUNTIES AND VALIDATE ACTIONS. (Became law upon ratification, February 12, 2007 - S.L. 2009-1.)

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Snow:

**S.B. 163**, A BILL TO BE ENTITLED AN ACT TO ENABLE CLAY COUNTY TO MEET ITS PUBLIC SCHOOL CAPITAL NEEDS BY AUTHORIZING THE COUNTY TO IMPOSE A ONE-CENT SALES TAX DEDICATED TO THESE NEEDS.

Referred to the **Finance Committee**.

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By Senators Forrester; and Purcell:

**S.B. 164**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE FROM A MISDEMEANOR TO A FELONY.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

**S.B. 165**, 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 Committee**.

By Senators Foriest; and Vaughan:

**S.B. 166**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION.

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

By Senators Albertson; Allran, Atwater, Bingham, Blake, Boseman, Clodfelter, Davis, Dorsett, Hartsell, Jenkins, Jones, Malone, Purcell, Rand, Rouzer and Stevens:

**S.B. 167**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS AND TO MAKE IT A FELONY TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

Referred to the **Judiciary I Committee**.

By Senator Tillman:

**S.B. 168**, 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 Dannelly; Clodfelter, Graham, Jones, Malone and Purcell:

**S.B. 169**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ARTHRITIS FOUNDATION.

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

By Senators Kinnaird; Bingham, Brown, Dorsett, Foriest, Graham, Hartsell, McKissick, Nesbitt, Purcell, Shaw, Snow, Vaughan and Weinstein:

**S.B. 170**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR OUR CHILDREN'S PLACE.

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

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By Senator Goodall:

**S.B. 171**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF UNION.

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

By Senators Goodall; Allran, Berger of Rockingham, Blake, Brock, Brown, East, Hunt, Jacumin, Preston, Rucho, Shaw and Tillman:

**S.B. 172**, A BILL TO BE ENTITLED AN ACT TO ALLOW CHARTER SCHOOLS IN ONE HUNDRED COUNTIES.

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

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

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

House of Representatives  
February 12, 2009

Mr. President:

It is ordered that a message be sent to the Senate informing that 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  
Larry D. Hall  
Bruce Goforth, and  
Deborah K. Ross

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### **SENATE PAGES**

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

Carly Abney, Wake Forest; James Archer, Albemarle; TJ Brown III, Raleigh; Courtney Dupree, Raleigh; Kristine Kapatos, Raleigh; Margaret Leak, Winston-Salem; Victoria Pace, Raleigh; and Tamara Smith, Charlotte.

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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 Dannelly, Senator Forrester, Senator Garrou, Senator Hoyle, Senator Purcell and Senator Stevens.

**ADDITIONAL SPONSOR**

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

**S.B. 137**, 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.

**S.J.R. 146**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROGER BONE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

**S.B. 153**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO NOTIFY AN EMPLOYER OF ANY CONVICTIONS AFFECTING THE STATUS OF A COMMERCIAL DRIVERS LICENSE BY AN EMPLOYEE.

**S.B. 154**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OFFSET IN THE SHORT-TERM AND LONG-TERM DISABILITY INCOME PLANS FOR BENEFITS RECEIVED FROM THE DEPARTMENT OF VETERANS AFFAIRS FOR THE SAME DISABILITY.

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns at 7:10 P.M. to meet Tuesday, February 17, at 3:00 P.M.

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**TWELFTH DAY**

Senate Chamber  
Tuesday, February 17, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, we start each day with such great intentions, but our calendars fill up quickly. Priority lists change almost hourly. So we ask you to forgive us for getting to the end of a tiring day only to discover that the things pushed off our schedules were often more important than all the tasks we accomplished. Help us not to neglect our list of 'meaning tos' on this day. To your glory we pray. Amen."

The Chair grants leaves of absence for today to Senator Dorsett and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The 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 Nina Davis from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.*

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Boseman:

**S.B. 173**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY.

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

By Senator Boseman:

**S.B. 174**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

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By Senator Purcell:

**S.B. 175**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MULTICAMPUS CENTER FUNDS FOR STANLY COMMUNITY COLLEGE.

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

By Senator Brown:

**S.B. 176**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWNS OF HOLLY RIDGE AND SWANSBORO TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senators Tillman; Allran, Berger of Rockingham, Bingham, Brock, Brown, East, Goodall, Hunt and Jacumin:

**S.B. 177**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.

Referred to the **Finance Committee**.

By Senator Shaw:

**S.B. 178**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTS BETWEEN GOVERNMENTAL ENTITIES AND LABOR ORGANIZATIONS FOR THE PURPOSE OF COLLECTIVE BARGAINING.

Referred to the **Judiciary II Committee**.

By Senator Shaw:

**S.B. 179**, 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 Senator Shaw:

**S.J.R. 180**, A JOINT RESOLUTION SUPPORTING THE IMPLEMENTATION OF THE HOMEOWNERS AND BANK PROTECTION ACT.

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

By Senator Shaw:

**S.B. 181**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AGE CAP OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE FROM FIFTY-FOUR YEARS OF AGE TO SIXTY-FIVE YEARS OF AGE.

Referred to the **Commerce Committee**.

By Senators Foriest; Albertson, Allran, Atwater, Berger of Franklin, Berger of Rockingham, Brown, Brunstetter, Davis, Forrester, Goodall, Goss, Jacumin,

Jones, Malone, McKissick, Purcell, Queen, Rand, Rouzer, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.J.R. 182**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT WALTER "BOB" SCOTT, FORMER GOVERNOR OF NORTH CAROLINA.

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

By Senator Rand:

**S.B. 183**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

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

### 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 Senators Malone and Stevens:

**S.B. 198**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION.

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

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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

**S.B. 5**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESale DEALER, OR RETAIL DEALER OF CROSSBOWS THAT OBTAINS A PERMIT FOR THE SALE, RECEIPT, OR OTHER TRANSFER OF A CROSSBOW IS DEEMED TO HAVE A CONTINUING PERMIT THAT AUTHORIZES THE FUTURE SALE, GIVEAWAY, TRANSFER, PURCHASE, OR RECEIPT OF CROSSBOWS BY THE CORPORATION AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESale DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESale DEALERS OR RETAIL DEALERS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **S.B. 5**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESale DEALER, OR RETAIL DEALER OF CROSSBOWS MAY OBTAIN A CONTINUING PERMIT FOR THE PURCHASE OR RECEIPT OF CROSSBOWS UPON APPLICATION TO THE SHERIFF OF THE COUNTY IN WHICH THE

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CORPORATION IS LOCATED, AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESALE DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESALE DEALERS OR RETAIL DEALERS, is adopted and engrossed.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 166**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** on February 16.

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

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

#### ADDITIONAL SPONSORS

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

**S.B. 34**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

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

**S.B. 123**, A BILL TO BE ENTITLED AN ACT TO EXPAND POWERS OF LAW ENFORCEMENT OFFICERS, PROBATION OFFICERS, POST-RELEASE SUPERVISION OFFICERS, AND PAROLE OFFICERS RELATING TO WARRANTLESS SEARCHES OF PROBATIONERS, POST-RELEASE SUPERVISEES, AND PAROLEES, AND OF THEIR VEHICLES AND PREMISES WHILE PRESENT.

Upon motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 3:14 P.M. to meet Wednesday, February 18, at 3:00 P.M.

**THIRTEENTH DAY**

Senate Chamber  
Wednesday, February 18, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Dr. Quincy Scott, Jr., Dean of the Chapel from Shaw University, Raleigh, North Carolina as follows:

"Lord, in this moment of sacred quiet, surrounded by a countless cloud of witnesses who have passed to us a legacy and a trust which we cherish and honor, we struggle to find prayer language suitable to express our thanksgiving for the privilege of living in a time and place where we can meet the challenge of mending political, social, economic, cultural and spiritual upheaval and bring healing to divisiveness, justice to injustice, mercy to uncertainty, forgiveness to transgressions, disturbance to complacency, order to confusion and hope to despair. We lay before you, O God, these United States, our President, his administration and all those in leadership positions who give of their gifts in pursuit of a world where our natural resources are preserved, where diversity is honored and where peace among all peoples is the order of the day. In these moments, we most especially lay before you the Governor and Lieutenant Governor of the State where the blue skies, the long leaf pine and coastal Tar Heel plains serve to remind us of your creative grace and blessing. As this Congress assembles itself in order to orchestrate the business at hand, purge from individual and collective hearts anything which might mar your purpose or stifle the journey of a people marching towards redemption. Make the work of Congress your work, make their agenda your will and make their laws, old and new, evidence that you have heard the cries of your people and that you have indeed come to rescue them from oppression and restore them to a place of harmony and possibility. In these desperate times, save us from desperation and remind us in whichever way you choose, that the real power and glory belongs to you. We pray this simple yet earnest prayer in the name of the Holy God in whose spirit our differences are overshadowed and the miracle of our joy is made new. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, February 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Ram Sapasetty from Kinston, North Carolina, who is serving the Senate as Doctor of the Day, and to Nina Davis from Fayetteville, 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 Stevens for the **Education/Higher Education Committee**:

**S.B. 198**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35065, is adopted and engrossed.

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

By Senator Rand for the **Rules and Operations of the Senate Committee**:

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS, with a favorable report.

**CALENDAR**

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

**S.B. 5**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESALE DEALER, OR RETAIL DEALER OF CROSSBOWS MAY OBTAIN A CONTINUING PERMIT FOR THE PURCHASE OR RECEIPT OF CROSSBOWS UPON APPLICATION TO THE SHERIFF OF THE COUNTY IN WHICH THE CORPORATION IS LOCATED, AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESALE DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESALE DEALERS OR RETAIL DEALERS.

Senator Stevens offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 198** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (49-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

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**WITHDRAWAL FROM CLERK'S OFFICE**

**S.B. 58**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HENDERSONVILLE TO ENROLL ITS EMPLOYEES OR RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, ordered held in the Office of the Principal Clerk on February 5, pending referral to committee.

Senator Rand announces the referral of the bill to the Select Committee on Employee Hospital and Medical Benefits.

**S.B. 77**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HOBGOOD TO ENROLL ITS EMPLOYEES AND RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, ordered held in the Office of the Principal Clerk on February 5, pending referral to committee.

Senator Rand announces the referral of the bill to the Select Committee on Employee Hospital and Medical Benefits.

Upon motion of Senator Basnight, seconded by Senator Berger of Franklin, the Senate adjourns in memory of Richard Matthews, a Wilmington Police Officer killed in the line of duty, and subject to introduction of bills, to meet Thursday, February 19, at 11:00 A.M.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Brunstetter; and Forrester:

**S.B. 184**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A JAYCEES SPECIAL REGISTRATION PLATE FOR THE NORTH CAROLINA JAYCEES.

Referred to the **Finance Committee**.

By Senators Malone, Dorsett, Swindell; Bingham, Davis, Foriest, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stein and Stevens:

**S.B. 185**, 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 Malone and Stevens:

**S.R. 186**, 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**.

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By Senators Malone, Forrester, Swindell; Bingham, Davis, Dorsett, Goss, Hoyle, Jones, Kinnaird, McKissick, Purcell, Stein, Stevens and Tillman:

**S.B. 187**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF PUBLIC HEATH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE PURCHASE OF ADDITIONAL MOBILE DENTAL UNITS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Malone, Forrester; Brunstetter, Davis, Dorsett, Foriest, Goss, Hoyle, Jones, McKissick, Purcell, Stevens, Swindell and Tillman:

**S.B. 188**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF PUBLIC HEALTH, AND DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COLLABORATE WITH THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Malone, Dorsett; Bingham, Davis, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stein and Stevens:

**S.B. 189**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENACT A PILOT PROGRAM TO ASSESS PROPOSED IMPROVEMENTS 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; Bingham, Brunstetter, Davis, Foriest, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stevens and Tillman:

**S.B. 190**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR PROJECT C.A.R.E. (CAREGIVER ALTERNATIVES TO RUNNING ON EMPTY), 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 Senators Malone, Dorsett, Forrester, Swindell, Bingham; Davis, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stevens and Tillman:

**S.B. 191**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR CERTIFIED SENIOR CENTERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Malone, Swindell, Bingham; Berger of Franklin, Brunstetter, Davis, Dorsett, Foriest, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen and Stevens:

**S.B. 192**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ANALYZE AND REPORT ON THE EXPERIENCES OF THE DIVISION'S PILOT PROGRAM ON MEDICATION SAFETY IN ADULT CARE HOMES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Malone, Forrester, Swindell; Berger of Franklin, Bingham, Brunstetter, Davis, Dorsett, Foriest, Goss, Hoyle, Jones, McKissick, Purcell, Stevens and Tillman:

**S.B. 193**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO REVIEW RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Malone, Dorsett; Bingham, Davis, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stevens and Tillman:

**S.B. 194**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE ADULT DAY CARE FUND AND TO THE HOME AND COMMUNITY CARE BLOCK GRANT TO PROVIDE A RATE INCREASE FOR ADULT DAY SERVICES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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

By Senators Malone, Dorsett, Bingham; Berger of Franklin, Brunstetter, Davis, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stein, Stevens and Tillman:

**S.B. 195**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN

HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Malone, Dorsett, Swindell; Berger of Franklin, Bingham, Brunstetter, Davis, Foriest, Forrester, Goss, Hoyle, Jones, McKissick, Purcell, Queen, Stein, Stevens and Tillman:

**S.B. 196**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION, DIVISION OF MEDICAL ASSISTANCE, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ASSEMBLE A WORKGROUP TO DEVELOP STRATEGIES TO ADDRESS ISSUES OF MIXED POPULATIONS IN ADULT CARE HOMES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senator Davis:

**S.B. 197**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF WINTERVILLE TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senators Hoyle, Kinnaird, Weinstein, Swindell, Brunstetter, Stein, Vaughan, Albertson, Stevens, Hunt, Tillman, Snow; Clary, Dorsett, Forrester, Garrou, Graham, Jenkins, Jones, McKissick, Purcell and Rand:

**S.B. 199**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HUMANE EUTHANASIA OF ANIMALS IN ANIMAL SHELTERS.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 200**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS FINANCE LAW CHANGES.

Referred to the **Finance Committee**.

By Senator Garrou:

**S.B. 201**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

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

By Senator Garrou:

**S.B. 202**, 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 Berger of Franklin:

**S.B. 203**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD, FREE OF CHARGE, TO INDIVIDUALS THAT HAVE A VALID DRIVERS LICENSE THAT IS REVOKED BASED ON AN ADMINISTRATIVE DECISION REGARDING MEDICAL DISQUALIFICATION.

Referred to the **Transportation Committee**.

By Senators Purcell; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Boseman, Brown, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Kinnaird, Malone, McKissick, Nesbitt, Preston, Queen, Rand, Rouzer, Snow, Stein, Swindell and Tillman:

**S.B. 204**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS.

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

By Senators Purcell; Clodfelter, Davis, Dorsett, Foriest, Goss, Graham, Hartsell, Jones, Kinnaird, Malone, McKissick, Rand, Snow and Stein:

**S.B. 205**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

Referred to the **Judiciary I Committee**.

By Senators Rand, Garrou; Atwater, Berger of Franklin, Brown, Dannelly, Davis, Dorsett, Foriest, Goss, Graham, Jenkins, Jones, Kinnaird, Malone, Preston, Queen, Snow, Stein, Stevens, Swindell, Tillman and Vaughan:

**S.B. 206**, 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 Albertson:

**S.B. 207**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD CONSISTS OF AN EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN THE CASE OF A TIE.

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

By Senators Dorsett; Albertson, Bingham, Brown, Clary, Dannelly, Forrester, Hoyle, Jenkins, Kinnaird, Malone, Preston, Purcell, Shaw, Stevens and Tillman:

**S.B. 208**, A BILL TO BE ENTITLED AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE

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CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES  
IN THE PREPARATION OF LEGISLATION AND RULES.

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

By Senator Albertson:

**S.B. 209**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH  
SENATORIAL DISTRICT.

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

By Senators Allran; Berger of Rockingham, Bingham, Blake, Brock, Brown,  
Brunstetter, Clary, East, Forrester, Goodall, Goss, Hartsell, Hunt, Jacumin,  
Preston, Rouzer and Tillman:

**S.B. 210**, 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 Preston:

**S.B. 211**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND  
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 3:46 P.M.

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#### FOURTEENTH DAY

Senate Chamber  
Thursday, February 19, 2009

The Senate meets pursuant to adjournment and is called to order by The  
Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, show us what you would have us do today. Everyday we are  
besieged by the hurting problems of our world. We confess that for a few  
moments each day we tune out all of these troubles as a way of survival. After  
such a respite, bring us back to our real purpose and real task. Sometimes the  
needs in which we respond are right under our own roofs, sometimes down the  
street. Show us the least of these and how to reach out even as you reach out to  
us. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, February 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Gayle Mackenzie from Winston-Salem, North Carolina, and Janice Daniel from Winston-Salem, North Carolina who are serving the Senate as Nurses of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 141**, A BILL TO BE ENTITLED AN ACT TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN WATER OBTAINED FROM NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS BASED UPON THE RISK OF THE COMPOUNDS' PRESENCE, with a favorable report.

By Senator Rand for the **Rules and Operations of the Senate Committee**:

**S.B. 35**, 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 45040, which changes the title to read **S.B. 35** (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.

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

### CALENDAR

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

**S.B. 15**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS BY LIMITING PER DIEM TO A MAXIMUM NUMBER OF DAYS.

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Senator Berger of Franklin offers a motion that S.B. 15 be re-referred to the **Rules and Operations of the Senate Committee**. The President rules that, in his opinion, Senator Berger of Franklin is not allowed to offer the motion. Senator Rand offers a motion that S.B. 15 be re-referred to the **Rules and Operations of the Senate Committee**. The motion fails (15-33) and the bill remains on the Calendar.

The bill passes its second reading (37-11) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 35** (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, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### ADDITIONAL SPONSOR

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

**S.B. 143**, 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 COMMUNITY COLLEGE OR COLLEGE OR UNIVERSITY.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns subject to introduction of bills, to meet Monday, February 23, at 7:00 P.M.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Brown:

**S.B. 212**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE SPECIAL PLATES FOR MAYORS.

Referred to the **Finance Committee**.

By Senator Brown:

**S.B. 213**, A BILL TO BE ENTITLED AN ACT TO ISSUE THE MARINE CORPS LEAGUE SPECIAL PLATE WITH REDUCED APPLICATIONS.

Referred to the **Finance Committee**.

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By Senator Rand:

**S.B. 214**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER.

Referred to the **Finance Committee**.

By Senator Blake:

**S.B. 215**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

By Senators Dannelly; Clodfelter, Dorsett, Graham, Jones, Malone, McKissick and Purcell:

**S.B. 216**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO GREATER ENRICHMENT PROGRAM, INC., TO REPLACE AGING VEHICLES.

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

By Senators Garrou; Bingham, Brunstetter, East, Foriest and Tillman:

**S.B. 217**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE JOSH AND MARIE REYNOLDS HOSPITAL GUEST HOUSE IN WINSTON-SALEM.

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

By Senators Hunt; Allran, Blake, Brock, Goodall and Rucho:

**S.B. 218**, 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, INSTRUCTIONAL SUPPORT PERSONNEL, AND PRINCIPALS.

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

By Senators Kinnaird; and Brunstetter:

**S.B. 219**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REPORT OF A CRASH INVOLVING A MOTOR VEHICLE AND A BICYCLE WHERE THE TOTAL PROPERTY DAMAGE EXCEEDS FIVE HUNDRED DOLLARS.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

**S.B. 220**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

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By Senators Graham; Atwater, Berger of Franklin, Bingham, Boseman, Dannelly, Davis, Dorsett, Foriest, Garrou, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Shaw, Stein and Weinstein:

**S.B. 221**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE.

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

By Senator Boseman:

**S.B. 222**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

Referred to the **Judiciary I Committee**.

By Senators Boseman and Atwater:

**S.B. 223**, A BILL TO BE ENTITLED AN ACT TO RENAME THE NORTH CAROLINA COUNCIL FOR WOMEN/DOMESTIC VIOLENCE COMMISSION AND CLARIFY ITS ROLE AND RESPONSIBILITIES, TO EXPAND THE ROLE OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND DESIGNATE THE QUALIFICATIONS FOR MEMBERSHIP, TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Dorsett; Bingham, Dannelly, Jenkins, Malone and Vaughan:

**S.B. 224**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT AND EQUIP THE JOHN COLTRANE MUSIC HALL AT THE COMMUNITY ARTS CENTER IN HIGH POINT.

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

By Senators Dorsett; Bingham, Dannelly, Garrou, Jenkins, Jones, Malone and Vaughan:

**S.B. 225**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT GLOBAL MARKETING, COMMUNICATIONS, AND PROMOTIONS OF THE HIGH POINT INTERNATIONAL HOME FURNISHINGS MARKET.

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

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By Senators Dorsett; Albertson, Atwater, Bingham, Dannelly, Davis, Jenkins, Jones, Kinnaird, Malone, Purcell, Stevens and Vaughan:

**S.B. 226**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND MAINTAIN AN ACCESSIBLE ELECTRONIC INFORMATION SERVICE FOR BLIND AND DISABLED PERSONS AND TO APPROPRIATE FUNDS FOR THE SERVICE.

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

By Senators Dorsett, Atwater; Dannelly, Graham, Jenkins, Jones, Kinnaird, Malone, Purcell, Stevens and Vaughan:

**S.B. 227**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DOMESTIC VIOLENCE CENTER FUND AND TO APPROPRIATE FUNDS FOR THE PURCHASE AND MAINTENANCE OF ONLINE, WEB-BASED SOFTWARE FOR GRANT APPLICATION AND DISTRIBUTION FOR DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND DISPLACED HOMEMAKER GRANT FUNDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

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

By Senators Forrester, Purcell, Dorsett, Malone; Goss and Swindell:

**S.B. 228**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFICE OF MEN'S HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE PUBLIC HEALTH STUDY COMMISSION.

Referred to the **Health Care Committee**.

By Senators Swindell; Atwater, Berger of Franklin, Brown, Davis, Foriest, Goss, Jenkins, Preston, Queen, Rand, Snow and Stevens:

**S.B. 229**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SCHOLARSHIP LOAN FUND FOR SOCIAL WORKERS IN UNDERSERVED AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Swindell; Atwater, Berger of Franklin, Bingham, Brown, Davis, Foriest, Goss, Jenkins, Preston, Queen, Rand, Rouzer, Snow, Stein, Stevens and Tillman:

**S.B. 230**, A BILL TO BE ENTITLED AN ACT TO STIMULATE JOB-CREATING VENTURES, EXPAND BUSINESS OPPORTUNITIES, AND PROMOTE ECONOMIC TRANSITION IN DISTRESSED RURAL AREAS.

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

By Senators Swindell; and Rand:

**S.B. 231**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

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By Senator Hoyle:

**S.B. 232**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL CARE COMMISSION AND APPROVED BY THE RULES REVIEW COMMISSION.

Referred to the **Health Care Committee**.

By Senators Hoyle and Jenkins:

**S.B. 233**, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS.

Referred to the **Finance Committee**.

By Senator Brock:

**S.B. 234**, 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 Senator Brock:

**S.B. 235**, 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 and Hunt:

**S.B. 236**, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to the **Judiciary I Committee**.

By Senators Brock; Allran and Hunt:

**S.B. 237**, A BILL TO BE ENTITLED AN ACT TO RESTRICT VOTER REGISTRATION FORMS AND BALLOTS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW.

Referred to the **Judiciary I Committee**.

By Senators Shaw; Atwater and Forrester:

**S.B. 238**, 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 Stein; Albertson, Allran, Atwater, Berger of Franklin, Bingham, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Hartsell, Hoyle, Jenkins, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Snow, Soles, Stevens, Swindell, Vaughan and Weinstein:

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**S.B. 239**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE RENEWABLE ENERGY TAX CREDIT TO MATCH THE FEDERAL TAX CREDIT, TO ENCOURAGE INSTALLATION OF COMBINED HEAT AND POWER PROPERTY AND GEOTHERMAL HEAT PUMPS, AND TO ALLOW ENERGY TAX CREDITS TO BE TAKEN AGAINST THE GROSS PREMIUM TAX.

Referred to the **Finance Committee**.

By Senators Purcell, Atwater, Dorsett, Forrester, Malone; Kinnaird, McKissick and Swindell:

**S.B. 240**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT HIGH PRIORITY PUBLIC HEALTH INITIATIVES, AS RECOMMENDED BY THE PUBLIC HEALTH STUDY COMMISSION.

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

By Senators Purcell; Apodaca, Atwater, Dannelly, Dorsett, Forrester, Malone and Snow:

**S.B. 241**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR CHILDREN AND ADULTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 12:22 P.M.

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### FIFTEENTH DAY

Senate Chamber  
Monday, February 23, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Gracious God, as we begin a new week, help us to walk optimistically and fearlessly into our activities. Help us to live humbly on every level, to lend a hand in the common chores of existence, and to cease being anxious about

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advantages and disadvantages. When you said, 'whoever loses his or her life for my sake will find it,' you were defining for us how to live a real life each day. May we so live. In your Holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Brown, Senator Rucho and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Michael Brennan from Burlington, North Carolina, who is serving the Senate as Doctor of the Day, and to Addie Scott from Durham, 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 19, 2009

Mr. President:

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

Deputy Republican Whips: Carolyn H. Justice  
Fred F. Steen, II,  
and Nelson Dollar

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

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

The following message is received from the House of Representatives:

**H.B. 32**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

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

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**CALENDAR**

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

**S.B. 141**, A BILL TO BE ENTITLED AN ACT TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN WATER OBTAINED FROM NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS BASED UPON THE RISK OF THE COMPOUNDS' PRESENCE.

The bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**SENATE PAGES**

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

Julia Canavan, Raleigh; James Compton, New Hill; Josh Connor, Charlotte; Emory Cooley, Raleigh; Alaina Doyle, Cary; Victoria Ellis, Cary; Lauren Frederick, Wendell; Jay Griffin, High Point; Austin Hunter, Garner; Fred Irving, Concord; Paige Laugisch, Gastonia; Fahim Lodhi, Fayetteville; Imani McGlen, Greensboro; Kiana Redd, Garner; and Ariel Sanders, Raleigh.

**CHANGES TO 2009 SENATE COMMITTEES**

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

Senator Queen is removed from the **Commerce Committee**.

Senator Hoyle is removed from the **Appropriations Subcommittee on Health and Human Services**.

Senator Hoyle is appointed to the **Appropriations Subcommittee on General Government and Information Technology**.

Senator Dannelly is appointed to the **Appropriations Subcommittee on Health and Human Services**.

**ADDITIONAL SPONSOR**

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

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**S.B. 66**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to introduction of bills, to meet Tuesday, February 24, at 3:00 P.M.

#### **REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 235**, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO PROTECT THEMSELVES AND THEIR FAMILIES IN RESTAURANTS.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Hoyle; Albertson, Apodaca, Atwater, Bingham, Dannelly, Davis, Dorsett, Forrester, Goss, Jenkins, Malone, Purcell, Rouzer, Soles, Stein, Stevens, Swindell and Weinstein:

**S.B. 242**, 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 Senators Purcell; Allran and Bingham:

**S.B. 243**, A BILL TO BE ENTITLED AN ACT TO REDUCE INFANT MORTALITY AND REDUCE PRETERM BIRTHS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Purcell; Allran, Atwater and Bingham:

**S.B. 244**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE OCCURRENCE OF SHAKEN BABY SYNDROME, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

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By Senators Purcell; Allran, Atwater and Bingham:

**S.B. 245**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PREVENT PRETERM BIRTHS AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Purcell; Allran, Atwater and Bingham:

**S.B. 246**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR REDUCING THE NUMBER OF INFANT DEATHS DUE TO SUDDEN INFANT DEATH SYNDROME, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Preston; Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, East, Goodall, Hunt, Purcell, Queen, Rand and Rouzer:

**S.B. 247**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A MOTORCYCLE PLATE FOR THE PURPLE HEART SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senators Foriest; Bingham, Brunstetter, Forrester, Hartsell, Stevens and Swindell:

**S.B. 248**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS.

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

By Senator Foriest:

**S.B. 249**, A BILL TO BE ENTITLED AN ACT TO MAKE A LOCAL MODIFICATION FOR ALAMANCE COUNTY TO EXTEND THE NUMBER OF DAYS PRIOR TO A REGULARLY ADVERTISED AGRICULTURAL FAIR THAT THE SHERIFF OF THE COUNTY IS PROHIBITED FROM ISSUING A PERMIT FOR A CARNIVAL OR SIMILAR AMUSEMENT.

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

By Senators Davis; Bingham, Brown, Dorsett, Foriest, Jones and Stevens:

**S.B. 250**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE SPECIAL PLATES FOR MAYORS AND MUNICIPAL COUNCIL MEMBERS.

Referred to the **Finance Committee**.

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By Senators Davis and Jenkins:

**S.B. 251**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

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

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 252**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 253**, A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 254**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 255**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 256**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AS RECOMMENDED BY

THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS  
AND DISASTER MANAGEMENT RECOVERY.

Referred to the **Judiciary I Committee**.

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 257**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 258**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **Health Care Committee**.

By Senators Jacumin; Allran, Berger of Rockingham, Bingham, Blake, Brown, Foriest, Forrester, Goss, Hoyle, Hunt, Jenkins, Jones, Preston, Rouzer, Rucho, Shaw, Snow, Soles, Tillman and Weinstein:

**S.B. 259**, A BILL TO BE ENTITLED AN ACT PERMITTING STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, HOME SCHOOL, OR CHARTER SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT TO PARTICIPATE IN THAT SPORT AT A PUBLIC HIGH SCHOOL.

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

By Senators Jenkins, Davis; and Swindell:

**S.B. 260**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO EXPAND THE MEDICAL SCHOOLS AT EAST CAROLINA UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

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By Senators Jenkins, Davis; and Swindell:

**S.B. 261**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DESIGN A NEW LIFE SCIENCE AND BIOTECHNOLOGY BUILDING TO BE CONSTRUCTED AT EAST CAROLINA UNIVERSITY.

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

By Senators Berger of Franklin; Albertson, Apodaca, Atwater, Berger of Rockingham, Dannelly, Dorsett, Goss, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Vaughan and Weinstein:

**S.B. 262**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO BOTH CIVIL LIABILITY AND TO A CIVIL PENALTY FOR FAILURE TO CARRY OUT ITS DUTY.

Referred to the **Judiciary II Committee**.

By Senator Bingham:

**S.B. 263**, 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 Preston:

**S.B. 264**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISABLED VETERANS FROM BEING CHARGED FOR ACCESS TO, OR FOR THE USE OF ANY PUBLIC SERVICE FACILITIES OR CONVENIENCES WITHIN, STATE FORESTS, STATE PARKS, STATE LAKES, OR OTHER AREAS UNDER THE CHARGE OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:31 P.M.

**SIXTEENTH DAY**

Senate Chamber  
Tuesday, February 24, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"O God, most of us should talk less and say more. The budgeting of our words is extremely important. Like the National Government, sometimes we tend to deflate the currency of our words by pronouncing more than we have meaning to cover. If we really want to make a difference in people's lives, help us to keep our ears open, our mouths closed, and ourselves available. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham, Senator Brown, Senator Malone, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, February 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Sandra Hosford from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Graff from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 4**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE QUALIFICATIONS FOR APPOINTMENT AS AN EMERGENCY JUDGE OF THE SUPERIOR COURT OR THE DISTRICT COURT, with a favorable report.

**S.B. 136**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE

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LEGISLATIVE ETHICS 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 55113, is adopted and engrossed.

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

**S.J.R. 90**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF SUSAN RABON AND BRYAN BEATTY TO THE UTILITIES COMMISSION, with a favorable report.

### 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 Rand:

**S.B. 265**, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

**S.B. 266**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A CRIMINAL OFFENSE THAT REQUIRES A PERSON TO REGISTER UNDER EITHER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM OR THE SEXUALLY VIOLENT PREDATOR REGISTRATION PROGRAM IS INELIGIBLE TO SERVE ON A JURY DURING THE REGISTRATION PERIOD.

Referred to the **Judiciary I Committee**.

By Senators Snow, Atwater, Goss, Nesbitt; and Swindell:

**S.B. 267**, A BILL TO BE ENTITLED AN ACT TO FUND A SEVENTH STATE HAZARDOUS MATERIALS TEAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senator Clodfelter:

**S.B. 268**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FOURTEEN THOUSAND NOTARIES PUBLIC.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

**S.B. 269**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

Referred to the **Finance Committee**.

By Senator Clodfelter:

**S.B. 270**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

Referred to the **Judiciary I Committee**.

By Senator Snow:

**S.B. 271**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS.

Referred to the **Finance Committee**.

By Senators Forrester, Jacumin; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Davis, Goodall, Hoyle, Hunt, Jones, Preston, Rouzer, Rucho, Shaw, Snow and Tillman:

**S.B. 272**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE MARRIAGE BETWEEN A MAN AND A WOMAN IS THE ONLY DOMESTIC LEGAL UNION THAT SHALL BE VALID OR RECOGNIZED IN THIS STATE.

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

By Senators Swindell; Allran, Atwater, Dannelly, Davis, Dorsett, Goss, Jenkins, Jones, Malone and Snow:

**S.B. 273**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENSURE THAT CHILD NUTRITION PROGRAMS OPERATING IN THE PUBLIC SCHOOLS HAVE ADEQUATE FUNDS TO IMPLEMENT NUTRITION STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION FOR ELEMENTARY SCHOOLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Swindell; Atwater, Bingham, Dannelly, Davis, Dorsett, Goss, Jenkins, Jones, Malone, Snow and Stevens:

**S.B. 274**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COLLEGE OF VETERINARY MEDICINE CLINICAL TEACHING AND RESEARCH FUND.

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

February 24, 2009

By Senators Dannelly, Shaw; Blake, Brock, Clodfelter, Dorsett, East, Hoyle, Jones, Malone, Rand and Tillman:

**S.B. 275**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA KOREAN WAR VETERANS MEMORIAL PARK.

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

By Senators Berger of Franklin; Davis, Foriest, Kinnaird, McKissick and Nesbitt:

**S.B. 276**, A BILL TO BE ENTITLED AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

Referred to the **Commerce Committee**.

By Senators Berger of Franklin; Atwater, Davis, Foriest, Kinnaird, McKissick, Nesbitt, Queen and Snow:

**S.B. 277**, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.

Referred to the **Judiciary II Committee**.

By Senators Purcell; Dorsett and Forrester:

**S.B. 278**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HEART/STROKE PUBLIC AWARENESS AND TO APPROPRIATE FUNDS FOR THE STROKE ADVISORY COUNCIL, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

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

By Senator Purcell:

**S.B. 279**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.

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

By Senator Purcell:

**S.B. 280**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS.

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

By Senator Purcell:

**S.B. 281**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST IN THE ESTABLISHMENT AND SUSTAINABILITY OF HEALTHY CAROLINIANS PARTNERSHIPS HEALTH PROMOTION INITIATIVES IN EACH COUNTY.

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

By Senator Purcell:

**S.B. 282**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

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

By Senator Purcell:

**S.B. 283**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL-BASED/SCHOOL-LINKED ADOLESCENT HEALTH CARE CENTERS.

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

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 110**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS GHIO "SONNY BOY" JOYNER, WHILE JOINING THE CITIZENS OF WELDON IN RECOGNIZING THE TOWN AS THE ROCKFISH CAPITAL OF THE WORLD, referred to the **Rules and Operations of the Senate Committee** on Wednesday, February 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, February 26, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, February 26.

#### REMOVAL OF BILL CO-SPONSOR

Senator Preston requests that she be removed as a sponsor of previously introduced legislation:

**S.B. 43**, A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns at 3:18 P.M. to meet Wednesday, February 25, at 3:00 P.M.

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February 24, 2009

**SEVENTEENTH DAY**

Senate Chamber  
Wednesday, February 25, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, last night, a young African American girl sat next to the First Lady during the President's speech to the Nation. Ty'Sheoma Bethea goes to a school in Dillon, South Carolina, a place where the ceilings leak, the paint is peeling. They have to stop teaching six times a day because of trains passing their classrooms. Even though she had been told her school is hopeless, Ty'Sheoma, after class, went to the public library and typed a letter to members of Congress. She got money to buy a stamp from the principal. She wrote, 'We are just students trying to become lawyers, doctors, and congressmen like yourself and one day President, so we can make a change to not just the State of South Carolina, but also the world. We are not quitters.' O God, we honor and celebrate Ty'Sheoma Bethea and offer our deepest gratitude for her determination as inspiration to us all. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, February 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The 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 Monette Mabolo from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Stevens for the **Education/Higher Education Committee**:

**S.R. 186**, 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 as to adoption.

By Senator Hartsell for the **Judiciary II Committee**:

February 25, 2009

**S.B. 127**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15038, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 38**, A BILL TO BE ENTITLED AN ACT TO CONTINUE TO APPLY SPECIAL RULES TO MUNICIPAL REDISTRICTING AFTER THE 2010 CENSUS THAT APPLY TO ELECTIONS SCHEDULED FOR 2011, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35088, which changes the title to read **S.B. 38** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING THAT CENSUS, is adopted and engrossed.

### CALENDAR

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

**S.B. 4**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE QUALIFICATIONS FOR APPOINTMENT AS AN EMERGENCY JUDGE OF THE SUPERIOR COURT OR THE DISTRICT COURT.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.J.R. 90**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF SUSAN RABON AND BRYAN BEATTY TO THE UTILITIES COMMISSION.

The joint resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

February 25, 2009

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **ADDITIONAL SPONSORS**

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

**S.B. 213**, A BILL TO BE ENTITLED AN ACT TO ISSUE THE MARINE CORPS LEAGUE SPECIAL PLATE WITH REDUCED APPLICATIONS.

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

**S.B. 275**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA KOREAN WAR VETERANS MEMORIAL PARK.

**S.B. 278**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HEART/STROKE PUBLIC AWARENESS AND TO APPROPRIATE FUNDS FOR THE STROKE ADVISORY COUNCIL, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

**S.B. 279**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.

**S.B. 280**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS.

**S.B. 281**, 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. 282**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

**S.B. 283**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SCHOOL-BASED/SCHOOL-LINKED ADOLESCENT HEALTH CARE CENTERS.

February 25, 2009

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

**S.B. 282**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OFFICE OF RESEARCH, DEMONSTRATIONS, AND RURAL HEALTH DEVELOPMENT, FOR A GRANT PROGRAM TO ASSIST IN THE PROVISION OF PRIMARY AND PREVENTIVE MEDICAL SERVICES TO UNINSURED OR MEDICALLY INDIGENT PATIENTS.

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

**S.B. 94**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO ASSAULT OR OTHERWISE ENDANGER A PROBATION OR PAROLE OFFICER.

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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 WHERE THE PROTECTED PARTY IS RESIDING.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns subject to introduction of bills, to meet Thursday, February 26, at 11:00 A.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Soles:

**S.B. 284**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

February 25, 2009

By Senator Hartsell:

**S.B. 285**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION .

Referred to the **Judiciary II Committee**.

By Senator Rand:

**S.B. 286**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 287**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

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

By Senator Apodaca:

**S.B. 288**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF HENDERSONVILLE TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senator Apodaca:

**S.B. 289**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE INCLUSION OF FRANCHISE TAX RECEIPTS ALLOCATED TO MILLS RIVER TO BE INCLUDED IN THE BASE AMOUNT USED TO DETERMINE A LOCAL GOVERNMENT'S PROPORTIONAL SHARE OF THE SALES TAX DISTRIBUTION FROM VIDEO PROGRAMMING COLLECTIONS.

Referred to the **Finance Committee**.

By Senator Forrester:

**S.B. 290**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE USE OF FEDERAL ECONOMIC STIMULUS FUNDS FOR ILLEGAL ALIENS, EXCEPT AS OTHERWISE REQUIRED BY FEDERAL LAW OR WHERE NECESSARY IN ORDER TO ENSURE RECEIPT OF FUNDS.

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

By Senators Purcell; and Atwater:

**S.B. 291**, 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 START CRISIS SERVICES.

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

February 25, 2009

By Senators Clodfelter, Hartsell; Albertson, Atwater, Bingham, Brunstetter, Davis, Goss, Hoyle, Jenkins, Kinnaird, Purcell, Snow, Stevens and Tillman:

**S.B. 292**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CITIZENS' COMMISSION ON COMPENSATION FOR ELECTED STATE OFFICIALS.

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

By Senator Clodfelter:

**S.B. 293**, A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS AND TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 294**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WILLIAMSTON TO EXPEDITE THE REMOVAL OF OVERGROWN VEGETATION BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

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

By Senators Jenkins; and Davis:

**S.B. 295**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

Referred to the **Commerce Committee**.

By Senators Jenkins, Davis; and Atwater:

**S.B. 296**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REIMBURSE BRODY SCHOOL OF MEDICINE AT EAST CAROLINA UNIVERSITY FOR MEDICAL CARE PROVIDED TO INDIGENT PATIENTS.

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

By Senators Rand; Allran, Atwater, Dannelly, Davis, Garrou, Goss, Graham, Jones, McKissick, Preston, Purcell, Stein, Swindell, Tillman and Vaughan:

**S.B. 297**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW AUTHORIZING TEACHERS TO TAKE PERSONAL LEAVE WITHOUT PENALTY UNDER CERTAIN CIRCUMSTANCES.

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

February 25, 2009

By Senators Hunt; Allran, Atwater, Blake, Clary, East, Forrester, Jacumin, Queen, Rouzer, Rucho and Tillman:

**S.B. 298**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.

Referred to the **Finance Committee**.

By Senators Hunt; Allran, Atwater, Blake, Clary, East, Forrester, Jacumin, Queen, Rouzer, Rucho and Tillman:

**S.B. 299**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE U.S. NAVY SPECIALTY PLATE TO THE U.S. SUBMARINE VETERAN PLATE, TO CHANGE THE PHRASE ON THE PLATE, TO ADD MORE DETAIL TO THE REPRESENTATION OF THE QUALIFICATION PIN, AND TO REDUCE THE NUMBER OF APPLICATIONS REQUIRED BEFORE THE U.S. NAVY SUBMARINE VETERAN PLATE MAY BE PRODUCED.

Referred to the **Finance Committee**.

By Senator Boseman:

**S.B. 300**, A BILL TO BE ENTITLED AN ACT TO REQUIRE SEIZURE OF ANY VEHICLE USED TO FELONIOUSLY FLEE OR FELONIOUSLY ATTEMPT TO ELUDE A LAW ENFORCEMENT OFFICER IN THE PERFORMANCE OF THE OFFICER'S OFFICIAL DUTIES.

Referred to the **Judiciary I Committee**.

By Senator Shaw:

**S.J.R. 301**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THEODORE JAMES "TED" KINNEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Shaw; and Atwater:

**S.B. 302**, 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 **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Nesbitt, Dorsett, and Purcell:

**S.B. 303**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING

BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; Atwater, Graham, Kinnaird, Queen, Shaw and Stein:

**S.B. 304**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE AMOUNT PAYABLE BY THE STATE FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO REQUIRE QUALIFIED PROVIDERS TO CONTRIBUTE TO THE COSTS OF ADMINISTERING THE GUARANTEED ENERGY SAVINGS CONTRACTS PROGRAM, TO REQUIRE LIFE-CYCLE COST ANALYSES OF ENERGY CONSERVATION MEASURES DURING INVESTMENT GRADE AUDITS CONDUCTED BY QUALIFIED PROVIDERS, AND TO REQUIRE LOCAL GOVERNMENTAL UNITS THAT ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS TO REPORT TO THE STATE ENERGY OFFICE.

Referred to the **Commerce Committee**.

By Senators Clodfelter; Atwater, Graham, Kinnaird, Queen, Shaw and Stein:

**S.B. 305**, A BILL TO BE ENTITLED AN ACT TO CREATE INCENTIVES FOR HIGH-PERFORMANCE HOMES AND RENEWABLE ENERGY, TO REQUIRE REPORTING ON ENERGY USAGE BY PUBLIC SCHOOLS AND STATE INSTITUTIONS OF HIGHER LEARNING, AND TO ADD THE DESIGN PRINCIPLES OF THE NC HEALTHYBUILT HOMES PROGRAM TO THE CERTIFICATION OR RATING SYSTEMS THAT MAY QUALIFY FOR BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES ALLOWED BY COUNTIES AND CITIES IN ORDER TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN TO ACHIEVE ENERGY EFFICIENCY.

Referred to the **Commerce Committee**.

By Senators Tillman; Apodaca, Atwater, Berger of Franklin, Blake, Brunstetter, Clary, Dannelly, East, Goss, Hunt, Jacumin, McKissick, Preston, Rand, Rucho, Snow, Stevens and Vaughan:

**S.B. 306**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS WHO BECOME ASSISTANT PRINCIPALS DO NOT EXPERIENCE A DECREASE IN MONTHLY PAY.

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

By Senator Jones:

**S.B. 307**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.

Referred to the **Judiciary II Committee**.

February 25, 2009

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:39 P.M.

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### EIGHTEENTH DAY

Senate Chamber  
Thursday, February 26, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, we come to the end of another week here in the Senate, grateful for what has been accomplished, but we continue to ask that you help us to be your faithful followers. We know one thing. We cannot be faithful on our own. Your demands are too great and our ethical and moral resources are just too small at times. Your kingdom and its values seem far removed from the places where we work and make our homes. We ask that you give us what we need most in our successes and failures in order to be faithful to you, that is your presence. You standing beside, you going forth from this place with us. Aware of your presence, we can do all things. Senator Weinstein, we know your wedding is Saturday. We wish you Shalom and God-speed. Amen."

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

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

*The Chair extends privileges of the floor to Dr. Lindsey White from Elizabeth City, North Carolina, who is serving the Senate as Doctor of the Day, and to Michelle Taylor from Zebulon, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jones for the **State & Local Government Committee**:

**S.B. 207**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD CONSISTS OF AN

February 26, 2009

EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN THE CASE OF A TIE, with a favorable report.

### CALENDAR

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

**S.B. 38** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING THAT CENSUS.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.J.R. 110**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS GHIO "SONNY BOY" JOYNER, WHILE JOINING THE CITIZENS OF WELDON IN RECOGNIZING THE TOWN AS THE ROCKFISH CAPITAL OF THE WORLD.

The joint resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Jones, the Chair extends the courtesies of the gallery to Mrs. Connie Metcalfe, sister of Sonny Boy Joyner, and other family members, and town officials from the Town of Weldon.

**S.B. 127** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.R. 186**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, upon adoption.

The resolution is adopted (47-2).

### WITHDRAWAL FROM COMMITTEE

**S.B. 89**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE

February 26, 2009

STATE PARKS SYSTEM, referred to the **Appropriations/Base Budget Committee** on February 10.

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

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

**S.B. 108**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO ESTABLISH INDIVIDUAL TRANSFERABLE FISHING QUOTAS TO TAKE STRIPED BASS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, referred to the **Agriculture/Environment/Natural Resources Committee** on February 11.

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 **Ways & Means 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 **Ways & Means Committee**.

**S.B. 304**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE AMOUNT PAYABLE BY THE STATE FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO REQUIRE QUALIFIED PROVIDERS TO CONTRIBUTE TO THE COSTS OF ADMINISTERING THE GUARANTEED ENERGY SAVINGS CONTRACTS PROGRAM, TO REQUIRE LIFE-CYCLE COST ANALYSES OF ENERGY CONSERVATION MEASURES DURING INVESTMENT GRADE AUDITS CONDUCTED BY QUALIFIED PROVIDERS, AND TO REQUIRE LOCAL GOVERNMENTAL UNITS THAT ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS TO REPORT TO THE STATE ENERGY OFFICE, referred to the **Commerce Committee** on February 25.

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

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

**S.B. 305**, A BILL TO BE ENTITLED AN ACT TO CREATE INCENTIVES FOR HIGH-PERFORMANCE HOMES AND RENEWABLE ENERGY, TO REQUIRE REPORTING ON ENERGY USAGE BY PUBLIC SCHOOLS AND STATE INSTITUTIONS OF HIGHER LEARNING, AND TO ADD THE DESIGN PRINCIPLES OF THE NC HEALTHYBUILT HOMES PROGRAM TO THE CERTIFICATION OR RATING SYSTEMS

THAT MAY QUALIFY FOR BUILDING PERMIT FEE REDUCTIONS OR PARTIAL REBATES ALLOWED BY COUNTIES AND CITIES IN ORDER TO ENCOURAGE CONSTRUCTION OF BUILDINGS USING SUSTAINABLE DESIGN TO ACHIEVE ENERGY EFFICIENCY, referred to the **Commerce Committee** on February 25.

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

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

#### **REMARKS BY THE LIEUTENANT GOVERNOR**

Upon motion of Senator Basnight, the remarks of Lieutenant Governor Walter Dalton are spread upon the Journal, as follows:

"Yesterday a very close friend and colleague of mine passed away of pancreatic cancer. He was slightly older than I am. I grew up with Louis Nanney, Jr. I attended high school with him. Served on the student council. Attended UNC with him. He was a Morehead Scholar. He was on the debate team at UNC. We were in law school together. He was actually a classmate of Senator Hartsell's and we practiced law together for almost thirty years. He was one of the most intelligent and most caring people. He was one of the brightest lawyers I ever knew. He was very pleased, Senator Basnight, with the investment we have made in cancer research and, at the appropriate time after notices and announcements, I would request that we adjourn in his memory and his honor."

#### **ADDITIONAL SPONSORS**

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

**S.B. 127**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

**S.B. 218**, 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, INSTRUCTIONAL SUPPORT PERSONNEL, AND PRINCIPALS.

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

**S.B. 298**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.

**S.B. 299**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE U.S. NAVY SPECIALTY PLATE TO THE U.S. SUBMARINE VETERAN PLATE, TO CHANGE THE PHRASE ON THE PLATE, TO ADD MORE DETAIL TO THE REPRESENTATION OF THE QUALIFICATION PIN, AND TO REDUCE THE NUMBER OF APPLICATIONS REQUIRED BEFORE THE U.S. NAVY SUBMARINE VETERAN PLATE MAY BE PRODUCED.

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

**S.B. 266**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IS CONVICTED OF A CRIMINAL OFFENSE THAT REQUIRES A PERSON TO REGISTER UNDER EITHER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM OR THE SEXUALLY VIOLENT PREDATOR REGISTRATION PROGRAM IS INELIGIBLE TO SERVE ON A JURY DURING THE REGISTRATION PERIOD.

Upon motion of Senator Basnight, seconded by Senator Foriest, the Senate adjourns in memory of Louis Nanne, Jr., and subject to introduction of bills and receipt of messages from the House of Representatives, to meet Monday, March 2, 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 Jacumin; Albertson, Allran, Atwater, Berger of Rockingham, Blake, Brock, Brown, Foriest, Forrester, Garrou, Goss, Hunt, Jenkins, Jones, McKissick, Preston, Rucho, Snow, Swindell and Tillman:

**S.B. 308**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS AND TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE LAW.

Referred to the **Finance Committee**.

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By Senators Kinnaird; Atwater, Dannelly, Dorsett, Garrou, Graham, Jones, Malone, McKissick, Nesbitt, Purcell, Shaw and Vaughan:

**S.B. 309**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CAPITAL TRIAL, SENTENCING, AND POST-CONVICTION PROCEDURES FOR A PERSON WITH A SEVERE MENTAL DISABILITY.

Referred to the **Judiciary I Committee**.

By Senators Garrou; Atwater and Purcell:

**S.B. 310**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WAKE FOREST UNIVERSITY FOR THE DEVELOPMENT OF A HYPERBARIC OXYGEN CHAMBER EQUIPPED STROKE TREATMENT AMBULANCE.

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

By Senators Garrou, Nesbitt; Atwater and Brunstetter:

**S.B. 311**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SPECIAL FOCUS UNIVERSITIES.

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

By Senators Swindell; Atwater, Bingham, Davis, Dorsett, Forrester, Goss, Graham, Hoyle, Hunt, Jacumin, Jones, McKissick, Stevens, Tillman and Vaughan:

**S.B. 312**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES AND USE TAX REFUND FOR LOCAL SCHOOL ADMINISTRATIVE UNITS SO AS TO OPTIMIZE SCHOOL CONSTRUCTION FUNDING, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Swindell; Apodaca, Atwater, Bingham, Brunstetter, Davis, Dorsett, Forrester, Goss, Graham, Hunt, Jacumin, Jones, McKissick, Rouzer, Stevens, Tillman and Vaughan:

**S.B. 313**, A BILL TO BE ENTITLED AN ACT TO CREATE A SALES AND USE TAX REFUND FOR COMMUNITY COLLEGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Swindell; Atwater, Davis, Dorsett, Forrester, Goss, Graham, Hoyle, Jenkins, Jones, McKissick, Stein, Tillman and Vaughan:

**S.B. 314**, A BILL TO BE ENTITLED AN ACT TO INCREASE FUNDING FOR THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING.

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

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By Senator Soles:

**S.B. 315**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT.

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

By Senator Apodaca:

**S.B. 316**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE HORACE WILLIAMS AIRPORT TO THE WILLIAMS-THORP AIRPORT.

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

By Senator Apodaca:

**S.B. 317**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senators Apodaca; and Jones:

**S.B. 318**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO REQUIRE A DRIVERS LICENSE TO OPERATE A MOPED ON PUBLIC STREETS AND HIGHWAYS, AND TO RESTRICT OPERATION OF MOPEDS ON PUBLIC STREETS AND HIGHWAYS TO THOSE STREETS AND HIGHWAYS WITH POSTED SPEED LIMITS OF FORTY MILES PER HOUR OR LESS.

Referred to the **Judiciary I Committee**.

By Senators Dorsett; Atwater, Bingham, Dannelly, Garrou, Jenkins, Jones, Malone, Stevens and Vaughan:

**S.B. 319**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA ARTS COUNCIL PROGRAMS.

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

By Senators Malone; Davis, Foriest, Goss, Graham, Jones, McKissick, Nesbitt, Purcell, Stein and Stevens:

**S.B. 320**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

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

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By Senators Malone; Apodaca, Atwater, Berger of Franklin, Davis, Foriest, Graham, Jones, McKissick, Nesbitt, Purcell, Snow, Stevens and Tillman:

**S.B. 321**, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

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

By Senators Malone; Apodaca, Atwater, Brunstetter, Davis, Foriest, Goss, Graham, Jones, McKissick, Nesbitt, Purcell, Snow, Stevens and Tillman:

**S.B. 322**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND TO PLACE NO FEWER THAN ONE HUNDRED GRADUATION COACHES IN EITHER MIDDLE OR HIGH SCHOOLS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

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

By Senators Malone; Apodaca, Atwater, Davis, Foriest, Goss, Graham, Jones, McKissick, Nesbitt, Purcell, Snow, Stein and Tillman:

**S.B. 323**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL LEARN AND EARN HIGH SCHOOLS IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

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

By Senators Queen; Atwater, Berger of Franklin, Bingham, Boseman, Foriest, Forrester, Goss, Hartsell, Malone, Nesbitt, Purcell, Rand, Snow, Stevens and Tillman:

**S.B. 324**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

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

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By Senators Queen; Apodaca, Atwater, Berger of Franklin, Bingham, Foriest, Goss, Hartsell, Jacumin, Nesbitt, Preston, Purcell, Snow, Stein, Stevens, Swindell and Vaughan:

**S.B. 325**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE FRIENDS OF THE MOUNTAINS-TO-SEA TRAIL, INC.

Referred to the **Finance Committee**.

By Senator Snow:

**S.B. 326**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION, DOING BUSINESS AS GRAHAM COUNTY PUBLIC SCHOOLS, TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

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

By Senator Jones:

**S.B. 327**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GATESVILLE TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

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

By Senator Clary:

**S.B. 328**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senators Hoyle; Allran, Apodaca, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clary, East, Forrester, Goss, Jacumin, Jenkins, Jones, Preston, Queen, Rouzer, Snow, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 329**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RECOGNIZE THE RIGHT TO HUNT AND FISH IN NORTH CAROLINA.

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

By Senators Purcell, Berger of Franklin; Atwater, Dorsett, Malone and Swindell:

**S.B. 330**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SURVEILLANCE OF HOSPITAL-ACQUIRED INFECTIONS IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON HOSPITAL INFECTION CONTROL AND DISCLOSURE.

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

By Senator Berger of Franklin:

**S.B. 331**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO NATIONAL ACCREDITATION BENCHMARK REQUIREMENTS FOR CERTAIN MEDICAID ENROLLED FACILITIES.

Referred to the **Health Care Committee**.

By Senators Brunstetter, Dorsett, Jones, Tillman, Weinstein; Albertson, Apodaca, Atwater, Berger of Rockingham, Bingham, Clodfelter, Davis, Foriest, Forrester, Garrou, Jacumin, Kinnaird, Preston, Purcell, Stevens and Vaughan:

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; AND TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Berger of Rockingham:

**S.B. 333**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE FIFTY-DOLLAR SURCHARGE ON ATTORNEY MEMBERSHIP FEES FOR THE NORTH CAROLINA PUBLIC CAMPAIGN FUND.

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

By Senators Berger of Rockingham; and Allran:

**S.B. 334**, A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARD OF TRANSPORTATION MEMBERS TO SIGN SWORN STATEMENTS OF INTEREST AT EVERY BOARD MEETING, TO TRANSFER CERTAIN POWERS OF THE BOARD OF TRANSPORTATION TO THE DEPARTMENT OF TRANSPORTATION, AND TO REQUIRE THE SECRETARY OF TRANSPORTATION TO DEVELOP AND IMPLEMENT A PROFESSIONAL APPROVAL PROCESS TO BE USED TO APPROVE ALL TRANSPORTATION PROJECTS.

Referred to the **Commerce Committee**.

By Senators Berger of Rockingham; Blake, Brown, Brunstetter, Goodall, Hunt, Jacumin, Preston and Tillman:

**S.B. 335**, A BILL TO BE ENTITLED AN ACT MAKING A PUBLIC RECORD ANY COMMUNICATION BY A PUBLIC OFFICER REGARDING THE QUALIFICATIONS OF AN APPLICANT FOR STATE EMPLOYMENT OR APPOINTMENT.

Referred to the **Judiciary I Committee**.

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By Senators Berger of Rockingham; Brock, Preston and Tillman:

**S.B. 336**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT, CONSISTENT WITH THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN DAVIS V. FEDERAL ELECTION COMMISSION, AND TO MAKE CONFORMING AND RELATED CHANGES.

Referred to the **Judiciary I Committee**.

By Senators Allran; Apodaca, Brunstetter, Forrester and Jacumin:

**S.B. 337**, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA ILLEGAL IMMIGRATION REFORM ACT.

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

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

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

**S.B. 198** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, March 2, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 2:44 P.M.

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### **NINETEENTH DAY**

Senate Chamber  
Monday, March 2, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Our Father, as we begin a new week here in the Senate, grant us the gift of modesty. When we speak, teach us to give our opinion quietly and sincerely. When we succeed, give us a sense of proportion, realizing what we owe to you

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and to the efforts of others. If we fail, may we not take the defeat personally. In all our ways, help us to be thoughtful, uncomplicated, quiet in manner and humble in attitude. Then much shall be accomplished this week in the Senate. We pray in your holy name. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham, Senator Clary, Senator Forrester, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Robert P. Majors from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILLS 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. 110**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS GHIO "SONNY BOY" JOYNER, WHILE JOINING THE CITIZENS OF WELDON IN RECOGNIZING THE TOWN AS THE ROCKFISH CAPITAL OF THE WORLD. (Res. 2)

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 112**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS.

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

**H.B. 164**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES.

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

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**CALENDAR**

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

**S.B. 207**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD CONSISTS OF AN EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN THE CASE OF A TIE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 3.

**S.B. 198** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 3, upon concurrence.

**SENATE PAGES**

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

Patricia Barnard, Garner; Faith Bauer, Durham; Elizabeth Boling, Clayton; Alex Clark, Gastonia; Joseph Clay, Ellenboro; William Cooper III, Fayetteville; Hannah Gardner, Raleigh; Brian Harris, Fayetteville; Gabrina Johnson, Cary; Morgan Johnson, Clayton; Cameron Martin, Holly Springs; Jessica Miller, Clayton; J.R. Robinson, Jr., Fayetteville; Ashton Rueda, Willow Spring; Brendan Smith, Fuquay-Varina; and Michael Wolfe, Durham.

Upon motion of Senator Basnight, seconded by Senator Foriest, the Senate adjourns subject to introduction of bills, ratification of bills, and receipt of messages from the House of Representatives, to meet Tuesday, March 3, at 3:00 P.M.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Goodall:

**S.B. 338**, A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES.

Referred to the **Finance Committee**.

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By Senator Goodall:

**S.B. 339**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE PORTION OF THE TOWN OF STALLINGS LOCATED IN UNION COUNTY AND TO AUTHORIZE THE DISTRICT TO LEVY UP TO A FIVE PERCENT ROOM OCCUPANCY TAX WITHIN THE DISTRICT TO BE USED FOR TOURISM DEVELOPMENT WITHIN THE DISTRICT.

Referred to the **Finance Committee**.

By Senator Jacumin:

**S.B. 340**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 44TH SENATORIAL DISTRICT.

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

By Senators Goss; Atwater, Bingham and Kinnaird:

**S.B. 341**, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE APPALACHIAN MOUNTAINS BY PROHIBITING ELECTRIC PUBLIC UTILITIES THAT OPERATE COAL-FIRED GENERATING UNITS LOCATED IN NORTH CAROLINA FROM PURCHASING OR USING COAL THAT IS EXTRACTED USING MOUNTAINTOP REMOVAL COAL MINING.

Referred to the **Commerce Committee**.

By Senators Goss; Atwater, Brown, Brunstetter, Goodall, Jacumin, Kinnaird, McKissick, Purcell, Queen, Snow, Tillman and Vaughan:

**S.B. 342**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON GRANDPARENTS' VISITATION RIGHTS.

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

By Senators Malone, Atwater, Goss, Nesbitt, Snow; Albertson, Dannelly, Dorsett, Jones, McKissick, Purcell, Stevens, Swindell and Weinstein:

**S.B. 343**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE MEDICAL EXAMINER SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

By Senators Malone, Atwater, Goss, Nesbitt, Snow; Albertson, Berger of Franklin, Dannelly, Dorsett, Jones, Purcell, Stevens, Swindell and Weinstein:

**S.B. 344**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE CHILDHOOD INFLUENZA VACCINATIONS UNDER THE STATE'S UNIVERSAL CHILDHOOD VACCINE DISTRIBUTION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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

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By Senators Malone, Atwater, Goss, Nesbitt, Snow; Albertson, Dannelly, Dorsett, Jones, Purcell, Stevens, Swindell and Weinstein:

**S.B. 345**, A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **Health Care Committee**.

By Senator Hartsell:

**S.B. 346**, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.

Referred to the **Finance Committee**.

By Senator Forrester:

**S.B. 347**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senator Boseman:

**S.B. 348**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS AND TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO THE SAME LICENSING AND RECORD-KEEPING REQUIREMENTS BY REPEALING THE "TEN PERCENT OR LESS OF PURCHASES" EXEMPTION FROM DEALER PERMITTING AND REGULATION.

Referred to the **Commerce Committee**.

By Senator Boseman:

**S.B. 349**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Referred to the **Finance Committee**.

By Senator Soles:

**S.J.R. 350**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROSCOE JACOBS, SR., FORMER CHIEF OF THE WACCAMAW SIOUAN TRIBE.

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

By Senators Bingham; Allran, Apodaca, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Davis, Dorsett, East, Forrester, Goss, Hartsell, Hoyle, Hunt, Jacumin, Kinnaird, Preston, Queen, Rouzer and Tillman:

**S.B. 351**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT NO PERSON CONVICTED OF A FELONY IS ELIGIBLE TO BE ELECTED SHERIFF.

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

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By Senators Kinnaird; Atwater, Bingham, Davis, Dorsett, McKissick, Stein, Stevens and Tillman:

**S.B. 352**, A BILL TO BE ENTITLED AN ACT TO ALLOW SICK LEAVE TRANSFERS FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT AND FOR 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 Kinnaird; Apodaca, Atwater, Berger of Franklin, Bingham, Davis, Dorsett, Foriest, Jones, McKissick, Rand, Stevens, Tillman and Vaughan:

**S.B. 353**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION.

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

By Senators Kinnaird; Atwater, Berger of Franklin, Foriest, McKissick, Nesbitt and Stevens:

**S.B. 354**, 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 **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:23 P.M.

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## TWENTIETH DAY

Senate Chamber  
Tuesday, March 3, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Danny Ellis, St. Paul's Baptist Church, Wilson, North Carolina as follows:

"Heavenly Father, thou who has existed from everlasting to everlasting, we come before you today with thanksgiving in our hearts and a praise upon our lips for thou has been a mighty good God. Here we are living in the most challenging times in our lifetime yet we are hopeful and excited about what you are about to do. We pray that thou would continue to bless this great Nation of

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ours. We pray that you bless this great State of ours. We pray that you bless every form of local government. But, Father, mostly we pray that you bless this leadership that stands in the historic walls of this Chamber. Give them the strength and wisdom to make the right decisions. Give them fortitude and faith to stand by their convictions. Give them the foresight to do your will. Now, Father, we pray that you would accept their willingness to serve their fellow man as your fulfillment of their sociological responsibility. Now clear their minds that they may think with clarity. Now clear their hearts that they may feel with compassion. Now clear their eyes that they may lead with integrity. For this and all blessings, we praise your holy and righteous name. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

**S.B. 37**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE OPERATION OF CERTAIN MOTORSPORTS VEHICLE COMBINATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85083, is adopted and engrossed.

By Senator Jones for the **State & Local Government Committee**:

**S.B. 29**, A BILL TO BE ENTITLED AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD, with a favorable report.

**S.B. 67**, A BILL TO BE ENTITLED AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS, with a favorable report.

**S.B. 173**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY, with a favorable report.

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**S.B. 248**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS, with a favorable report.

**S.B. 251**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with a favorable report.

**S.B. 294**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WILLIAMSTON TO EXPEDITE THE REMOVAL OF OVERGROWN VEGETATION BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR, with a favorable report.

**H.B. 32**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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 WHERE THE PROTECTED PARTY IS RESIDING, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget 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 Clary:

**S.B. 355**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LOCAL GOVERNMENT THAT HAS BEEN SUBMITTING PREMIUM

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PAYMENTS FOR ITS EMPLOYEES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES IS NOT LIABLE FOR CONTRIBUTIONS OWING TO THE STATE RETIREMENT SYSTEM FOR A SPECIFIED PERIOD.

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

By Senator Rand:

**S.B. 356**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NURSING PRACTICE ACT.

Referred to the **Health Care Committee**.

By Senator Rand:

**S.B. 357**, A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND COOPERATIVELY OWNED ORGANIZATIONS TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS, AND AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO CONSIDER AND ARBITRATE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE.

Referred to the **Commerce Committee**.

By Senators Rand; Atwater and Forrester:

**S.B. 358**, 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.

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

By Senator Brown:

**S.B. 359**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 360**, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT GRANTING THE POLICE DEPARTMENTS OF STATESVILLE AND MOORESVILLE COUNTYWIDE JURISDICTION WITHIN IREDELL COUNTY.

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

By Senator Hartsell:

**S.B. 361**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

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By Senators Swindell; Albertson, Apodaca, Atwater, Bingham, Boseman, Brown, Brunstetter, Davis, Dorsett, Foriest, Forrester, Garrou, Goss, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, Malone, Purcell, Queen, Rand, Rouzer, Snow, Stein and Tillman:

**S.B. 362**, 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 BY SHORTENING THE WAITING PERIOD BETWEEN RETIREMENT AND REEMPLOYMENT, EXTENDING THE SUNSET ON THE PROVISION, AND REMOVING THE PROHIBITION ON CONTRACTOR SERVICE AFTER RETIREMENT FOR ALL STATE EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Swindell; and Atwater:

**S.B. 363**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE POSITIVE BEHAVIOR SUPPORT INITIATIVE BY ESTABLISHING THREE NEW POSITIONS AT THE DEPARTMENT OF PUBLIC INSTRUCTION AND APPROPRIATE FUNDS FOR THE POSITIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senator Stevens:

**S.B. 364**, A BILL TO BE ENTITLED AN ACT RELATING TO ILLEGALLY PARKED VEHICLES IN THE TOWN OF APEX TO ALLOW USE OF WHEEL LOCKS.

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

### CALENDAR

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

**S.B. 207**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN THE CASE OF DUPLIN COUNTY, IF THE BOARD CONSISTS OF AN EVEN NUMBER OF MEMBERS, THE CHAIR OF A BOARD OF EDUCATION OR COUNTY BOARD OF COMMISSIONERS MAY VOTE ONLY IN THE CASE OF A TIE.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 198** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION.

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Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (49-1) 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. 198**, AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION.

### **ADDITIONAL SPONSOR**

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

**S.B. 329**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO RECOGNIZE THE RIGHT TO HUNT AND FISH IN NORTH CAROLINA.

Upon motion of Senator Basnight, seconded by Senator Boseman, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Wednesday, March 4, at 3:00 P.M.

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

The following message is received from the House of Representatives:

**H.B. 43**, A BILL TO BE ENTITLED AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE.

Referred to the **Judiciary II Committee**.

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

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

**H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, 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 joint resolution is placed on the Calendar for Wednesday, March 4.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:43 P.M.

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## TWENTY-FIRST DAY

Senate Chamber  
Wednesday, March 4, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Forgive us, O God, for the times that we exonerate ourselves at your expense. We blame you for things for which we are responsible and we praise ourselves for things for which you are responsible. Yet a cloud of witnesses surrounds us. They are those who look not to Wall Street for guidance but to the prophets and apostles who slay the dragon of personal greed on the altar of human service. Who risk failure for the sake of honesty rather than seek advantage through dishonesty. Who measure success not by the speed with which they move up, but by the grace with which they reach out. If we have yet to catch a glimpse of these good people, open our eyes, O Lord. I pray that we may be counted among them. In your holy name we pray. Amen."

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

*The Chair extends privileges of the floor to Dr. Elaine Cabinum-Foeller from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Debbie Schmitt from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

## CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 198**, AN ACT TO MODIFY THE RESTRICTIONS ON SERVICE ON THE STATE BOARD OF EDUCATION. (Became law upon approval of the Governor, March 4, 2009 - S.L. 2009-2.)

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**WITHDRAWAL FROM COMMITTEE**

**S.J.R. 146**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROGER BONE, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on Thursday, February 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 Thursday, March 5, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, March 5.

**PRIVILEGES OF THE FLOOR**

Upon motion of Senator Dannelly, privileges of the floor are extended to members of the House of Representatives who are in the Senate Chamber today for a presentation by The Healing Force, an African-American drum ensemble. Privileges of the floor are also extended to The Healing Force family. Representative Larry Womble is recognized and introduces the family members who perform in honor of Black History Month.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**S.B. 195**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

**S.B. 243**, A BILL TO BE ENTITLED AN ACT TO REDUCE INFANT MORTALITY AND REDUCE PRETERM BIRTHS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with a favorable report.

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

March 4, 2009

**MESSAGE FROM THE GOVERNOR**

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

BEVERLY EAVES PERDUE  
GOVERNOR

March 3, 2009

Ms. Janet Pruitt, Principal Clerk  
North Carolina Senate Legislative Building  
Raleigh, North Carolina 27603-5925

Dear Ms. Pruitt:

This is an amendment to the letter dated January 27, 2009, to comply with Sections 1 and 2 of Executive Order Number 107, dated February 20, 1997, in the Hunt Administration.

I hereby add the following designated employee of the Governor's Office as an additional official to whom delivery of bills can be made under the provision of Section 2.

1. James Harrison Gilbert

Thank you for your attention to this matter.

Sincerely,  
S/Beverly Eaves Perdue

BEP:mrl

cc: Denise Weeks, House Principal Clerk

**CALENDAR**

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

**S.B. 29**, 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 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, Clary, Clodfelter, Dannelly, Davis,

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Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---50.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, March 5, upon third reading.

**S.B. 67**, A BILL TO BE ENTITLED AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**H.B. 64**, A BILL TO BE ENTITLED AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS.

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

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

#### CALENDAR *(continued)*

**S.B. 173**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO EXERCISE EXTRATERRITORIAL PLANNING AND ZONING WITHIN NEW HANOVER COUNTY.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 251**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WINTERVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 294**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WILLIAMSTON TO EXPEDITE THE REMOVAL OF OVERGROWN VEGETATION BY AMENDING THE DEFINITION OF CHRONIC VIOLATOR.

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The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 32**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.B. 37** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE OPERATION OF CERTAIN MOTORSPORTS VEHICLE COMBINATIONS.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 248**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS.

The bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, 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 joint resolution passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Boseman, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Thursday, March 5, at 11:30 A.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Berger of Rockingham; Allran, Apodaca, Brown, Brunstetter, Goodall and Tillman:

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**S.B. 365**, 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 Rand; and Hoyle:

**S.B. 366**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE UNAUTHORIZED USE OF AN INDIVIDUAL'S RIGHT TO PUBLICITY FOR COMMERCIAL PURPOSES AND TO PROVIDE AN ENFORCEMENT MECHANISM OF THAT RIGHT.

Referred to the **Judiciary I Committee**.

By Senators Jenkins; and Snow:

**S.B. 367**, A BILL TO BE ENTITLED AN ACT TO REMOVE BILLING IN EXCESS OF COST FOR TAXPAYERS UTILIZING THE PERCENTAGE OF COMPLETION METHOD IN DETERMINING CAPITAL BASE FOR FRANCHISE TAX PURPOSES.

Referred to the **Finance Committee**.

By Senators Jenkins and Snow:

**S.B. 368**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR A RETIRED STATE HIGHWAY PATROL SPECIAL REGISTRATION PLATE, TO PROVIDE FOR THE RECOVERY OF CIVIL PENALTIES ASSESSED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO REQUIRE THAT ALL MOTOR VEHICLES USED IN INTRASTATE COMMERCE WEIGHING MORE THAN TWENTY-SIX THOUSAND ONE POUNDS BE MARKED, TO MODIFY THE REQUIREMENTS FOR FLAGS AND LIGHTING, WHEN HEADLAMPS WOULD BE REQUIRED TO BE USED ON LOADS THAT ARE PROJECTING FROM THE END OR SIDES OF A COMMERCIAL MOTOR VEHICLE OR A MOTOR VEHICLE WEIGHING MORE THAN TEN THOUSAND POUNDS AND ENGAGED IN COMMERCE, TO REQUIRE SAFE TIRES ON COMMERCIAL MOTOR VEHICLES AS REQUIRED BY PART 393 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, TO MAKE A CHANGE TO THE WEIGHT AND SIZE PENALTY PROVISIONS TO ALLOW FOR THE ASSESSMENT OF A CIVIL PENALTY FOR ONLY THAT AMOUNT OF WEIGHT IN EXCESS OF THE PERMITTED AMOUNT, TO REQUIRE THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ASSESS CIVIL FINES FOR VIOLATIONS OF THE SPECIAL PERMIT REQUIREMENTS OF G.S. 20-119, AND TO PREVENT MOTOR CARRIERS FROM OPERATING VEHICLES THAT HAVE BEEN DECLARED "OUT-OF-SERVICE," TO REQUIRE BRAKES AS STANDARD EQUIPMENT FOR SEMITRAILERS BEING PULLED BY TRACTOR TRUCKS AND OTHER PULL UNITS, TO REQUIRE THAT OWNERS OF MOTORCYCLES MAINTAIN IN GOOD WORKING ORDER DIRECTIONAL SIGNALS INSTALLED BY THE

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MANUFACTURER, TO MODIFY THE SEAT BELT EXEMPTION PROVIDED FOR GARBAGE AND RECYCLING TRUCK OPERATORS AND PASSENGERS TO COMPLY WITH THE PROVISIONS OF FEDERAL REGULATION 49 C.F.R. 392.16, TO PROHIBIT THE OPERATION OF A DIGITAL VIDEO DISC PLAYER AT ANY POINT FORWARD OF THE BACK OF A DRIVER'S SEAT WHILE OPERATING A MOTOR VEHICLE, AND TO INCREASE THE CAP ON THE MAXIMUM ALLOWABLE SUPERVISORY PERSONNEL IN THE STATE HIGHWAY PATROL FROM TWENTY-ONE PERCENT TO TWENTY-THREE PERCENT, AS REQUESTED BY THE STATE HIGHWAY PATROL.

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

By Senators Garrou; and Brunstetter:

**S.B. 369**, 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 Senator Stevens:

**S.B. 370**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF HOLLY SPRINGS TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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

By Senators Boseman; Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman and Vaughan:

**S.J.R. 371**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RICHARD JOHN MATTHEWS, FORMER OFFICER OF THE WILMINGTON POLICE DEPARTMENT.

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

By Senator Boseman:

**S.B. 372**, 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 II Committee**.

By Senators Purcell; Bingham, Forrester, McKissick and Rouzer:

**S.B. 373**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE UNIVERSITY OF NORTH CAROLINA KIDNEY CENTER.

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

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By Senators Purcell; Bingham, Dorsett, Forrester, McKissick and Rouzer:

**S.B. 374**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FURTHER PREVENT OR REDUCE NEURAL TUBE BIRTH DEFECTS BY CREATING A STATEWIDE VITAMIN DISTRIBUTION PROGRAM.

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

By Senators Purcell; Apodaca, Bingham, Brunstetter, Dorsett, Forrester, McKissick, Rand and Rouzer:

**S.B. 375**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS.

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

By Senators Foriest, McKissick; Albertson, Allran, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Dannelly, Dorsett, Forrester, Goss, Graham, Hoyle, Jenkins, Jones, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.J.R. 376**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JIM LONG, FORMER COMMISSIONER OF INSURANCE AND MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Albertson; Allran, Bingham, Boseman, Clodfelter, Goss, Jenkins, Rand, Rouzer, Stevens and Weinstein:

**S.B. 377**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PARTICIPATION IN INTERSCHOLASTIC ATHLETICS AT SCHOOLS AT WHICH ACADEMIC PERFORMANCE IS INADEQUATE.

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

By Senators Goodall; Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brunstetter, Clary, East, Hunt, Jacumin, Rucho and Shaw:

**S.B. 378**, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO PROVIDE FUNDS TO CHARTER SCHOOLS.

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

By Senators Goodall; Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Hunt, Jacumin, Preston, Rucho, Shaw and Tillman:

**S.B. 379**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

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By Senators Dannelly; Dorsett, Jones and Purcell:

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION.

Referred to the **Judiciary II Committee**.

By Senators Dannelly; Clodfelter, Graham and Rucho:

**S.B. 381**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN MECKLENBURG COUNTY.

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

By Senator Dannelly:

**S.B. 382**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senators Snow; Albertson, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Davis, Dorsett, East, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rucho, Shaw, Soles, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 383**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER FOR LOCAL GOVERNMENT WATER AND SEWER GRANTS.

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

By Senator Snow:

**S.B. 384**, 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. 385**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE SUBDIVISION OF LAND.

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

By Senators Clodfelter; Hoyle and Jenkins:

**S.B. 386**, A BILL TO BE ENTITLED AN ACT TO MAKE THE BEST USE OF STATE RESOURCES DURING THE CURRENT ECONOMIC DOWNTURN BY TEMPORARILY RETAINING ALL STATE CORPORATE INCOME TAX REVENUE FOR SUPPORT OF GENERAL FUND OBLIGATIONS.

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

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By Senator Clodfelter:

**S.B. 387**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM LICENSURE REQUIREMENTS PERSONS SELLING OR OFFERING TO SELL REAL ESTATE ADVERTISING SERVICES TO REAL ESTATE BROKERS.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

**S.B. 388**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL METHODS OF COLLECTING FINES AND FEES OWED BY OFFENDERS AND TO ALLOW COUNTIES TO RETAIN COLLECTION ASSISTANCE FEES.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly, Goodall, Graham and Rucho:

**S.B. 389**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

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

By Senator Hartsell:

**S.B. 390**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

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

By Senator Hartsell (by request):

**S.B. 391**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CABARRUS COUNTY TO LEVY A ONE-QUARTER CENT LOCAL SALES AND USE TAX FOR ROAD CONSTRUCTION PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTY.

Referred to the **Finance Committee**.

By Senator Brock:

**S.B. 392**, 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 and Hartsell:

**S.B. 393**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.

Referred to the **Finance Committee**.

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**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**H.B. 192** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:26 P.M.

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**TWENTY-SECOND DAY**

Senate Chamber  
Thursday, March 5, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina, as follows:

"Dear God, last night as I attended a gathering of the two First Baptist Churches of Raleigh, the mostly black church on Wilmington Street and the mostly white church on Salisbury Street, I thought of the differences and commonalities of those two congregations. I thought of this gathering and the people of North Carolina represented here with their diverse backgrounds yet common hopes. And so I pray for unity of purpose among those two churches, among North Carolinians across the State, and among these leaders. May we live today with the singular goal of serving you by serving each other. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Malone, and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, March 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Kevin Khoudary from Cary, 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 and joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 32**, AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

**H.B. 64**, AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS.

**H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, 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. 3)

**INTRODUCTION OF A RESOLUTION**

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 Stevens:

**S.J.R. 435**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FUQUAY-VARINA WHILE RECOGNIZING THE TOWN'S CENTENNIAL ANNIVERSARY.

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

**PRIVILEGES OF THE FLOOR**

Upon motion of Senator Basnight, the privileges of the floor are extended to Bradford Marcellus, musician from Durham, North Carolina, who is recognized to address the Senate.

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

**CALENDAR**

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

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**S.B. 29**, 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 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Stein, Stevens, Swindell, Tillman and Vaughan---46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

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

**S.J.R. 146**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROGER BONE, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

**Senator Swindell:**

“Mr. President, ladies and gentlemen of the Senate, I stand here today and I hope I can remember some of the things that I said this morning coming to Raleigh in my car because Reba, Fred, Jacob, Caleb, Laura, I made a pretty good talk this morning about my friend, Roger Bone, and two or three things came across my mind. To begin with, we got to honor a man while he was still living. We got to tell him how much we loved him. We got to go to his home. He never talked about Roger. He wanted to know what was going on in Raleigh. One day when I went over there, we were talking and you would think that no one had been there from Raleigh but they had. In fact, Wendell Murphy had been there shortly before I got there and visited with Roger at home. Roger Bone was from a community named Sandy Cross. Now if you don't know where Sandy Cross is, we are the producer and breeder of gnats in North Carolina. We have more gnats per square acre in Sandy Cross than anywhere else I'm aware of but we learned to live with the gnats, too! But in that community, there is something that grows even stronger and that is the close bond between the people of a community. Roger was never more than the boy from Sandy Cross. He never pretended to be more and he always loved his community and where he came from. Now most of us in here knew Roger as a lobbyist. Some of you who are new did not know Roger Bone. But let me tell you this, if you think back about Roger Bone, his word was always his bond. He was always helpful and he would go to the twelfth degree in trying to help

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you understand his client's issue. However, he would not ask you how you were going to vote. He would try to provide you with information. He would provide you more information, oftentimes more than you wanted. But he knew where to cut it off. One day I heard him talking to someone who was a member. The member said, 'Roger, if I don't support you on this are you going to be upset with me?' And Roger's answer was 'No, I'm not going to be upset with you. I'm going to need you in the morning.' So, I think many of our young lobbyists up here could take a lot from that. But as we face the next two or three days, we've heard this resolution about Roger and we're going to see spring when we walk out this afternoon. There is something special about that time of year because as we celebrate Roger we can all see him sitting up there in the gallery right now. We're going to get to celebrate his life again and maybe for this special family and all these special friends from Nash County, we will all say a special prayer for Reba who has just been so brave through all of this. Reba, we thank you for being a retired school principal, too, and what you've done for the children of our county. But I say to you folks, I commend this resolution to a great North Carolinian, to one who was a friend to us all and one that we will not forget. So I would ask you to support this resolution and I thank you, Mr. President and the family."

**Senator Nesbitt:**

"Thank you, Mr. President. I'm not really good at these kinds of things. This is really tough to talk about friends that you've known as long as you've known them. When I came into the General Assembly in '79, I came in mid-term and in Roger's freshman class which was Martin Lancaster, Paul Pulley, several other very high-quality people and I kind of got adopted by them but really mentored by them. I knew Roger, what I'll call from the beginning, because he was a freshman at the time and he was just getting started and I watched his life go on parallel lines with mine. And I'll tell you something. A. B. was talking about what people can take from Roger Bone. Roger made it to the top. He was rated the number one lobbyist in this town by being a very personable, common man. He didn't have ten of us in the back room at Sullivan's. He had us all over there for the Growler and you ate barbecue and listened to Bluegrass and did it in a very common way. He was just a good, solid, common man who cared about this State. He cared about us and, of course, the good of the State. I'll share something with you all that is one of the tricks of the trade. You know, we passed this lobbying law to where lobbyists can't buy you dinner. I saw Roger last year before we knew he was sick and I told him that I was getting so lonesome that I had figured out a way to do this. I would buy him dinner! And by the way, that's legal. You're allowed to buy them dinner if somebody would just go eat with you. And we got a kick out of that. Unfortunately, as we do in life, we all got so busy we never got to have that meal. Life just really gets sudden at times. But I certainly commend the resolution to you and would say one other thing about him. Throughout all the power that he may have known in Raleigh, his family was absolutely first to him. Period. We're all going to miss him. He was a good friend."

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**Senator Rand:**

“Thank you, Mr. President, ladies and gentlemen of the Senate. Roger Bone loved the legislature. He was very much an integral part of it but he loved the things we did. He loved to just be around it, as so many of us do. And he kind of presided over at Finch’s for breakfast and the Dead Ham Breakfast. He was one of the founders of the famous Dead Ham breakfast and that’s a great part of what we do to enjoy one another’s company and one another’s time. So as we think about what he meant to all of us and what he meant to North Carolina, the things we do here and the friendships we enjoy are very much a part of it. He was a great part of it and for that I think we all owe him a debt of thanks for just making this a place where we can enjoy one another’s company and enjoy being with one another as we talk about the things that really make North Carolina better. So I would certainly join with all of us in asking that we support this resolution and thanking his family for the service that he provided to so many people in so many different ways. Thank you, Mr. President.”

**Senator Albertson:**

“Thank you, Mr. President. Members of the Senate, I probably got to know Roger Bone better than any other lobbyist since I’ve been here. He and I worked together a lot on the swine legislation when all of that was going on in that industry back at that time. Of course, Roger always did a good lobbying for his client but as Senator Swindell said, at the end of the day he always respected your decision to do what you thought was right. But what I learned about Roger even more important than that, I found that Roger Bone had a lot of compassion for people and that is, I think, the thing I will remember about him more than any other thing. He had learned from his own life experiences and the experiences of other people and I found him to be a person with a big heart and that’s the way I will always remember him and I commend the resolution to you.”

**Senator Purcell:**

“Senator Rand has already mentioned Finch’s Restaurant and I just want to elaborate on that a little bit as a member of the unofficial club that meets down there for breakfast every morning. It’s an unwritten rule that you can’t lobby at breakfast and Roger was one that really stuck to that rule and then you got to really know what kind of person he was. Roger was just a great guy and just a regular sort of fellow who had concern for people and issues that were important and he was willing to give on things that he was fighting for if it meant something better for the people of North Carolina. I’ll just tell you that Finch’s is not the same for breakfast since Roger Bone is gone. He was kind of a fixture down there and we all miss him and I commend this resolution to you.”

**Senator Basnight:**

“Thank you, Mr. President. Members of the Senate, if you were to google Sandy Cross it would be just that, sandy land and a crossroads. In that crossroads is a country store that Roger’s family operated and ran. He has

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renovated that store and now has leased it to a Mexican family and they are prospering in seeing that the community has a place to join together in the afternoons after work or during lunch but he is providing a place, I am sure, at an expense to him but he wants to see the life continue. If you look at the community around the crossroads, you find tobacco fields, the finest sweet potatoes you can purchase, cucumber fields, strawberries, and all types of greens are grown there. But it is not far down that road in a community of people that he grew up and I'd stop there many times at Royce's place and at his cousin's place and Roger would ask me, 'Did you pick up any of those good sweet potatoes?' He was always curious about my connection to his community of people, those very people that he grew up with. He was a man like the crops in that community, that grew strong and provided for all nutrition in all of life. He was a farmer from heart but he was a man that gave more to us than that community had ever given to others. He cared so very much for the common man and what life was. We lost a good friend and a champion of what rural life in North Carolina is about. I recommend the resolution to you."

**Lieutenant Governor Dalton:**

"I just want to make a comment. One of the first people I ever met when I came to Raleigh was Roger Bone. He was a good friend of former Speaker Pro Tem Jack Hunt who was a mentor to me. Jack was my dentist. Jack called him up and said, 'Go by Walter's office and welcome him to Raleigh.' But Roger would have done that anyway. That's the kind of guy he was. Jack Hunt was somewhat of a mentor to me and Roger later became a mentor to my daughter and I always appreciated his friendship. He ate breakfast every morning at Finch's and lunch usually at the Oyster Bar. He lobbied for tobacco companies, he lobbied for the Pork Council and he always said his job would be a lot easier if he could teach pigs to smoke! That's the kind of a guy Roger was. He also lobbied for the volunteer firemen and I know they were always grateful for his efforts. In the gallery today is his wife, Reba Bone; his son, Fred Bone and his daughter-in-law, Laura Bone; his grandsons, Jacob and Caleb Bone; his brothers, Royce Bone and his wife, Faye; and Mike Bone and his wife, Jo Lynn; and his brothers-in-law, Al Batten and Glen Batten. We are happy to have you here today. He was a great man and we appreciate all he did for us and appreciate your being here. I'll ask you to stand and give them a round of applause."

The joint resolution passes its second reading (45-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Swindell, the Chair extends the courtesies of the gallery to the family of Roger Bone, Reba Bone, his wife; Frederick Bone, his son; Laura Bone, his daughter-in-law; Jacob and Caleb Bone, his grandsons; his brothers Royce Bone and his wife, Faye; and Mike Bone and, his wife, JoLynn; and Al Batten and Glen Batten, his brothers-in-law.

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**S.B. 195**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.J.R. 435**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FUQUAY-VARINA WHILE RECOGNIZING THE TOWN'S CENTENNIAL ANNIVERSARY, placed earlier on today's Calendar.

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

The joint resolution passes its second reading (45-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Stevens the Chair extends the courtesies of the gallery to John W. Byrne, Mayor of Fuquay-Varina; Andy Hedrick, Town Manager of Fuquay-Varina; and Woody Harvey, Recreation and Parks Director of Fuquay-Varina.

#### **ADDITIONAL SPONSOR**

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

**S.B. 204**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS.

**S.B. 275**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA KOREAN WAR VETERANS MEMORIAL PARK.

**S.B. 306**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS WHO BECOME ASSISTANT PRINCIPALS DO NOT EXPERIENCE A DECREASE IN MONTHLY PAY.

**S.B. 362**, 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 BY SHORTENING THE WAITING PERIOD BETWEEN RETIREMENT AND

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REEMPLOYMENT, EXTENDING THE SUNSET ON THE PROVISION, AND REMOVING THE PROHIBITION ON CONTRACTOR SERVICE AFTER RETIREMENT FOR ALL STATE EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

**S.B. 367**, A BILL TO BE ENTITLED AN ACT TO REMOVE BILLING IN EXCESS OF COST FOR TAXPAYERS UTILIZING THE PERCENTAGE OF COMPLETION METHOD IN DETERMINING CAPITAL BASE FOR FRANCHISE TAX PURPOSES.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to introduction of bills, ratification of bills, receipt of committee reports, receipt of messages from the House of Representatives and appointment of an escort committee to meet Monday, March 9, 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:

By Senator Atwater:

**S.B. 394**, 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 Kinnaird:

**S.B. 395**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS, HANDICAP, SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION.

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

By Senators Clary; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hunt, Preston, Rouzer, Rucho and Tillman:

**S.B. 396**, A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO THE TWIN OF ANY STUDENT ASSIGNED TO A CHARTER SCHOOL.

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

By Senators Clary; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Goodall, Hartsell, Hunt, Rouzer, Rucho and Tillman:

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**S.B. 397**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE NUMBER OF CHARTER SCHOOLS BY FIVE PER YEAR.

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

By Senators Clary; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Hunt, Preston, Rucho and Tillman:

**S.B. 398**, 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 **Commerce Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Apodaca:

**S.B. 399**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

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

By Senator Apodaca:

**S.B. 400**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL NOT INCREASE IN-STATE TUITION OR CERTAIN FEES AT ANY CONSTITUENT INSTITUTION UNTIL AUGUST 1, 2010.

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

By Senator Apodaca:

**S.B. 401**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO JOINTLY DEVELOP A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS.

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

By Senator Berger of Franklin:

**S.B. 402**, 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. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO PROVIDE THAT CRIMINALLY INJURIOUS CONDUCT INCLUDES BOTH FELONY AND

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MISDEMEANOR DEATH BY VEHICLE AND TO PROVIDE THAT ECONOMIC LOSS FOR WHICH COMPENSATION MAY BE AWARDED INCLUDES THE COST OF GRIEF COUNSELING FOR THE SPOUSE AND CHILDREN OF THE DECEASED VICTIM.

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

By Senators Jenkins and Davis:

**S.B. 404**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE EAST CAROLINA UNIVERSITY HEALTH SCIENCES DIVISION TO USE TO TRAIN PROFESSIONALS WHO WORK WITH PRESCHOOL AND SCHOOL-AGE CHILDREN WHO HAVE COCHLEAR IMPLANTS AND TO PROVIDE ORAL CLASSES TO THOSE CHILDREN.

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

By Senators Hartsell, Brunstetter, Clodfelter, and Hoyle:

**S.B. 405**, A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS BY REQUIRING A REPORT OF SALES INFORMATION WHEN REAL PROPERTY IS TRANSFERRED.

Referred to the **Commerce Committee**.

By Senator Hartsell:

**S.B. 406**, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

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

By Senator Hartsell:

**S.B. 407**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE MULTICAMPUS CENTER FUNDS FOR ROWAN-CABARRUS COMMUNITY COLLEGE.

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

By Senators Nesbitt, Allran, Atwater, Dannelly, Forrester, Malone, Purcell, Shaw; Berger of Franklin, Kinnaird, McKissick, Queen, Snow and Vaughan:

**S.B. 408**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

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By Senators Nesbitt, Allran, Atwater, Dannelly, Forrester, Malone, Purcell, Shaw; Berger of Franklin, Kinnaird, McKissick, Queen, Snow and Vaughan:

**S.B. 409**, A BILL TO BE ENTITLED AN ACT TO ENACT VARIOUS LAWS TO IMPROVE THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Nesbitt, Atwater, Dannelly, Malone, Purcell, Shaw; Kinnaird, McKissick and Snow:

**S.B. 410**, A BILL TO BE ENTITLED AN ACT TO INCREASE TO THE NATIONAL AVERAGE THE RATE OF TAX ON CIGARETTES AND TO CREDIT THE NET PROCEEDS OF THIS INCREASE TO THE MENTAL HEALTH TRUST FUND, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

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

By Senators Brunstetter; Boseman, Brown, East, Garrou, Jones, Snow, Stein, Stevens and Tillman:

**S.B. 411**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

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

By Senators Brunstetter; Brown, Clodfelter, Hartsell and Stevens:

**S.B. 412**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT.

Referred to the **Judiciary I Committee**.

By Senators Brunstetter, Clodfelter, Hartsell, Hoyle; and Stevens:

**S.B. 413**, A BILL TO BE ENTITLED AN ACT TO URGE THE 111TH CONGRESS TO GRANT STATES THE ABILITY TO REQUIRE

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COLLECTION OF SALES AND USE TAX BY REMOTE RETAILERS AND TO UPDATE THE REFERENCE TO THE STREAMLINED SALES AND USE TAX AGREEMENT.

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

By Senators Dorsett; Albertson, Dannelly, Jones, Kinnaird, Malone, Purcell, Rand and Snow:

**S.B. 414**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA SYMPHONY.

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

By Senators Dorsett; Berger of Rockingham, Bingham and Vaughan:

**S.B. 415**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO REGARDING APPOINTMENT OF THE CITY ATTORNEY.

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

By Senators Dorsett; Berger of Rockingham, Bingham and Vaughan:

**S.B. 416**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO REGARDING THE AUTHORITY OF THE CITY MANAGER TO ENTER INTO SERVICE CONTRACTS.

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

By Senators Clodfelter, Stevens; Berger of Franklin, Bingham, Dannelly, Davis, Dorsett, Hartsell, Jenkins, Jones, Kinnaird, McKissick, Purcell, Shaw, and Weinstein:

**S.B. 417**, 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 Clodfelter; and Hartsell:

**S.B. 418**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF COMMUNITY COLLEGES TO STUDY STRATEGIES FOR MAKING THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT.

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

By Senators Clodfelter; and Hartsell:

**S.B. 419**, A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES AND TO DIRECT THE STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE NEED FOR FURTHER PURCHASING FLEXIBILITY.

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

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By Senators Clodfelter; Hartsell and Stevens:

**S.B. 420**, A BILL TO BE ENTITLED AN ACT TO MAKE THE BEST USE OF STATE RESOURCES DURING THE CURRENT ECONOMIC DOWNTURN BY TEMPORARILY REDIRECTING ANNUAL MASTER SETTLEMENT AGREEMENT PAYMENTS FROM THE NONPROFIT CORPORATION THE GOLDEN L.E.A.F., INC., TO THE SETTLEMENT RESERVE FUND TO ENABLE THE GENERAL ASSEMBLY TO BETTER PRESERVE VITAL STATE SERVICES WITHOUT AFFECTING THE ABILITY OF THE NONPROFIT CORPORATION TO FULFILL ITS MISSION.

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

By Senator Davis:

**S.B. 421**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senators Rouzer; Albertson, Allran, Apodaca, Berger of Franklin, Bingham, Brown, Brunstetter, Davis, Foriest, Forrester, Goss, Hartsell, Hoyle, Jacumin, Preston, Purcell, Stevens, Swindell, Tillman and Vaughan:

**S.B. 422**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A FIRST IN TURF SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Brown, Rand; Allran, Blake, Brock, Brunstetter, Clary, East, Goodall, Hunt, Jacumin, Malone, Preston, Rouzer, Rucho, Stevens and Tillman:

**S.B. 423**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE.

Referred to the **Commerce Committee**.

By Senators Brown, Swindell; Allran, Apodaca, Blake, Brock, Brunstetter, Clary, East, Goodall, Hunt, Jacumin, Malone, Preston, Rouzer, Rucho, Stevens and Tillman:

**S.B. 424**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REORGANIZE ALL HIGH SCHOOLS THAT HAVE A HIGH DROPOUT RATE.

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

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By Senators Kinnaird; Berger of Franklin, Bingham, Boseman, Graham, Jenkins, Jones, Malone, McKissick, Nesbitt, Purcell and Rand:

**S.B. 425**, 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.

Referred to the **Commerce Committee**.

By Senators Kinnaird; Berger of Franklin, Bingham, Graham, Jenkins, Jones, Malone, McKissick, Purcell and Rand:

**S.B. 426**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN STATE EMPLOYEES RECEIVE AN ACROSS-THE-BOARD PAY INCREASE, MEMBERS OF THE GENERAL ASSEMBLY RECEIVE THE SAME INCREASE, AND TO UPDATE MILEAGE TO CURRENT FEDERAL RATES.

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

By Senators Kinnaird; Goss, Graham and McKissick:

**S.B. 427**, A BILL TO BE ENTITLED AN ACT TO RESTORE CONTRACT RIGHTS TO STATE AND LOCAL ENTITIES.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Boseman; Brown, Preston and Soles:

**S.B. 428**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A TEMPORARY STAY ON INCREASED SURCHARGES AND DEDUCTIBLES UNDER THE BEACH PLAN AND THE FAIR PLAN AND TO TEMPORARILY STAY PROPERTY INSURANCE RATE INCREASES FOR HOMEOWNERS POLICIES ACROSS THE STATE.

Referred to the **Commerce Committee**.

By Senator Boseman:

**S.B. 429**, A BILL TO BE ENTITLED AN ACT AUTHORIZING NEW HANOVER COUNTY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

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

By Senator Boseman:

**S.B. 430**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE WILMINGTON CIVIL SERVICE ACT.

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

By Senators Rucho; Allran, Apodaca, Bingham, Brown, Clodfelter, Dannelly, East, Forrester, Goodall, Graham, Hartsell, Hoyle, Hunt, Jacumin, Preston and Tillman:

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**S.B. 431**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS D FELONY TO COMMIT A ROBBERY WITH AN APPARENT FIREARM.

Referred to the **Judiciary I Committee**.

By Senators Blake; Brown, Hunt, Malone, McKissick and Tillman:

**S.B. 432**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN.

Referred to the **Finance Committee**.

By Senator Preston:

**S.B. 433**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT.

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

By Senator Goss:

**S.B. 434**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

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

The following message is received from the House of Representatives:

**H.B. 104** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

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

#### **APPOINTMENT OF ESCORT COMMITTEE**

Senator Soles, Chair; Senator Rand; Senator Dorsett; Senator Dannelly; Senator Malone; Senator Forrester; Senator Berger of Rockingham; and Senator Allran are appointed as the Committee to escort the Honorable Beverly Eaves Perdue, Governor, to the Joint Session of the General Assembly on Monday, March 9, to hear the State-of-the-State address.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

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

March 5, 2009

**S.B. 89**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK 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 55157, 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  
March 5, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, 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 Beverly E. Perdue to the Joint Session:

Representative Wainwright  
Representative Holliman  
Representative Owens  
Representative Ross  
Representative Goforth  
Representative Farmer-Butterfield  
Representative Hall  
Representative Bell  
Representative Stam  
Representative Tillis  
Representative Blue, and  
Representative Brubaker

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

March 5, 2009

**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. 435**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF FUQUAY-VARINA WHILE RECOGNIZING THE TOWN'S CENTENNIAL ANNIVERSARY. (Res. 4)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:17 P.M.

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**TWENTY-THIRD DAY**

Senate Chamber  
Monday, March 9, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, the state of our State is a top of mind priority issue for every member in this Chamber. Each is committed to building a better world for our people and each member serves as an architect in that process. As we prepare to hear the Governor's address tonight, remind us of the foundations on which the kingdom of God is built, that even in a time of economic hardship, we never forget to be kind. That we be unselfish in friendship, thoughtful of those less fortunate than ourselves and eager to bear the burdens of others. We pray this prayer in your holy name. Amen."

The Chair grants leaves of absence for today to Senator Goodall, Senator Jenkins, and Senator Rucho.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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

March 9, 2009

*Cathy Chapman from Efland, 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. 146**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROGER BONE, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 5)

### 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. 32**, AN ACT AUTHORIZING THE CITY OF CLINTON TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE. (Became law upon ratification, March 5, 2009 - S.L. 2009-3.)

**H.B. 64**, AN ACT RESTORING THE ZONING PROTEST RIGHTS OF THE CITIZENS OF THE CITY OF GREENSBORO BY REPEALING THE EXEMPTION OF THAT CITY FROM THE GENERAL LAW RELATING TO ZONING PROTEST PETITIONS. (Became law upon ratification, March 5, 2009 - S.L. 2009-4.)

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives  
Monday, March 9, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR

March 9, 2009

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 be added to the escort committee for Governor Beverly Eaves Perdue.

Representative Insko,  
Representative Underhill, and  
Representative Williams

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### CALENDAR

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

**S.B. 89** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM.

The Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### SENATE PAGES

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

Kevin Adams, Dunn; Andres Ainolhayat, Fayetteville; David Allen, Wendell; Victoreah Brunson, Greensboro; James Patrick Coats II, Clayton; Tyler Gartland, Raleigh; Ryan Gerney, Raleigh; Emily Hamre, Wilson; Tiffany Harmon, Hudson; Jarvis Moss, Gastonia; Wilson Powell, Asheville; Phillip Pruett, Jr., Hickory; LeAhnies Rivers, Warsaw; Vicente Saraos, Fayetteville; Anu Singh, Cary; Zach Sullivan, Fayetteville; and Erin Wuebbens, Durham.

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

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

March 9, 2009

House of Representatives  
March 9, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 363**, A JOINT RESOLUTION INFORMING HER EXCELLENCY, GOVERNOR BEVERLY E. PERDUE, 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 H.J.R. 363, 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 Beverly Eaves Perdue and further moves that upon dissolution of the Joint Session, the Senate stand adjourned subject to introduction of bills and receipt of messages from the House of Representatives to reconvene Tuesday, March 10, at 2:30 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 presences 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.

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.

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*The Speaker extends the courtesies of the House to the First Gentleman of North Carolina, Mr. Bob Eaves; to the sons of Governor Beverly Eaves Perdue, Garrett Perdue and his wife April; and Emmett Perdue and his fiancée, Sarah; and to the wife of Lieutenant Governor Walter Dalton, Lucille Dalton; and all invited guests.*

*The Speaker relinquishes the gavel to Lieutenant Governor Walter Dalton, President of the Senate, who presides.*

The President of the Senate calls the Joint Session of the General Assembly to order.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of Her Excellency, The Honorable Beverly Eaves Perdue, Governor. The President directs the Sergeant-at-Arms of the House of Representatives and the Sergeant-at-Arms of the Senate and the escort committee 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 Her Excellency, The Honorable Beverly Eaves Perdue, who delivers the State-of-the-State Address to the 2009 General Assembly.

#### **STATE-OF-THE-STATE ADDRESS**

“Speaker Hackney, President *Pro Tem* Basnight, Lieutenant Governor Dalton, members of the General Assembly and all honored guests who are assembled here with us tonight, let me recognize some folks who are really important to me, the people who put up with this for so long – my sons, Garrett and his wife, April, and Emmett and his fiancée, Sarah. And, then there is another really important guy in my life. Unlike most of us, he didn't seek this position but he accepts it. The truth would be that on some nights he puts up with it because there is never a home-cooked meal in our household – North Carolina's very first, First Gentleman, Bob Eaves. Tonight, I ask you to join me in expressing North Carolina's deepest gratitude to our Nation's Soldiers, Sailors, Airmen, Marines, Coast Guard, the members of the National Guard and all those Reserves across this great State. They call North Carolina their home. We send a special thank you to the families of the military because we in North Carolina understand that service to the military is a family commitment. With us tonight is Lieutenant Colonel Jeffrey Copeland and his wife, June. Jeff is the Commander of the 1st-130th Attack Reconnaissance Battalion. He is joined by Staff Sergeant David Rhodes, who is an aircraft mechanic in Delta Company, and his wife, Michelle. Let's all recognize them and say thank you. Let me tell you a little bit about this squadron. They were the Nation's very first reserve helicopter battalion that was deployed after 9-11. They served seventeen months in Afghanistan. In a week, Jeff, David and 480 other members of this same unit will leave again in a deployment to Iraq. We thank you and all the

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members in your battalion. We hold you in our prayers and wish you success and God's Speed in your mission. It is a privilege and honor to be here with you tonight. I want to thank the citizens of North Carolina for giving me the opportunity to serve as the Governor of the greatest State in America - and might I add, in case some of you have forgotten, North Carolina's first female Governor. I remember the first time I sat in this Chamber as a freshman, right up here. I don't know why they put freshmen in the front in those days but that's what they did. There were twenty-four women in the General Assembly. Today, as I look around there are forty-three women in this Body. The legislative choir in these times has a broader, stronger and more diverse voice. More points of view are being heard in state government. That is a very good thing for North Carolina. North Carolina, like most states, has been thrown into the midst of a global economic crisis. To come through it, and we will, we must make tough decisions -- choices that I will make and that you will make. That is our job and our responsibility:

- To confront the difficult circumstances and deal with them;
- To move wisely, prudently and decisively;

To do what we must do to get through the tough times, as we also position ourselves and North Carolina to seize the opportunities of the future. That is why, as much as it is my privilege to talk with you tonight, I also want to speak frankly and directly to the citizens of North Carolina. Let me frame the picture for all of you. Families all around North Carolina are anxious. Many have lost their jobs. Many others have lost their homes. As I travel around this State, and I do just like you do, I see the uncertainty and worry in the eyes of North Carolinians. When I made one of my surprise site visits to a state employment office, I spent about an hour talking to the people and listening to them and I heard what they were saying. I talked to a 70-year-old gentleman about why he was there and he told me about how he had spent or lost all of his retirement savings and there he was looking for a job, not what he thought his life would hold for him looking toward retirement. A woman with her three children in tow had lost her job and I listened to her tell the employment counselor that she'd take anything. In that same line, there was a Ph.D. who thought he was in a cutting-edge permanent 21st Century career. But instead, that day he found himself in the unemployment line. These people are North Carolina. They are America and as elected officials, it is our moral responsibility to work together to help our citizens restart their lives. That is why we are here. Now I know those of us in this chamber tonight can't fix everything. No one can. But there are some things we can do. By making the tough choices, by taking decisive action to meet our challenges, we can and we will be part of the solutions we need to move North Carolina forward. For me, I will do whatever it takes to:

- Pay our State's bills.
- Keep all our kids healthy and in school.
- Make sure, that when our seniors need care, they can get it.
- Keep prisoners locked up and keep our people safe.
- Create jobs and provide ways for those who are out of work to learn new skills.

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So, let me be direct with you. This is what we must do now and for the future of North Carolina. **WE START BY REVIVING NORTH CAROLINA'S ECONOMY.** We must go after every federal recovery dollar that is available. We need to get that money into North Carolina and we will put our people back to work by:

- Building bridges.
- Paving roads.
- Expanding and renovating our infrastructure.

It will take engineers, architects, contractors, technology experts and laborers of all types. It was no joke when I said if South Carolina's Governor doesn't want his federal recovery funds, as bad a robber as I am, I'd drive a pickup truck down and I would get his share of the money. I know and you know how to put those dollars to good use and help our people. To those folks in South Carolina, I offer a warm invitation. 'Come on up here to North Carolina. Stay a while.' See how we in the Tar Heel State can push forward—even in tough times. That's what we can do for the people in our State. But, back to business. We will ensure that the recovery dollars are spent with maximum efficiency, transparency, and accountability. That's really important. I have put a team together in my Office of Economic Recovery & Investment that will track every dollar. With the click of a mouse, taxpayers can go to [www.NCRecovery.gov](http://www.NCRecovery.gov) and see details of what North Carolina is doing and how we are investing those funds. You'll know where the money went, who got the contract, and when they completed the work. Soon, NC OpenBook will do the same for every state contract and grant worth more than \$10,000. This is taking care of the people's business, North Carolina style. But we can't rely on the federal government alone. We have to do whatever it takes, on our own, here in North Carolina to create jobs, to help displaced workers get new jobs, and to keep families in their homes. We cannot and we will not let our citizens' dreams for the future die. Not in North Carolina. We are already transforming our traditional industries into 21st Century jobs. N.C. State is leading the Nation in developing lightweight textiles that are used in the aerospace industry. That's how we got cutting-edge work that helped us bring SpiritAero Systems here, with more than 1,000 jobs. We have broadened our traditional agricultural economy and become a Mecca for biotech, pharmaceuticals, and life sciences by uniquely bringing together government, higher education and the private sector. This allows ideas to springboard from the lab to the market place. Just look around the State. There's Quintiles, Merck, Bayer, Biogen, PPD and more. Even as we work to grow the economy, **WE MUST ALSO TRANSFORM THE WAY WE INVEST THE PEOPLE'S MONEY.** Starting today, it is no longer business as usual for North Carolina's budget. I want all of our citizens to know it is a new day in North Carolina. Everything is on the table. We don't have time for talk-show political posturing or petty partisan games. Not on my watch. Not in these times. We are confronted with challenges that our State has not seen since the Great Depression. With a \$3 billion plus shortfall, we have to be

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upfront and make hard, painful decisions. 'Truth in budgeting' time is here, now today. It is what we must do to balance the budget and put North Carolina on strong footing for now and for the future. 'Cutting the fat' is a cliché that does not go far enough. In the budget I present next week we will reduce and cut state government programs and services that many, including me, know have been effective but which, in these times, we simply cannot afford. **FOR NORTH CAROLINA, EDUCATION IS THE PRIORITY.** Even as we search out ways to cope with our deteriorating economic landscape, we have to be sure to protect our most precious asset -- our children -- who are our future workers. So we must find ways to be inventive and engaging in the way our schools work and students learn. We must, as the saying goes, 'not eat our seed corn,' but continue to move forward on education to keep North Carolina competitive in the global market place. And yes, even in these tough times, **we will increase per-pupil spending** in our public schools this year. And while we will hold schools, teachers and students accountable, we will bring some sanity to North Carolina's own testing mania by eliminating duplicative or unnecessary tests. I have reorganized our public schools with Bill Harrison becoming both the CEO of the State Board of Education and of the Department of Public Instruction -- adding accountability and clear direction to a system that is badly in need of both. And, as we make sure our schools perform, we must expect no less from all of our citizens. No child in North Carolina has permission to drop out of school and in North Carolina no teacher has permission to give up on any student. No parent has a free pass from their responsibility to be fully involved in their child's education. And no segment of our community, particularly our business community, gets a free pass on education. Our business leaders need to put a lot of energy, as they do now, into making sure that North Carolina's tax rate is competitive. They really need to put the same effort into helping North Carolina be the home of the Nation's best educated workforce. And we will begin my College Promise to remove financial barriers for access to higher education. In this global economy, education beyond high school is not a luxury, it's a necessity. My efforts create a pathway that starts in pre-kindergarten, offering courses of study that fit students' needs -- all the way through vocational, community college, or college system. Seamless learning, pre-K through 20, that's the goal. And we will in North Carolina use technology to modernize the classroom and enable teaching to catch up with the way our kids live. Let's face it. Today's students show up at school with more technology in their pockets and backpacks than they find in their classrooms. For too many students, they ignore what's going on in the classroom while they are busy 'tweeting' on twitter just like I see some of you doing while I am talking! North Carolina's Virtual Public High School will ensure that any kid in any high school can take any class he or she needs. This is the 21st Century North Carolina. This levels the education playing field for students and it also assures educational equity. **AND, AS WE FOCUS ON EDUCATION, WE WILL ALSO WORK TO RESTORE CITIZENS' FAITH IN THEIR**

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**GOVERNMENT.** In the 21st Century we must conduct the business of government in ways that bring transparency and accountability to the people. We will restore our citizens' confidence that government can help solve problems and work efficiently without wasting tax dollars. On my first day in office I ordered reforms to change the face of state government. At the Department of Transportation I insisted on openness and bringing professional decision-making to the process. And some major policy decisions, like the new 'zero tolerance' policy in mental health, corrections, and other systems throughout state government, will sometimes be painful because I am exposing weaknesses and individual actions that are simply unacceptable and wrong in North Carolina. I believe 'zero tolerance' is how we find and correct the weaknesses that put people's lives at risk and undermine faith in state government. I have set high expectations for myself and for everyone who works for North Carolina. We will be open, ethical, and put the public's interest first. Taxpayers deserve no less from every state worker and I expect nothing less from every state employee. And, again my friends, these same taxpayers deserve no less from you. As the legislature starts work on the budget and the important services that our citizens need, let me be clear about where I stand. Education is the engine that propels North Carolina's future. It cannot and it will not be sacrificed. This is the time to stand up to the sweet seductions of special interests, to the temptations of politically popular pork barrel spending, and end the practice of backroom dealing. Those days are gone because we simply cannot afford them. We cannot afford them in these perilous times. Our first and only duty is to stand by North Carolina's families. That is why we are here. The choices we face are clear. We are each called to service, to courage, and sacrifice. We have been given the privilege and the responsibility to govern during a really difficult time. We have been called, quite frankly, to the responsibility of leadership in North Carolina. This is the time for all of us to answer that call. It is a time for ordinary citizens in this citizen legislature to be extraordinary leaders. And we need not look far in North Carolina to find living examples of that kind of determination, hard work and sacrifice that make ordinary people extraordinary heroes and 'she-roes.' I look to Donna Dent, one of the heroic flight attendants on US Airways Flight 1549 - the 'Miracle on the Hudson.' Donna is with us this evening in the gallery. Stand up so people can see you. Let me tell you a little bit about Donna. Donna calls herself just a 'little Winston-Salem girl' who did her job. What a job this 1975 Reynolds High grad did! She made sure every passenger got out of that Airbus 320 alive. She was the last to leave the plane with the co-pilot and pilot and then she took off her sweater and she gave it to a freezing passenger in a life boat. She did her job and she was willing to give her life to help others. Donna Dent -- an ordinary person -- who showed extraordinary leadership and courage as she did her job. She is North Carolina! Acting courageously. The words are simple, aren't they, but today's challenges are not. Three quarters of a century ago, at a time not unlike now, Governor Max Gardner told the General Assembly, 'The

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whole future of this State will be profoundly affected by the work you do here in the eventful days that lie just ahead.' So, as Governor Gardner called on the 1931 legislature to change the way government did business, I call upon you to join me in renewing and reinvigorating our service to North Carolina -- with the spirit of innovation and a purpose that these times demand. Last November, you, the voters of North Carolina, gave us the opportunity to make the tough decisions that the 21st Century demands. You put your most sacred trust, your votes, in us. You believed in us. You placed your futures, literally, in our hands. We must not -- and we will not -- let you down. In these tough times, North Carolina must continue pushing ahead. We North Carolinians do not shy away from challenges and we absolutely do not quit. Simply getting our economy back to what it was isn't good enough. We will make our economy stronger. We all must have high expectations for ourselves and for North Carolina's futures. We all must exhibit extraordinary leadership, courage, determination, and make the tough, but right decisions. We will move North Carolina forward even in these challenging times. And, as a new day dawns for North Carolina and America, and it will, and as we come out of this global recession, North Carolina, the Old Tar Heel State, will be poised to take on the world. Good night. God bless you and God bless North Carolina."

The Escort Committee is recognized to escort Governor Perdue 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 subject to introduction of bills and receipt of message from the House of Representatives to reconvene Tuesday, March 10, at 2:30 P.M.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Soles:

**S.B. 436**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE TOWN OF OAK ISLAND.

Referred to the **Finance Committee**.

By Senator Goodall:

**S.B. 437**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY.

Referred to the **Finance Committee**.

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By Senators Goodall; Kinnaird and Snow:

**S.B. 438**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SAFER COMMUNITIES MINISTRY.

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

By Senators Goodall; Apodaca, East, Preston and Rucho:

**S.B. 439**, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN EXCISE TAX ON CERTAIN LOTTERY WINNINGS AND TO PROVIDE A STIPEND FOR TEACHERS.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 440**, A BILL TO BE ENTITLED AN ACT ESTABLISHING LAWS PERTAINING TO GESTATIONAL SURROGACY AGREEMENTS.

Referred to the **Judiciary I Committee**.

By Senator Weinstein:

**S.B. 441**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE WORK OF THE NORTH CAROLINA INDIAN ECONOMIC DEVELOPMENT INITIATIVE, INC.

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

By Senators Malone, Stevens; Albertson, Atwater, Brown, Brunstetter, Dannelly, Davis, Goss, Hoyle, Jenkins, Jones, Purcell, Swindell and Tillman:

**S.B. 442**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CUSTOMIZED TRAINING PROGRAMS IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

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

By Senators Malone, Stevens; Atwater, Brown, Brunstetter, Dannelly, Davis, Goss, Hoyle, Jacumin, Jenkins, Jones, Purcell, Swindell and Tillman:

**S.B. 443**, 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**.

By Senators Malone, Stevens; Albertson, Atwater, Brown, Dannelly, Davis, Goss, Hoyle, Jenkins, Jones, Purcell, Swindell and Tillman:

**S.B. 444**, 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 Malone, Stevens; Albertson, Atwater, Brown, Brunstetter, Dannelly, Davis, Goss, Hoyle, Jacumin, Jenkins, Jones, Purcell, Swindell and Tillman:

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**S.B. 445**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE EQUIPMENT.

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

By Senators Malone, Stevens; Atwater, Brown, Brunstetter, Dannelly, Davis, Goss, Hoyle, Jacumin, Jenkins, Jones, Purcell, Swindell and Tillman:

**S.B. 446**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REESTABLISH AND PLACE A RENEWED EMPHASIS ON TECHNICAL EDUCATION PROGRAMS IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM AND TO PROVIDE FOR DIFFERENTIATED FUNDING OF COMMUNITY COLLEGE TECHNICAL EDUCATION PROGRAMS.

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

By Senator Hoyle:

**S.B. 447**, 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 **State & Local Government Committee**.

By Senator Hoyle:

**S.B. 448**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES.

Referred to the **Commerce Committee**.

By Senator Hoyle:

**S.B. 449**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR OBTAINING PROPERTY BY FALSE PRETENSES FOR PROPERTY OF CERTAIN VALUES AND TO PROVIDE THAT AN ENHANCED PENALTY SHALL BE IMPOSED FOR COMMITTING A SECOND OR SUBSEQUENT OFFENSE OF FALSE PRETENSES.

Referred to the **Judiciary I Committee**.

By Senator Goss:

**S.B. 450**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF BOONE FOR THE PURCHASE OF A NEW FIRE TRUCK SO THAT THE TOWN CAN ADEQUATELY PROTECT APPALACHIAN STATE UNIVERSITY FROM FIRES.

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

By Senators Allran; Bingham, Davis, Foriest, Forrester, Hartsell, Purcell, Rouzer and Shaw:

**S.B. 451**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN DRIVER EDUCATION OFFERED THROUGH PUBLIC SCHOOLS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

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By Senators Stein; Albertson, Clodfelter, Davis, Dorsett, Hoyle, Hunt, Jenkins, Jones, Malone, McKissick, Purcell, Rucho, Soles, Stevens and Swindell:

**S.B. 452**, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES.

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

By Senators Stein; and Hunt:

**S.B. 453**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

Referred to the **Finance Committee**.

By Senators Snow; and Atwater:

**S.B. 454**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO LOCATE AND ACQUIRE RIGHT-OF-WAY FOR THE LOCATION, ABOVE OR BELOW GROUND, OF FIBER-OPTIC CABLE.

Referred to the **Judiciary II Committee**.

By Senator Snow:

**S.B. 455**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN CERTAIN LOCAL SCHOOL ADMINISTRATIVE UNITS.

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

By Senators Snow; Atwater, Berger of Franklin, Brunstetter, Hoyle, McKissick and Tillman:

**S.B. 456**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE ENERGY STAR QUALIFIED PRODUCTS THAT QUALIFY FOR THE SALES AND USE TAX HOLIDAY.

Referred to the **Finance Committee**.

By Senators Snow; Atwater, Berger of Franklin, Brunstetter, Hoyle, McKissick and Tillman:

**S.B. 457**, A BILL TO BE ENTITLED AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS.

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

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By Senator Swindell:

**S.B. 458**, A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

Referred to the **Commerce Committee**.

By Senator Swindell:

**S.B. 459**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

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

By Senators Davis, Vaughan; Allran, Berger of Franklin, Bingham, Clodfelter, Dannelly, Dorsett, East, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Shaw, Soles, Stein, Stevens and Weinstein:

**S.B. 460**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE COMMERCIAL BREEDING OF DOGS.

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

By Senators McKissick; Atwater, Berger of Franklin, Boseman, Clodfelter, Dorsett, Foriest, Graham, Jones, Kinnaird, Malone, Nesbitt, Shaw and Vaughan:

**S.B. 461**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Blake, Clary, Davis, East, Hunt, Jones, Kinnaird, Nesbitt, Queen, Shaw, Tillman and Vaughan:

**S.B. 462**, A BILL TO BE ENTITLED AN ACT TO RESTORE THE SALES TAX REFUND FOR PUBLIC SCHOOLS.

Referred to the **Finance Committee**.

By Senators McKissick; Berger of Franklin, Bingham, Clary, Clodfelter, Davis, Dorsett, Graham, Hartsell, Jones, Nesbitt, Purcell and Shaw:

**S.B. 463**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA MINORITY SUPPORT CENTER, INC., TO ASSIST LOCAL COMMUNITY DEVELOPMENT CREDIT UNIONS TO CREATE ECONOMIC AND HOUSING OPPORTUNITIES IN MINORITY COMMUNITIES AND TO PROVIDE ACCESS TO AFFORDABLE FINANCIAL SERVICES AND ASSET BUILDING OPPORTUNITIES.

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

By Senators McKissick; Atwater, Berger of Franklin, Boseman, Clary, Dorsett, Foriest, Graham, Kinnaird, Nesbitt, Purcell, Shaw, Stevens and Weinstein:

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**S.B. 464**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Bingham, Boseman, Clary, Dorsett, Graham, Jones, Kinnaird, Nesbitt, Shaw, Snow, Vaughan and Weinstein:

**S.B. 465**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT.

Referred to the **Commerce Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Bingham, Clary, Dorsett, Forrester, Graham, Hartsell, Jones, Kinnaird, Nesbitt, Shaw, Snow, Stein, Vaughan and Weinstein:

**S.B. 466**, A BILL TO BE ENTITLED AN ACT TO REDUCE PRISON COSTS BY APPROPRIATING FUNDS TO PROVIDE COMPREHENSIVE RESIDENTIAL TREATMENT AND VOCATIONAL TRAINING FOR PROBATIONERS WITH SUBSTANCE ABUSE DISORDERS.

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

By Senators McKissick; Atwater, Bingham, Boseman, Clary, Davis, Dorsett, Forrester, Graham, Hartsell, Hunt, Jones, Kinnaird, Nesbitt, Purcell, Queen, Shaw, Stevens, Vaughan and Weinstein:

**S.B. 467**, A BILL TO BE ENTITLED AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING AND DISPOSAL OF UNCLAIMED ANIMALS.

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

By Senators McKissick; Atwater, Bingham, Clary, Davis, Dorsett, Forrester, Goodall, Graham, Hartsell, Jones, Kinnaird, Nesbitt, Purcell, Shaw, Snow and Stevens:

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

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

By Senators McKissick; Atwater, Bingham, Boseman, Clary, Clodfelter, Davis, Dorsett, Forrester, Graham, Hartsell, Purcell, Shaw and Stevens:

**S.B. 469**, 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, IN MEMORY OF SENATOR JEANNE HOPKINS LUCAS.

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

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By Senators McKissick; Atwater, Berger of Franklin, Boseman, Clary, Davis, Dorsett, Forrester, Graham, Hartsell, Hunt, Kinnaird, Nesbitt, Purcell, Queen, Shaw, Snow, Stevens, Vaughan and Weinstein:

**S.B. 470**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE STATE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR SPAYING AND NEUTERING OF DOGS AND CATS IN ORDER TO HELP REDUCE THE POPULATION OF UNWANTED ANIMALS IN THE STATE.

Referred to the **Finance Committee**.

By Senators McKissick; Atwater, Bingham, Boseman, Clary, Clodfelter, Davis, Dorsett, Forrester, Graham, Jones, Kinnaird, Nesbitt, Purcell, Queen, Shaw, Snow, Stein, Stevens and Vaughan:

**S.B. 471**, A BILL TO BE ENTITLED AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL TO STUDY PAY EQUITY.

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. 79** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:49 P.M.

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### TWENTY-FOURTH DAY

Senate Chamber  
Tuesday, March 10, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, now that you have seen the entire family smiling at the same time, not a miracle we would say. We ask you to come among us. When we pray

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for your presence, we pray with some reservation. After all, how do we know what you will say to us or how you might appear to us. Will you challenge us or will you make us uncomfortable. Yet, boldly we pray, come to us today. Speak to us, stand against us, stand beside us. Love us as you will, not necessarily as we want. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Preecha Bhotiwihok from Kinston, 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.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 64**, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55158, is adopted and engrossed.

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits**:

**S.B. 287**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH 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 55166, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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**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 9**, To Establish the Emergency Medical Services and Trauma Rules Effective Date.

**Executive Order Number 10**, Ethical Standards for the State Health Coordinating Council.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 208**, A BILL TO BE ENTITLED AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES, referred to the **Rules and Operations of the Senate Committee** on February 18.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Health Care Committee**.

**REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 259**, A BILL TO BE ENTITLED AN ACT PERMITTING STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, HOME SCHOOL, OR CHARTER SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT TO PARTICIPATE IN THAT SPORT AT A PUBLIC HIGH SCHOOL.

Upon motion of Senator Basnight, seconded by Senator Rucho, the Senate adjourns subject to introduction of bills, receipt of committee reports, and appointment of committees to meet Wednesday, March 11, 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:

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By Senators Rand and Malone:

**S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY POINTS IN AWARDING CERTAIN GRANTS FOR AREAS ANNEXED TO PROVIDE WATER OR SEWER SERVICE TO LOW-INCOME AREAS, TO AUTHORIZE THE ANNEXATION OF CONTIGUOUS DISTRESSED AREAS UPON PETITION OF SEVENTY-FIVE PERCENT OF REGISTERED HOUSEHOLDS, TO INCREASE THE THRESHOLD FOR THE LARGE-CITY ANNEXATION PROCEDURES TO TEN THOUSAND OR MORE IN POPULATION, TO PROHIBIT CITY-INITIATED ANNEXATION BY CITIES THAT DO NOT PROVIDE AT LEAST TWO MAJOR MUNICIPAL SERVICES, TO REQUIRE FIVE-YEAR FINANCIAL PROJECTIONS IN THE ANNEXATION REPORT, TO ALLOW FOR THE ANNEXATION OF AREAS COMPLETELY SURROUNDED BY THE PRIMARY MUNICIPAL BOUNDARIES, TO PROHIBIT THE USE OF STREETS AS SHOESTRING CONNECTIONS IN VOLUNTARY AND CITY-INITIATED ANNEXATIONS, TO ALLOW SMALL CITIES TO USE THE POPULATION DENSITY STANDARD IN DETERMINING DEVELOPMENT FOR URBAN PURPOSES, TO REQUIRE A RESOLUTION OF CONSIDERATION TO BEGIN THE CITY-INITIATED ANNEXATION PROCESS, TO REQUIRE ADDITIONAL INFORMATION IN THE NOTICE OF PUBLIC HEARING, TO REQUIRE THAT PUBLICATIONS OF NOTICE OCCUR ONE WEEK APART, TO REQUIRE DISTRIBUTION OF ADDITIONAL INFORMATION AT THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING, TO REQUIRE THAT CITY-INITIATED ANNEXATIONS BECOME EFFECTIVE ON THE JUNE 30 FOLLOWING ADOPTION OF THE ORDINANCE, TO ALLOW CITIES IN THE EVENT OF LITIGATION TO DELAY THE EFFECTIVE DATE OF ANNEXATION TO THE JUNE 30 FOLLOWING THE FINAL JUDGMENT, TO INCREASE THE TIME FOR CHALLENGING AN ANNEXATION TO SEVENTY-FIVE DAYS, TO REQUIRE A REPORT ON THE PROVISION OF SERVICES TO THE LOCAL GOVERNMENT COMMISSION, TO INCREASE THE TIME FOR PETITIONING THE LOCAL GOVERNMENT COMMISSION FOR TAX ABATEMENT TO ONE HUNDRED TWENTY DAYS, TO INCREASE TO THIRTY DAYS THE TIME FOR PROPERTY OWNERS TO REQUEST WATER AND SEWER EXTENSIONS TO INDIVIDUAL LOTS IN LARGE CITIES, TO REQUIRE LARGE CITIES TO BASE CALCULATIONS OF THE COST OF WATER AND SEWER EXTENSIONS UPON THE ASSUMPTION THAT ALL ELIGIBLE PROPERTY OWNERS WILL REQUEST EXTENSIONS TO THEIR INDIVIDUAL LOTS, TO REQUIRE LARGE CITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING THE RIGHT TO REQUEST INDIVIDUAL WATER AND SEWER EXTENSIONS, TO MAKE CONFORMING CHANGES TO MUNICIPAL TAXATION PROVISIONS, TO CLARIFY THE ENFORCEABILITY OF CERTAIN ANNEXATION AGREEMENTS BETWEEN CITIES AND PROPERTY OWNERS, AND TO REQUIRE THAT

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PROPERTY OWNERS BE GIVEN THE OPTION OF PAYING WATER AND SEWER ASSESSMENTS PURSUANT TO A CITY-INITIATED ANNEXATION OVER TWENTY YEARS.

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

By Senator Weinstein:

**S.B. 473**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CERTIFY PERSONS TO ORDER, POSSESS, AND ADMINISTER DRUGS FOR ANIMAL EUTHANASIA AND TO AUTHORIZE ANIMAL SHELTERS THAT CONTRACT WITH THESE PERSONS TO APPLY FOR REGISTRATION UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT.

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

By Senator Weinstein:

**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 ACQUIRE REAL PROPERTY THAT WILL ASSIST IN ACCOMMODATING CAMPUS EXPANSION AND GROWTH AT THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE.

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

By Senator Kinnaird:

**S.B. 475**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES THAT PROHIBIT DEED RESTRICTIONS, COVENANTS, EQUITABLE SERVITUDES, OR ANY SIMILAR BINDING AGREEMENTS THAT WOULD PROHIBIT THE INSTALLATION OF SOLAR COLLECTORS, CLOTHESLINES, RAIN BARRELS, GARDEN FENCES, OR ANY OTHER DEVICES DESIGNED TO GENERATE OR CONSERVE ENERGY THROUGH THE USE OF RENEWABLE RESOURCES OR TO CAPTURE, STORE, OR REUSE WATER.

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

By Senators East; and Rand:

**S.B. 476**, A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, MODIFIED VEHICLES, AND CUSTOM-BUILT VEHICLES; TO REQUIRE AN ADDITIONAL THIRTY-DOLLAR REGISTRATION FEE TO SUPPORT THE DIVISION OF MOTOR VEHICLES LICENSE AND THEFT BUREAU MOTOR VEHICLE EXAMINATION PROGRAM; TO ALLOW ANTIQUE CAR OWNERS TO OBTAIN SPECIALTY PLATES; AND TO MAKE CORRESPONDING CHANGES.

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

By Senator East:

**S.B. 477**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PLANNING A SATELLITE CAMPUS OF FORSYTH COMMUNITY COLLEGE IN STOKES COUNTY.

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

By Senators East (By Request); Brock, Goss and Tillman:

**S.B. 478**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCHOOL CALENDAR LAW TO GIVE LOCAL BOARDS OF EDUCATION MORE SCHEDULING AUTHORITY.

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

By Senator Rouzer:

**S.B. 479**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT.

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

By Senator Rouzer:

**S.B. 480**, A BILL TO BE ENTITLED AN ACT TO ADD THE TOWN OF PIKEVILLE TO THE TOWNS THAT MAY REGULATE GOLF CARTS.

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

By Senator Hartsell:

**S.B. 481**, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY AND TO GRANT CLERKS JURISDICTION TO HEAR MOTIONS TO APPROVE THE APPOINTMENT OF TRUST PROPERTY TO ANOTHER TRUST.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

**S.B. 482**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERMISSIBLE APPOINTEE UNDER A POWER OF APPOINTMENT IS NOT A TRUST BENEFICIARY, AND TO CLARIFY THAT A LOAN OR PLEDGE BY A TRUSTEE MAY BE MADE IN CONNECTION WITH A LOAN OF THE TRUSTEE'S OWN FUNDS.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

**S.B. 483**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY

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BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A).

Referred to the **Judiciary II Committee**.

By Senator Clodfelter:

**S.B. 484**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE STATE AUDITOR FROM CERTAIN EX OFFICIO DUTIES.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter; and Hartsell:

**S.B. 485**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO TEACH DEVELOPMENTAL COURSES AND COLLEGE SUCCESS SKILLS COURSES AT ANY TIME DURING THE YEAR, INCLUDING THE SUMMER TERM AND TO EARN BUDGET FTE FOR THE COURSES.

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

By Senators Clodfelter, Brunstetter, Hartsell, and Hoyle:

**S.B. 486**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CORPORATE INCOME TAX.

Referred to the **Finance Committee**.

By Senators Clodfelter, Hartsell, and Hoyle:

**S.B. 487**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE SALES AND USE TAX STATUTES BY TREATING MUSIC, MOVIES, BOOKS, AND COMPUTER SOFTWARE THAT ARE DELIVERED ELECTRONICALLY THE SAME AS THOSE THAT ARE PURCHASED IN A TANGIBLE MEDIUM AND BY REVISING THE "MAIL ORDER" SALES TAX PROVISIONS TO INCLUDE SPECIFIC REFERENCES TO INTERNET SALES.

Referred to the **Finance Committee**.

By Senators Kinnaird; Bingham, Nesbitt and Snow:

**S.B. 488**, 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 Senators Kinnaird; Nesbitt and Snow:

**S.B. 489**, 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**.

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By Senators Kinnaird; Nesbitt and Snow:

**S.B. 490**, 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 Senators Kinnaird; Atwater, Berger of Franklin, Bingham, Dannelly, Dorsett, Foriest, Graham, Hartsell, McKissick, Nesbitt, Vaughan and Weinstein:

**S.B. 491**, 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.

Referred to the **Judiciary I Committee**.

By Senator Shaw:

**S.B. 492**, A BILL TO BE ENTITLED AN ACT TO ENABLE CUMBERLAND COUNTY TO INCREASE REVENUE RESULTING FROM TRAVEL AND TOURISM BY PROVIDING AN ADDITIONAL ONE-QUARTER CENT SALES TAX FOR ITS PROMOTION.

Referred to the **Finance Committee**.

By Senator Shaw:

**S.B. 493**, 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 Committee**.

By Senator Shaw:

**S.B. 494**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANNEXATION LAWS TO REQUIRE MEANINGFUL SERVICES AND MEANINGFUL OVERSIGHT.

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

## **REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

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By Senator East for the **State & Local Government Committee**:

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; AND TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE, with a favorable report.

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

**H.B. 164**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES, with a favorable report.

**S.B. 327**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GATESVILLE TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, 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.

**S.B. 364**, A BILL TO BE ENTITLED AN ACT RELATING TO ILLEGALLY PARKED VEHICLES IN THE TOWN OF APEX TO ALLOW USE OF WHEEL LOCKS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35149, is adopted and engrossed.

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

**S.B. 114**, A BILL TO BE ENTITLED AN ACT EXEMPTING PLACES OF WORSHIP OWNED AND OPERATED BY RELIGIOUS INSTITUTIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED USE AND LIMITED ACCESS ELEVATORS, 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. 114** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT EXEMPTING PLACES OF WORSHIP OWNED AND OPERATED BY RELIGIOUS INSTITUTIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED USE AND LIMITED ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS, is adopted and engrossed.

#### CHANGES TO 2009 COMMITTEES

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

Senator Nesbitt is removed from the **Pensions & Retirement and Aging Committee**.

Senator Atwater is removed from the **Mental Health & Youth Services Committee**.

Senator Malone is removed from the **Mental Health & Youth Services Committee**.

Senator Preston is removed from the **Mental Health & Youth Services Committee**.

Senator Purcell is removed from the **Mental Health & Youth Services Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:50 P.M.

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**TWENTY-FIFTH DAY**

Senate Chamber  
Wednesday, March 11, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, since 1912 when the Girl Scouts of America was founded, that organization has faithfully promoted the social welfare of young women. Some are serving this week as Pages in the Senate. Others are here today to honor the legislators with a reception. So we honor them by using the words of their law as our prayer. O God, help us do our best, to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what we say and do, and to respect ourselves and others, respect authority, use resources wisely, make the world a better place. Good principles for all of us to live by, O God. Continue to bless these young women and the Girl Scouts organization. Amen."

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

*The Chair extends privileges of the floor to Dr. Kevin P. Mikus from Matthews, North Carolina, who is serving the Senate as Doctor of the Day, and to Gracie Stephens from Lumberton, 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. 90**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF SUSAN RABON AND BRYAN BEATTY TO THE UTILITIES COMMISSION. (Res. 6)

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 324**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS

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FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, with a favorable report.

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

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

**S.B. 53**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, with a favorable report.

**S.B. 60**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE, with a favorable report.

**S.B. 79**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, with a favorable report.

**S.B. 91**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES, with a favorable report.

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

**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Monday, March 16.

### CALENDAR

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

**S.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF GATESVILLE TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 364** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO ILLEGALLY PARKED VEHICLES IN THE TOWN OF APEX TO ALLOW USE OF WHEEL LOCKS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 164**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.B. 64** (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.

Senator Brown offers Amendment No. 1 which is adopted (49-0).

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

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

The Committee Substitute bill, as amended, passes its second reading (42-6) and, without objection, is read a third time and passes its third reading (41-7) and is ordered engrossed and sent to the House of Representatives.

**S.B. 114** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING PLACES OF WORSHIP OWNED AND OPERATED BY RELIGIOUS INSTITUTIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED USE AND LIMITED ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **ADDITIONAL SPONSORS**

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

**S.B. 493**, 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 Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 417**, 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.

#### **REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 377**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PARTICIPATION IN INTERSCHOLASTIC ATHLETICS AT SCHOOLS AT WHICH ACADEMIC PERFORMANCE IS INADEQUATE.

Upon motion of Senator Basnight, seconded by Senator Allran, the Senate adjourns in honor of the Girl Scouts of America and their parents and subject to introduction of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Thursday, March 12, at 11:00 A.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Berger of Rockingham:

**S.B. 495**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE.

Referred to the **Finance Committee**.

By Senators Jones; Allran, and Berger of Franklin:

**S.B. 496**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON EX-OFFENDER REENTRY.

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

By Senators Kinnaird; and Atwater:

**S.B. 497**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PROJECT TURN AROUND.

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

By Senator Jenkins:

**S.B. 498**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND

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PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES.

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

By Senator Jenkins:

**S.B. 499**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGEcombe COUNTY.

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

By Senators Allran; Blake, Brock, Brown, Foriest, Forrester, Goss, Jacumin, Jones, Kinnaird, Preston, Snow and Stein:

**S.B. 500**, A BILL TO BE ENTITLED AN ACT TO RAISE THE INCOME ELIGIBILITY LIMIT OF THE HOMESTEAD EXCLUSION PROPERTY TAX BENEFIT TO THIRTY-FIVE THOUSAND DOLLARS.

Referred to the **Finance Committee**.

By Senators Allran; Blake, Brown, Forrester, Goss, Jacumin, Kinnaird, Shaw and Snow:

**S.B. 501**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR THE INDUSTRIAL DEVELOPMENT FUND.

Referred to the **Finance Committee**.

By Senators Brunstetter; Allran, Apodaca, Bingham, Brown, Foriest, Forrester, Garrou, Goss, Hartsell, Jacumin, Preston, Purcell, Rouzer, Stein and Swindell:

**S.B. 502**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE BOY SCOUTS OF AMERICA.

Referred to the **Finance Committee**.

By Senators McKissick; and Atwater:

**S.B. 503**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

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

By Senators McKissick; and Atwater:

**S.B. 504**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

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

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By Senators McKissick; Atwater, Berger of Franklin, Boseman, Kinnaird, Nesbitt, Snow and Vaughan:

**S.B. 505**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FROM THE FEDERAL TANF BLOCK GRANT.

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

By Senator Stevens:

**S.B. 506**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN THE TOWN OF HOLLY SPRINGS.

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

By Senators Swindell; Apodaca, Atwater, Goss, Jacumin and Preston:

**S.B. 507**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A TRAVEL AND TOURISM SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senators Swindell; Allran, Forrester and Jacumin:

**S.B. 508**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ELECTING COUNTIES WILL BE HELD HARMLESS FOR WORK FIRST FAMILY ASSISTANCE.

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

By Senators Hartsell, Brunstetter, Clodfelter, and Hoyle:

**S.B. 509**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly and Graham:

**S.B. 510**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXPANSION OF STATE-REIMBURSED INTERPRETING SERVICES TO ENCOMPASS ALL COURT PROCEEDINGS IN WHICH AN INTERPRETER IS NECESSARY TO ASSIST THE COURT IN THE EFFICIENT TRANSACTION OF BUSINESS.

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

By Senators Clodfelter; Dannelly and Graham:

**S.B. 511**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT DWI TREATMENT COURTS ARE A TYPE OF DRUG TREATMENT COURT UNDER THE DRUG TREATMENT COURT ACT.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

**S.B. 512**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR DIFFERENTIATED FUNDING OF

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## COMMUNITY COLLEGE ALLIED HEALTH PROGRAMS.

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

By Senator Clodfelter:

**S.B. 513**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

**S.B. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL.

Referred to the **Judiciary I Committee**.

By Senator Hunt:

**S.B. 515**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PLACING OF LIVE FOXES OR COYOTES IN ENCLOSED AREAS FOR THE PURPOSE OF FIELD TRIALS OR THE TRAINING OF DOGS.

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

By Senators Hunt; Tillman and Weinstein:

**S.B. 516**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT.

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

By Senators Goss; Allran, Apodaca, Atwater, Bingham, Boseman, Brunstetter, Davis, Dorsett, Foriest, Forrester, Hartsell, Jacumin, Jenkins, Jones, Kinnaird, Malone, Preston, Queen, Snow, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 517**, A BILL TO BE ENTITLED AN ACT TO PROVIDE URGENT PRIORITY FUNDING FOR MENTAL HEALTH SERVICES.

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

By Senators Purcell; Atwater and Forrester:

**S.B. 518**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PREVENT BLINDNESS, INC.

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

By Senator Forrester:

**S.B. 519**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COVERAGE UNDER THE STATE HEALTH PLAN ON THE FIRST DAY OF EMPLOYMENT AS A STATE EMPLOYEE.

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

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By Senator Forrester:

**S.J.R. 520**, A JOINT RESOLUTION TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE DESIRABILITY OF ENCOURAGING THE OFFSHORE DRILLING EXPLORATION FOR OIL OR NATURAL GAS IN COASTAL WATERS OFF NORTH CAROLINA AND OTHER RELATED MATTERS.

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

By Senator Forrester:

**S.B. 521**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN LINCOLN COUNTY.

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

By Senator Boseman:

**S.B. 522**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOUTHEASTERN CENTER FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, A LOCAL MANAGEMENT ENTITY, TO ENROLL ITS EMPLOYEES AND RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Boseman:

**S.B. 523**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMMUNITY CONSERVATION ASSISTANCE PROGRAM.

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

By Senator Boseman:

**S.B. 524**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS RULE.

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

By Senator Boseman:

**S.B. 525**, A BILL TO BE ENTITLED AN ACT TO ALLOW A TAX CREDIT FOR VIDEO GAME PRODUCERS.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:48 P.M.

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March 11, 2009

**TWENTY-SIXTH DAY**

Senate Chamber  
Thursday, March 12, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

Almighty God, you have promised that if we possess faith the size of a mustard seed, mountains shall be moved. Though it is still early in this session, formidable mountains already have appeared to the members and are closer than some distant horizon. We are trying to move one of those mountains right now as we pray. Increase the Senators' faith, that they will not be discouraged by these difficult and complex problems. Hold them each day by your mighty hand. Encourage and sustain them by the power of your presence. Then they will find through you that all things are possible and the mountains, one by one, shall be moved. Thank you for such a promise. Amen."

*The Chair extends privileges of the floor to Dr. Jennifer Raley from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Sandra Coleman from High Point, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

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

**S.B. 5**, AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESALE DEALER, OR RETAIL DEALER OF CROSSBOWS MAY OBTAIN A CONTINUING PERMIT FOR THE PURCHASE OR RECEIPT OF CROSSBOWS UPON APPLICATION TO THE SHERIFF OF THE COUNTY IN WHICH THE CORPORATION IS LOCATED, AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESALE DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESALE DEALERS OR RETAIL DEALERS.

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

**H.B. 164**, AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES.

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**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

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

**S.B. 52**, A BILL TO BE ENTITLED AN ACT AUTHORIZING PENDER COUNTY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35171, which changes the title to read **S.B. 52** (Committee Substitute ), A BILL TO BE ENTITLED AN ACT AUTHORIZING PENDER AND BRUNSWICK COUNTIES AND THE CITY OF RALEIGH TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, is adopted and engrossed.

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

The Senate recesses at 11:09 A.M. to reconvene upon call of the Chair.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Chair grants leaves of absence for today to Senator Basnight, Senator Garrou, and Senator Goss.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, March 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 188**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF PUBLIC HEALTH, AND DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COLLABORATE WITH THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST

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CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS, 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 55193, which changes the title to read **S.B. 188** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, IN COLLABORATION WITH THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF AGING AND ADULT SERVICES, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS FOR SPECIAL CARE POPULATIONS, is adopted and engrossed.

**S.B. 356**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NURSING PRACTICE 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 15104, is adopted and engrossed.

### CALENDAR

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

**S.B. 60**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE, upon second reading.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, March 16, upon second reading.

**S.B. 91**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES, upon second reading.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, March 16, upon second reading.

**S.B. 53**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, March 16.

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**S.B. 79**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, March 16.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 8** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO PROVIDE CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

Referred to the **Judiciary II Committee**.

**H.B. 94** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IN A LOCAL SCHOOL ADMINISTRATIVE UNIT IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

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

#### **ADDITIONAL SPONSORS**

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

**S.B. 242**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TANF BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

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

**S.B. 452**, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES.

**S.B. 478**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SCHOOL CALENDAR LAW TO GIVE LOCAL BOARDS OF EDUCATION MORE SCHEDULING AUTHORITY.

**S.B. 485**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY COLLEGES TO TEACH DEVELOPMENTAL COURSES AND COLLEGE SUCCESS SKILLS COURSES AT ANY TIME DURING THE YEAR, INCLUDING THE SUMMER TERM AND TO EARN BUDGET FTE FOR THE COURSES.

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**S.B. 486**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CORPORATE INCOME TAX.

**S.B. 496**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON EX-OFFENDER REENTRY.

**S.J.R. 520**, A JOINT RESOLUTION TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE DESIRABILITY OF ENCOURAGING THE OFFSHORE DRILLING EXPLORATION FOR OIL OR NATURAL GAS IN COASTAL WATERS OFF NORTH CAROLINA AND OTHER RELATED MATTERS.

Upon motion of Senator Dannelly, seconded by Senator Atwater, the Senate adjourns subject to introduction of bills, receipt of messages from the House of Representatives, and appointment of committees to meet Monday, March 16, at 7:00 P.M.

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

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

**S.B. 127** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, March 16, for concurrence.

#### **CHANGES TO 2009 SENATE COMMITTEES**

Senator Graham is removed from the **Appropriations Subcommittee on Education/Higher Education**.

Senator Graham is appointed as Co-Chairman of the **Appropriations Subcommittee on Department of Transportation**.

Senator Boseman is removed as Co-Chairman from the **Appropriations Subcommittee on Department of Transportation**.

Senator Boseman is appointed as Vice-Chairman of the **Appropriations Subcommittee on Education/Higher Education**.

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Senator Boseman is appointed as Co-Chairman of the **Transportation Committee**.

Senator Soles is appointed to the **Appropriations Subcommittee on Justice and Public Safety**.

Senator Soles is removed from the **Appropriations Subcommittee on Department of Transportation**.

#### COMMITTEE APPOINTMENT

Senator Dannelly, Deputy President *Pro Tempore*, announces the establishment of the **Select Committee on Economic Recovery**. The members are as follows:

Senator Nesbitt, Chair; Senator Allran; Senator Davis; Senator Hartsell; Senator Preston; Senator Soles; Senator Stein; Senator Vaughan; and Senator Weinstein.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Boseman; Albertson, Atwater, Clodfelter, Dannelly, Dorsett, Garrou, Jenkins, Kinnaird, Malone, McKissick, Purcell, Shaw, Stein and Weinstein:

**S.B. 526**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

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

By Senator Boseman:

**S.B. 527**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSES OF SECOND DEGREE RAPE AND SECOND DEGREE SEXUAL OFFENSE TO MAKE IT UNLAWFUL FOR A PERSON IN A POSITION OF AUTHORITY TO ENGAGE IN A SEX OFFENSE WITH A VICTIM WHO IS UNDULY INFLUENCED BY THE PERSON IN A POSITION OF AUTHORITY.

Referred to the **Judiciary I Committee**.

By Senator Clary:

**S.B. 528**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S OVERGROWN VEGETATION ORDINANCE.

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

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By Senator Clary:

**S.B. 529**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY.

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

By Senator Berger of Rockingham:

**S.B. 530**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JUDICIAL DISTRICT 17A BUREAU OF FORENSIC SERVICES.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 531**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA PTA PARENT INVOLVEMENT/DROPOUT PREVENTION INITIATIVE.

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

By Senators Weinstein; and Atwater:

**S.B. 532**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA BIOTECHNOLOGY CENTER TO SUPPORT THE CENTER'S ECONOMIC DEVELOPMENT AND STATEWIDE OPERATIONS FOR JOB CREATION, TO EXPAND NORTH CAROLINA'S RESEARCH CAPACITY TO FOSTER NEW INTELLECTUAL PROPERTY AND JOB CREATION, AND TO SUPPORT THE CENTER'S NATIONAL AND INTERNATIONAL COMPETITIVE MARKETING OF NORTH CAROLINA TO NEW AND EXPANDING BIOTECHNOLOGY COMPANIES.

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

By Senator Rouzer:

**S.B. 533**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

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

By Senators Dorsett; Atwater, Berger of Franklin, Bingham, Dannelly, Davis, Goss, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Rand and Snow:

**S.B. 534**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HEALTHY FAMILIES AND HEALTHY WORKPLACES BY ENSURING THAT ALL WORKERS HAVE PAID SICK DAYS TO ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.

Referred to the **Commerce Committee**.

By Senator Rouzer:

**S.B. 535**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM.

Referred to the **Finance Committee**.

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By Senator Rouzer:

**S.B. 536**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.

Referred to the **Finance Committee**.

By Senator Brunstetter:

**S.B. 537**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF TWO ADDITIONAL MEMBERS TO THE AIRPORT COMMISSION OF FORSYTH COUNTY.

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

By Senator Jacumin:

**S.B. 538**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF LAKE JAMES.

Referred to the **Finance Committee**.

By Senators Dorsett; and Vaughan:

**S.B. 539**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO INCREASE ITS MOTOR VEHICLE TAX BY UP TO AN ADDITIONAL SIX DOLLARS PER YEAR.

Referred to the **Finance Committee**.

By Senator Dorsett:

**S.B. 540**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO ALLOW FOR THE ELECTION OF THE MAYOR BY THE QUALIFIED VOTERS OF THE TOWN.

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

By Senators Vaughan; Berger of Rockingham, Bingham and Dorsett:

**S.B. 541**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR COMPONENT PARTS AND LUBRICANTS FOR AIRCRAFT.

Referred to the **Finance Committee**.

By Senators Vaughan; Atwater and Dorsett:

**S.B. 542**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE OPERATING FUNDS FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING AT THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY AND THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO.

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

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By Senators McKissick; and Atwater:

**S.B. 543**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 544**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CUMBERLAND COUNTY BOARD OF EDUCATION TO ALLOW THE COMMANDING GENERAL OF FORT BRAGG TO APPOINT ONE MEMBER.

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

By Senator Graham:

**S.B. 545**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A TITLE BE PROVIDED BY A SELLER FOR A TRANSACTION WITH A SECONDARY METALS RECYCLER OR A SALVAGE YARD AND TO AMEND A TITLE FOR A MOTOR VEHICLE IN HAND BEFORE THE VEHICLE MAY BE SOLD TO A SECONDARY METALS RECYCLER OR A SALVAGE YARD.

Referred to the **Commerce Committee**.

By Senators Graham; Clodfelter and Dannelly:

**S.B. 546**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE DROPOUT RATE.

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

By Senator Atwater:

**S.B. 547**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TRANSFER OF DEVELOPMENT RIGHTS BY CHATHAM COUNTY AND MUNICIPALITIES LOCATED IN THAT COUNTY.

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

By Senators McKissick; and Atwater:

**S.B. 548**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO SET HEARINGS, GIVE NOTICES, ACCEPT OR REJECT OFFERS, AND TO DECLARE INTENT, AND TO FURTHER DELEGATE CONTRACTING AUTHORITY TO THE CITY MANAGER.

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

By Senator Brock:

**S.B. 549**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ENOCHVILLE.

Referred to the **Finance Committee**.

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By Senator Albertson:

**S.B. 550**, A BILL TO BE ENTITLED AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY.

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

By Senator Nesbitt:

**S.B. 551**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE AMOUNT THAT CAN BE CHARGED AS A FEE BY A WRECKER SERVICE OPERATOR WHEN A VEHICLE IS TOWED WITHOUT CONSENT.

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

By Senator Nesbitt:

**S.B. 552**, A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS.

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

By Senator Nesbitt:

**S.B. 553**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SWANNANOA.

Referred to the **Finance Committee**.

By Senator Nesbitt:

**S.B. 554**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIRED SCHOOL OPENING AND CLOSING DATES IN TWO LOCAL SCHOOL ADMINISTRATIVE UNITS.

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

By Senator Nesbitt:

**S.B. 555**, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTY OF BUNCOMBE.

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

By Senator Nesbitt:

**S.B. 556**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

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

By Senators Foriest; Atwater, Hoyle, Malone, McKissick, Snow and Swindell:

**S.B. 557**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE

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YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR INJURIES INCURRED IN THE LINE OF DUTY.

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

By Senators Foriest; Hoyle, Jones, Malone, McKissick, Preston, Snow and Swindell:

**S.B. 558**, A BILL TO BE ENTITLED AN ACT TO ADDRESS COST-OF-LIVING ADJUSTMENTS FOR RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE JUDICIAL RETIREMENT SYSTEM.

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

By Senators Foriest; Hoyle, Jones, Malone, McKissick, Preston, Snow and Swindell:

**S.B. 559**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO APPROPRIATE FUNDS TO REPAY THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND IN FULL AND TO FULLY FUND THE ANNUAL REQUIRED CONTRIBUTION.

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

By Senators Davis and Jenkins:

**S.B. 560**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS AND TO REDUCE THE TERMS OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS FROM FIVE YEARS TO THREE YEARS.

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

By Senators Davis and Jenkins:

**S.B. 561**, 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 OPENING THE NEW DENTAL SCHOOL AT EAST CAROLINA UNIVERSITY.

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

By Senators Davis and Jenkins:

**S.B. 562**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST WITH OPERATING COSTS OF THE HEART INSTITUTE AT EAST CAROLINA UNIVERSITY.

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

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By Senators Davis; Goss, Hartsell, Jenkins, Jones, Malone, McKissick, Stein, Stevens, Swindell and Weinstein:

**S.B. 563**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

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

By Senators Davis; Goss, Hartsell, Jenkins, Jones, Malone, McKissick, Stein, Stevens, Swindell and Weinstein:

**S.B. 564**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

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

By Senator Davis:

**S.B. 565**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF THE GREENE COUNTY PUBLIC LIBRARY.

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

By Senator Davis:

**S.B. 566**, 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 Hartsell; and Rand:

**S.B. 567**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO STANDARDS.

Referred to the **Commerce Committee**.

By Senators Bingham; Clodfelter, Hartsell and Purcell:

**S.B. 568**, A BILL TO BE ENTITLED AN ACT AUTHORIZING DAVIDSON AND STANLY COUNTIES TO IMPOSE A PRIVILEGE LICENSE TAX ON BUSINESSES THAT REQUIRE SIGNIFICANT WITHDRAWALS OF WATER FROM LOCAL WATER RESOURCES.

Referred to the **Finance Committee**.

By Senators Bingham; Clodfelter, Hartsell and Purcell:

**S.B. 569**, A BILL TO BE ENTITLED AN ACT AUTHORIZING DAVIDSON AND STANLY COUNTIES TO IMPOSE A PRIVILEGE LICENSE TAX IN LIMITED CIRCUMSTANCES.

Referred to the **Finance Committee**.

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By Senator Goodall:

**S.B. 570**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

Referred to the **Finance Committee**.

By Senators Goodall; Apodaca, Brock, Brunstetter, Forrester, Hunt, Jacumin, Preston, Rucho and Stevens:

**S.B. 571**, 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; Allran, Apodaca, Brock, Brunstetter, East, Forrester, Hunt, Jacumin and Rucho:

**S.B. 572**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE TAX.

Referred to the **Finance Committee**.

By Senators Goodall; Allran, Apodaca, Brock, Brunstetter, East, Forrester, Hunt, Jacumin and Rucho:

**S.B. 573**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON CHARTER SCHOOLS.

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

By Senators Hoyle, Foriest, Brunstetter, Hartsell, Jenkins, Malone, Soles and Clodfelter:

**S.B. 574**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE NORTH CAROLINA'S ECONOMIC INCENTIVES PORTFOLIO TO MAKE IT MORE EFFECTIVE, TARGETED, AND MEASURABLE BY ELIMINATING INEFFECTIVE TAX CREDITS, REDUCING THE CORPORATE INCOME TAX RATE, TARGETING DISTRESSED AREAS AND STRATEGIC INDUSTRIES, AND PROVIDING ONGOING LEGISLATIVE ASSESSMENT OF THE STATE'S ECONOMIC INCENTIVES PORTFOLIO.

Referred to the **Finance Committee**.

By Senators Hoyle and Foriest:

**S.B. 575**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Referred to the **Finance Committee**.

By Senators Hoyle and Foriest:

**S.B. 576**, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Referred to the **Finance Committee**.

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By Senators Hoyle, Brunstetter, and Hartsell:

**S.B. 577**, 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 Senator Hoyle:

**S.B. 578**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE NORTH CAROLINA WILDLIFE FEDERATION, INC.

Referred to the **Finance Committee**.

By Senator Hoyle:

**S.B. 579**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PIEDMONT PIONEER HOUSE, INC.

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

By Senators Hoyle, Clodfelter, and Jenkins:

**S.B. 580**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND.

Referred to the **Finance Committee**.

By Senator Queen:

**S.B. 581**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE FOLKLIFE PROGRAM IN OLD FORT.

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

By Senators Preston; Apodaca, Berger of Rockingham, Bingham, Brown, Brunstetter, Davis, Forrester, Jacumin, Rouzer and Swindell:

**S.B. 582**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE SPECIAL PLATES FOR ARMED FORCES EXPEDITIONARY MEDAL RECIPIENTS.

Referred to the **Finance Committee**.

By Senators Snow; Goss and Queen:

**S.B. 583**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES TO STUDENTS LIVING IN GEORGIA OR TENNESSEE IF THOSE STATES OFFER THE SAME TREATMENT TO RESIDENTS OF NORTH CAROLINA.

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

By Senator Snow:

**S.B. 584**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT.

Referred to the **Judiciary II Committee**.

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By Senators McKissick; Atwater, Berger of Franklin, Graham, Jones and Vaughan:

**S.B. 585**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO SUPPORT COMMUNITY DEVELOPMENT CORPORATIONS.

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

By Senators McKissick; Apodaca, Atwater, Brunstetter, Foriest, Forrester, Graham, Hartsell, Jones and Stevens:

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Apodaca, Atwater, Berger of Franklin, Blake, Boseman, Davis, Foriest, Forrester, Graham, Hartsell, Jones, Kinnaird, Rucho, Stevens, Tillman and Vaughan:

**S.B. 587**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PROCESS TO SET ASIDE AN ORDER OF PATERNITY OR AN AFFIDAVIT OF PARENTAGE UNDER LIMITED CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

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

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## TWENTY-SEVENTH DAY

Senate Chamber  
Monday, March 16, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"When Jesus healed the sick woman on the Sabbath, disrupting the local blue laws, that proved that you are a God of endless surprises. You correct us when we look for comfort and comfort us when we look for correction. You challenge

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us when we look to be praised and praise us when we look to be challenged. You are the Lord our God, the one before whom we bow and pray each day. We would prefer that you be a little more predictable and not quite so full of surprises, but that is not your way, O God. So, not knowing when or how you will make your presence known to us this week, help us to know when to look up and when to look within for our shared responsibilities. Thank you. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Liana Puscas from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Deb Flaherty from Boone, North Carolina, who is serving the Senate as Nurse of the Day.*

### CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 164**, AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF GODWIN FROM THREE TO FOUR MEMBERS AND ALLOW THE MAYOR TO VOTE ON ALL ISSUES. (Became law upon ratification, March 12, 2009 - S.L. 2009-5.)

### CALENDAR

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

**S.B. 60**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, March 17, upon third reading.

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**S.B. 91**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, March 17, upon third reading.

**S.B. 52** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING PENDER AND BRUNSWICK COUNTIES AND THE CITY OF RALEIGH TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 53**, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 79**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CHOWAN COUNTY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 188** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, IN COLLABORATION WITH THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF AGING AND ADULT SERVICES, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS FOR SPECIAL CARE POPULATIONS.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 17.

**S.B. 356** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NURSING PRACTICE ACT.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 127** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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.

#### SENATE PAGES

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

Pharen Barron, Raleigh; Brianna Bowden, Raleigh; Alan Bridges, Shelby; Maddie Carroll, Greensboro; Kendra Douglas, Cary; Devin Gerney, Raleigh; Erica Haggard, Holly Springs; Danielle Howell, Cherryville; Lindley Jones, Raleigh; Lauren Kalin, Cary; Devon Karst, Clayton; Annie McAlister, Charlotte; Crystan McLymore, Raleigh; Charley Nowotny, Oxford; Emily Reilly, Cornelius; Kelsey Rodeniser, Fuquay-Varina; Preston Rodeniser, Fuquay-Varina; Mitchell Smith, Asheville; Tyler Smith, Asheville; Elizabeth West, Goldsboro; Kevin Wiggins, Raleigh; and Keifer Wynn, Raleigh.

#### REMOVAL OF BILL CO-SPONSOR

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

**S.B. 377**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PARTICIPATION IN INTERSCHOLASTIC ATHLETICS AT SCHOOLS AT WHICH ACADEMIC PERFORMANCE IS INADEQUATE.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns subject to introduction of bills, to meet Tuesday, March 17, at 12:00 Noon.

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**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senator Shaw:

**S.B. 588**, 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 **Education/Higher Education Committee**.

By Senator Shaw:

**S.B. 589**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO REVIEW AND EVALUATE THE CURRENT STRUCTURED SENTENCING SYSTEM FOR THE PURPOSE OF ELIMINATING MANDATORY MINIMUM SENTENCES.

Referred to the **Judiciary II Committee**.

By Senator Shaw:

**S.B. 590**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A MISDEMEANOR OFFENSE TO LABEL FOOD OR FOOD PRODUCTS AS KOSHER OR HALAL WITHOUT PROVIDING THE NAME OR CONTACT INFORMATION OF THE AUTHORITY THAT AUTHORIZED THE DESIGNATION.

Referred to the **Commerce Committee**.

By Senator Swindell:

**S.B. 591**, A BILL TO BE ENTITLED AN ACT DIRECTING THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PLAN FOR A STATEWIDE PERMIT FOR MOTOR COACH COMPANIES SEEKING TO TRANSPORT STUDENTS, SCHOOL PERSONNEL, AND OTHER AUTHORIZED PERSONS ON SCHOOL-SPONSORED TRIPS.

Referred to the **Commerce Committee**.

By Senators Hartsell; Bingham, Clodfelter, Dorsett, Malone and Stevens:

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

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

By Senators Stein; Albertson, Bingham, Brock, Clodfelter, Dannelly, Davis, Dorsett, Garrou, Goss, Hartsell, Hoyle, Jacumin, Jenkins, Kinnaird, Malone, McKissick, Purcell, Queen, Rand, Rouzer, Stevens, Swindell, Tillman, Vaughan and Weinstein:

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**S.J.R. 593**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SANDRA KAY YOW, BELOVED WOMEN'S BASKETBALL COACH AT NORTH CAROLINA STATE UNIVERSITY.

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

By Senators Kinnaird; Atwater, Berger of Franklin, Boseman, Dannelly, Davis, Dorsett, Graham, Jones, Nesbitt, Snow and Vaughan:

**S.B. 594**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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

By Senators Goodall; Apodaca, Brunstetter, East, Preston, Purcell, Rucho, Soles, Stevens, Tillman and Vaughan:

**S.B. 595**, A BILL TO BE ENTITLED AN ACT TO REQUEST THAT THE LEGISLATIVE RESEARCH COMMISSION STUDY THE ISSUE OF INTEGRATING A LIVING WILL, OR OTHER ADVANCED HEALTH CARE DIRECTIVE, WITH THE DRIVERS LICENSE PROCESS, SIMILAR TO ORGAN DONATION, WITH A STANDARDIZED LIVING WILL OR OTHER HEALTH CARE DIRECTIVE.

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

By Senator Clodfelter:

**S.B. 596**, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE PROCESS FOR FILLING OF VACANCIES IN LOCAL OFFICES.

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

By Senator Clodfelter:

**S.B. 597**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PRESIDING TRIAL JUDGE IN A CRIMINAL CASE HAS THE SOLE DISCRETION TO DETERMINE WHETHER JURORS MAY TAKE EXHIBITS INTRODUCED INTO EVIDENCE IN THE JURY ROOM AND THAT THE CONSENT OF ALL PARTIES IS NOT NECESSARY.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

**S.B. 598**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTATION BY LOCAL GOVERNMENTS OF THE SALARIES OF NONELECTED JUDICIAL DEPARTMENT OFFICERS AND EMPLOYEES IN ORDER TO ATTRACT AND RETAIN THE BEST QUALIFIED OFFICERS AND EMPLOYEES FOR THE JUDICIAL BRANCH OF GOVERNMENT.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

**S.B. 599**, A BILL TO BE ENTITLED AN ACT TO INCLUDE THE CLERK OF THE SUPREME COURT AND THE CLERK OF THE COURT OF APPEALS 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 Clodfelter:

**S.B. 600**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT AND TO REQUIRE ADDITIONAL COMPENSATION TO HOLDERS OF CONDEMNED CONSERVATION EASEMENTS.

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

By Senator Clodfelter:

**S.B. 601**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CRIMINAL CASES IN SUPERIOR COURT SHALL BE CALENDARED BY THE COURT.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird, Rand, McKissick; Berger of Franklin, Clodfelter, Dannelly, Davis, Dorsett, Jones, Nesbitt, Stein, Vaughan and Weinstein:

**S.B. 602**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE PROSECUTION OF MEDICAID FRAUD BY INCREASING CRIMINAL PENALTIES FOR PROVIDER FRAUD, CREATING CRIMINAL PENALTIES FOR OBSTRUCTION AND MAKING FALSE ENTRIES, ESTABLISHING A PRIVATE CIVIL ACTION FOR PROVIDER FALSE CLAIMS, AUTHORIZING A SUBPOENA FOR DOCUMENTS IN CASES OF PROVIDER FRAUD AND ABUSE, AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF JUSTICE TO IMPLEMENT THIS ACT.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Atwater, Berger of Franklin, Boseman, Davis, Dorsett, Graham, Jones, Nesbitt, Snow, Vaughan and Weinstein:

**S.B. 603**, 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, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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

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By Senators McKissick, Atwater, Purcell, Malone, Kinnaird; Boseman, Davis, East, Graham, Jones, Nesbitt, Snow and Vaughan:

**S.B. 604**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HEALING WITH CAARE, INC., A NONPROFIT ORGANIZATION, FOR RENOVATION OF A BUILDING FOR THE JEANNE HOPKINS LUCAS EDUCATION AND WELLNESS CENTER OF CAARE, INC.

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

By Senator Berger of Rockingham:

**S.B. 605**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEPOSIT OF ASSETS OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

**S.B. 606**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES.

Referred to the **Judiciary I Committee**.

By Senator Dorsett:

**S.B. 607**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE ADOPTED BY THE NORTH CAROLINA BUILDING CODE COUNCIL AND APPROVED BY THE RULES REVIEW COMMISSION.

Referred to the **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:46 P.M.

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## TWENTY-EIGHTH DAY

Senate Chamber  
Tuesday, March 17, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County, as follows:

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"God of Heaven and Earth, as one prophet has said, 'Let us come together to reason.' Father, may we take those things that we have learned from our past, those things that we are learning in the present and those things for which we will learn in the future and bring them together to glorify you, the greatest one of all. In your holy name I pray. Amen."

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, March 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Susan Mims from Asheville, North Carolina, who is serving the Senate as Doctor of the Day, and to Susan Vebber 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. 37**, AN ACT TO AUTHORIZE OPERATION OF CERTAIN MOTORSPORTS VEHICLE COMBINATIONS.

**S.B. 127**, AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**H.B. 102**, A BILL TO BE ENTITLED AN ACT TO ENACT A TECHNICAL AMENDMENT TO A SESSION LAW PERTAINING TO BUDGET CODE REFERENCES.

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

### CALENDAR

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

**S.B. 60**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE, upon third reading.

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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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 91**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, March 19.

#### **ADDITIONAL SPONSORS**

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

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

**S.J.R. 593**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SANDRA KAY YOW, BELOVED WOMEN'S BASKETBALL COACH AT NORTH CAROLINA STATE UNIVERSITY.

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

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**S.B. 627**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE AND OPERATE A MOBILE DENTAL X-RAY UNIT FOR USE AT THE MISSION OF MERCY FREE DENTAL CLINIC PROJECTS.

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

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

Upon motion of Senator Dannelly, seconded by Senator Soles, the Senate adjourns subject to introduction of bills, to meet Wednesday, March 18, 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 Weinstein; Atwater, Jacumin and Stein:

**S.B. 608**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE ONE NORTH CAROLINA SMALL BUSINESS ACCOUNT.

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

By Senator Atwater:

**S.B. 609**, 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 Atwater:

**S.B. 610**, 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 Senator Atwater:

**S.B. 611**, A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL MANAGEMENT ENTITIES TO TAKE CERTAIN STEPS BEFORE REDUCING OR MOVING STATE FUNDS APPROPRIATED FOR DEVELOPMENTAL DISABILITY SERVICES.

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

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By Senator Atwater:

**S.B. 612**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, AND TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senator Atwater:

**S.B. 613**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ATTORNEYS REPRESENTING PARTIES IN A PARTITION ACTION FROM SERVING AS COMMISSIONERS TO DIVIDE THE LAND, EXCEPT BY CONSENT OF THE PARTIES, AND TO SPECIFY WHO MAY NOT HOLD A PARTITION SALE OF PROPERTY AND WHO MAY NOT PURCHASE PROPERTY IN A PARTITION SALE, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senator Atwater:

**S.B. 614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER NOTICE TO PARTIES WHO MAY BE UNKNOWN IN A PARTITION PROCEEDING, TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE, AND TO REQUIRE A COURT TO ORDER AN INDEPENDENT APPRAISAL IF A PARTY TO THE PARTITION CHALLENGES THE AMOUNT BID IN A PARTITION SALE, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senator Atwater:

**S.B. 615**, 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 TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

Referred to the **Mental Health & Youth Services Committee**.

By Senator Atwater:

**S.B. 616**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A PILOT REGIONAL SPECIAL EDUCATION FUND TO SUPPORT MULTIDISCIPLINARY ASSESSMENT SERVICES FOR CHILDREN WITH SEVERE COMMUNICATION AND MOBILITY DISABILITIES WHO HAVE GOOD ACADEMIC POTENTIAL.

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

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By Senator Hartsell:

**S.B. 617**, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

**S.B. 618**, 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 **State & Local Government Committee**.

By Senator Hartsell:

**S.B. 619**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PEDORTHIST LICENSURE ACT.

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

By Senator Snow:

**S.B. 620**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR P.E.O. INTERNATIONAL.

Referred to the **Finance Committee**.

By Senators Queen; Nesbitt and Snow:

**S.B. 621**, 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 Clodfelter:

**S.B. 622**, 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 Senator Clodfelter:

**S.B. 623**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THREE PILOT SELF-SERVE CENTERS.

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

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By Senator Boseman:

**S.B. 624**, 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 Senator Boseman:

**S.B. 625**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS.

Referred to the **Commerce Committee**.

By Senators Snow; Allran, Apodaca, Atwater, Blake, Boseman, Clary, Dorsett, East, Foriest, Kinnaird, McKissick, Queen and Tillman:

**S.B. 626**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

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

By Senators Purcell; Allran, Atwater, Berger of Franklin, Bingham, Dorsett, Forrester, Jenkins, Swindell and Weinstein:

**S.B. 627**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE AND OPERATE A MOBILE DENTAL X-RAY UNIT FOR USE AT THE MISSION OF MERCY FREE DENTAL CLINIC PROJECTS.

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

By Senators Purcell; and Atwater:

**S.B. 628**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS.

Referred to the **Health Care Committee**.

By Senators Stein; Hunt, Jacumin, Malone and Stevens:

**S.B. 629**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF NORTH CAROLINA STATE UNIVERSITY.

Referred to the **Finance Committee**.

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By Senators Stevens; Bingham and Goss:

**S.B. 630**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A NORTH CAROLINA MASTER GARDENER SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senators Stevens; Bingham and Goss:

**S.B. 631**, A BILL TO BE ENTITLED AN ACT TO CONFORM DEADLINES FOR LEVYING, REPEALING, INCREASING, OR DECREASING THE REGIONAL TRANSIT AUTHORITY REGISTRATION TAX TO THE DMV REGISTRATION RENEWAL SCHEDULE ADOPTED UNDER THE NEW ELECTRONIC MOTOR VEHICLE INSPECTION SYSTEM.

Referred to the **Finance Committee**.

By Senators Nesbitt; Atwater, Berger of Franklin, Clodfelter, Kinnaird, McKissick and Snow:

**S.B. 632**, A BILL TO BE ENTITLED AN ACT TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009.

Referred to the **Finance Committee**.

By Senators Nesbitt; Berger of Franklin, Clodfelter, Kinnaird, McKissick and Snow:

**S.B. 633**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS BEEN AGREED UPON BY THE PARTIES.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 12:34 P.M.

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## TWENTY-NINTH DAY

Senate Chamber  
Wednesday, March 18, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, Governor Perdue's budget is now on the table in black and white, confirming the difficult decisions that must be made by the Senators as they

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debate their own version of the State's budget. The early first century church faced economic distress similar to our own. The Book of Acts describes how they responded to their own budget crisis. 'The whole group was of one heart and soul. For as many as owned lands or houses sold them and brought the proceeds to the church. There was not a needy person among them.' (Acts 4:32, 34). Such a solution is not the answer to this year's budget preparation here, but the example of the early church does suggest that the bottom line is as much about attitude and spirit as about money. I hope this is an encouragement to the Senators in the days ahead. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Brian Caveney from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Cheryl Elhammourn from Rocky Mount, 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**:

**S.B. 345**, A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

**S.B. 354**, 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, with a favorable report.

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

By Senator Malone for the **Education/Higher Education Committee**:

**S.B. 297**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE LAW AUTHORIZING TEACHERS TO TAKE

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PERSONAL LEAVE WITHOUT PENALTY UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

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

**S.B. 306**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT TEACHERS WHO BECOME ASSISTANT PRINCIPALS DO NOT EXPERIENCE A DECREASE IN MONTHLY PAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15132, is adopted and engrossed.

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

By Senator Jones for the **State & Local Government Committee**:

**S.B. 452**, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES, with a favorable report.

**H.B. 112**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS, with a favorable report.

**S.B. 315**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35193, is adopted and engrossed.

**S.B. 385**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE SUBDIVISION OF LAND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55223, is adopted and engrossed.

#### **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. 634**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL

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PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.

Referred to the **Commerce Committee**.

By Senators Stein, Clodfelter; Allran, Atwater, Bingham, Brunstetter, Dorsett, Foriest, Garrou, Hunt, Kinnaird, Malone, McKissick, Rucho, Stevens and Vaughan:

**S.B. 635**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE TRANSPORTATION FUNDING DISTRIBUTION FORMULA STUDY COMMISSION.

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

By Senators Brown; and Preston:

**S.B. 636**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WATER RESOURCES DEVELOPMENT PROGRAM MAY AWARD GRANTS TO LOCAL GOVERNMENTS TO RELOCATE IMMINENTLY THREATENED STRUCTURES OR DEMOLISH CONDEMNED STRUCTURES LOCATED IN THE OCEAN OR INLET HAZARD AREAS.

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

By Senators Stevens; Garrou, Malone and Swindell:

**S.B. 637**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE FEE OF SEVENTY-FIVE DOLLARS REQUIRED TO RESTORE A DRIVERS LICENSE FOR IMPAIRED DRIVING, TO DIRECT THAT TWENTY-FIVE DOLLARS OF THAT FEE CONTINUE TO BE DEPOSITED INTO THE GENERAL FUND WITH THE INTENT THAT FIVE HUNDRED THOUSAND DOLLARS OF THE GENERAL FUND PORTION BE APPROPRIATED ANNUALLY FOR OPERATING EXPENSES OF THE BOWLES CENTER FOR ALCOHOL STUDIES AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, AND TO APPROPRIATE FUNDS FOR THE BOWLES CENTER FOR ALCOHOL STUDIES FOR THE 2009-2011 BIENNIUM.

Referred to the **Finance Committee**.

By Senators Stevens; Apodaca, Bingham, Brunstetter, Davis, Foriest, Forrester, Garrou, Goss, Rouzer, Swindell and Tillman:

**S.B. 638**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE GIRL SCOUTS OF THE U.S.A.

Referred to the **Finance Committee**.

By Senators Berger of Franklin; and Kinnaird:

**S.B. 639**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEADLINE FOR FILING CLAIMS WITH THE INSURANCE GUARANTY ASSOCIATION FOR BENEFITS UNDER A WORKERS' COMPENSATION INSURANCE COVERAGE.

Referred to the **Judiciary II Committee**.

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By Senators Berger of Franklin; and Kinnaird:

**S.B. 640**, A BILL TO BE ENTITLED AN ACT TO INCREASE FROM FOUR PERCENT TO FIVE PERCENT THE AMOUNT OF FUNDS THAT COUNTY DEPARTMENTS OF SOCIAL SERVICES MAY USE FOR ADMINISTRATION COSTS FROM FUNDS ALLOCATED FOR CHILD CARE SUBSIDIES.

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

By Senators Berger of Franklin; and Kinnaird:

**S.B. 641**, 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 Committee**.

By Senators Berger of Franklin; and Kinnaird:

**S.B. 642**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES.

Referred to the **Commerce Committee**.

By Senators Swindell; Apodaca, Bingham, Tillman and Vaughan:

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

Referred to the **Judiciary II Committee**.

By Senators Swindell; Atwater, Stevens, Tillman and Vaughan:

**S.B. 644**, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE CONSOLIDATION OF THE GENERAL STATUTES AND ADMINISTRATIVE RULES PERTAINING TO HIGH SCHOOL PROGRAMS OFFERED AT COMMUNITY COLLEGES.

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

By Senators Foriest; Apodaca, Brunstetter, Davis, Forrester, Tillman and Vaughan:

**S.B. 645**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES'

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RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND 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**.

#### **ADDITIONAL SPONSOR**

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

**S.B. 627**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE AND OPERATE A MOBILE DENTAL X-RAY UNIT FOR USE AT THE MISSION OF MERCY FREE DENTAL CLINIC PROJECTS.

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

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

**S.B. 627**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PURCHASE AND OPERATE A MOBILE DENTAL X-RAY UNIT FOR USE AT THE MISSION OF MERCY FREE DENTAL CLINIC PROJECTS.

#### **REMOVAL OF BILL CO-SPONSOR**

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

**S.B. 45**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, TO CREATE A NONREVERTING REVENUE FUND IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES DESIGNATED AS THE OFF-ROAD VEHICLE TRUST FUND TO BE USED TO PROVIDE ALL-TERRAIN VEHICLE SAFETY TRAINING, ACQUIRE NEW LANDS, MANAGE LANDS, AND DEVELOP OFF-ROAD VEHICLE PARKS, TRAILS, AND FACILITIES, AND TO CREATE A NEW OFF-ROAD RECREATION PROGRAM.

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Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns at 3:10 P.M. to meet Thursday, March 19, at 11:00 A.M.

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### THIRTIETH DAY

Senate Chamber  
Thursday, March 19, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Eternal God, there are few quiet moments like this each day here in the Senate or in the lives of the members. Forgive us for the times we might be distracted or even think prayer might be a waste of time. Instead, help us to see that without it, our labors are a waste of effort. Help us, guide us and use us for your glory and for our good. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Graham, and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, March 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Ned Gross from Greensboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Mary Holtschneider from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

### RECOGNITION OF AZALEA PRINCESS

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Boseman, Chair; Senator Soles; Senator Albertson; Senator Brown and Senator Dorsett as the Committee to escort the Azalea Princess and Court and the Azalea Belles to the Well of the Senate.

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Senator Boseman is recognized and introduces Sherman Lee Criner, President of the Azalea Festival. Mr. Criner introduces Zelle Brown, the 2009 North Carolina Azalea Festival Princess, and members of her court: Morgan Pope, Megan Everette, Elgin Ulrich, Alexii Lardis and Azalea Bells Natalie Aman, Sharita Bell, Lindsey Piepmeyer and Katie Weinel. The guests present to the Lieutenant Governor and Senator Dannelly a framed edition of the 2009 Azalea Festival poster. The guests are escorted from the Chamber to a standing ovation.

### ENROLLED BILLS AND RESOLUTIONS

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

**S.B. 136**, AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**S.B. 258**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35223, is adopted and engrossed.

**S.B. 409**, A BILL TO BE ENTITLED AN ACT TO ENACT VARIOUS LAWS TO IMPROVE THE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 55234, is adopted and engrossed.

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

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 59**, A BILL TO BE ENTITLED AN ACT ALLOWING ANY JUDGE OR JUSTICE TO PERFORM MARRIAGE CEREMONIES, with a favorable report.

**S.B. 268**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FOURTEEN THOUSAND NOTARIES PUBLIC, with a favorable report.

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 204**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS, with a favorable report.

**S.B. 559**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY PENSION FOR MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND TO APPROPRIATE FUNDS TO REPAY THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND IN FULL AND TO FULLY FUND THE ANNUAL REQUIRED CONTRIBUTION, with a favorable report.

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

**H.B. 94** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IN A LOCAL SCHOOL ADMINISTRATIVE UNIT IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION, with a favorable report.

**S.B. 558**, A BILL TO BE ENTITLED AN ACT TO ADDRESS COST-OF-LIVING ADJUSTMENTS FOR RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE JUDICIAL 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 55235, which changes the title to read **S.B. 558** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS COST-OF-LIVING ADJUSTMENTS

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FOR RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, is adopted and engrossed.

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

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION, with a favorable report.

### CALENDAR

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

**S.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, March 23, upon third reading.

**S.B. 385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE SUBDIVISION OF LAND.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 112**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, March 24.

**S.B. 345**, A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 452**, A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES.

The bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; AND TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE, referred to the **Appropriations/Base Budget Committee** on March 10.

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, March 24, 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, March 24.

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**INTRODUCTION OF A BILL**

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 Boseman:

**S.B. 699**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND OPERATION OF CEMENT PLANTS IN THE STATE UNTIL SEPTEMBER 1, 2010, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE ENVIRONMENTAL IMPACTS OF CEMENT PLANTS AND THE SITING, DESIGN, AND OPERATIONAL REQUIREMENTS GOVERNING CEMENT PLANTS IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

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

**ADDITIONAL SPONSORS**

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

**S.B. 151**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND, TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE, TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS, AND ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

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

**S.B. 442**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CUSTOMIZED TRAINING PROGRAMS IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

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**S.B. 443**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE FOR DIFFERENTIATED FUNDING OF COMMUNITY COLLEGE ALLIED HEALTH PROGRAMS.

**S.B. 444**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE THE SALARIES OF FULL-TIME COMMUNITY COLLEGE FACULTY AND PROFESSIONAL STAFF.

**S.B. 445**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE EQUIPMENT.

**S.B. 446**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REESTABLISH AND PLACE A RENEWED EMPHASIS ON TECHNICAL EDUCATION PROGRAMS IN THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM AND TO PROVIDE FOR DIFFERENTIATED FUNDING OF COMMUNITY COLLEGE TECHNICAL EDUCATION PROGRAMS.

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns subject to introduction of bills, to meet Monday, March 23, at 7:00 P.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Nesbitt; and Apodaca:

**S.B. 646**, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION.

Referred to the **Health Care Committee**.

By Senators Rand; Apodaca, Goodall, Hoyle and Vaughan:

**S.B. 647**, A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Commerce Committee**.

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By Senator Goss:

**S.B. 648**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER.

Referred to the **Commerce Committee**.

By Senator Goss:

**S.B. 649**, A BILL TO BE ENTITLED AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE LOCATION OF WORK ZONE SIGNAGE.

Referred to the **Commerce Committee**.

By Senator Goss:

**S.B. 650**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES TO REGULATE GOLF CARTS.

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

By Senator Goss:

**S.B. 651**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINT STUDY COMMISSION TO STUDY STATE GOVERNMENT EXPANDING ITS USE OF ALTERNATIVE SOURCES OF ENERGY.

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

By Senators Allran; Bingham and Purcell:

**S.B. 652**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

Referred to the **Commerce Committee**.

By Senator Rucho:

**S.B. 653**, A BILL TO BE ENTITLED AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST.

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

By Senator Jones:

**S.B. 654**, A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE.

Referred to the **Commerce Committee**.

By Senator Jones:

**S.B. 655**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE RESTORATION OF DRIVERS LICENSES TO PROVIDE

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FUNDING FOR THE FORENSIC TESTS FOR ALCOHOL BRANCH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Finance Committee**.

By Senator Jones:

**S.B. 656**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE OPERATION OF OVERSIZED SELF-PROPELLED FARM EQUIPMENT, NOT EXCEEDING TWENTY-FIVE FEET, ON HIGHWAYS THAT ARE FULLY CONTROLLED ACCESS HIGHWAYS.

Referred to the **Commerce Committee**.

By Senator Atwater:

**S.B. 657**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND RECOMMEND TO THE GENERAL ASSEMBLY A TEACHER ASSISTANT SALARY SCHEDULE.

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

By Senator Atwater:

**S.B. 658**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES.

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

By Senator Rucho:

**S.B. 659**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE FOR DETERMINING WHEN A JUDGE SHOULD BE DISQUALIFIED FROM PRESIDING OVER A CASE.

Referred to the **Judiciary I Committee**.

By Senator Rucho:

**S.B. 660**, A BILL TO BE ENTITLED AN ACT TO REQUIRE COVERAGE FOR DIMINUTION IN VALUE AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE PROPERTY COVERAGE.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

**S.B. 661**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

**S.B. 662**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE UTILITIES COMMISSION TO INCLUDE RECOMMENDATIONS IN ITS

ANNUAL REPORT ON THE IMPLEMENTATION OF AND COMPLIANCE WITH THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

**S.B. 663**, A BILL TO BE ENTITLED AN ACT TO INCREASE ACCESS TO JUSTICE IN THE CIVIL COURTS, AS RECOMMENDED BY THE CHIEF JUSTICE'S NORTH CAROLINA EQUAL ACCESS TO JUSTICE COMMISSION.

Referred to the **Judiciary I Committee**.

By Senators Graham; Dannelly and McKissick:

**S.B. 664**, A BILL TO BE ENTITLED AN ACT TO PROVIDE STRICTER REQUIREMENTS FOR THE STORAGE OF FIREARMS TO PROTECT MINORS.

Referred to the **Judiciary I Committee**.

By Senators Graham; and Dannelly:

**S.B. 665**, 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**.

By Senators Graham; and Dannelly:

**S.B. 666**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT RESTRAINT OF INDIVIDUALS WHO ARE MINORS BEING TRANSPORTED TO OR DURING HEARINGS PURSUANT TO INVOLUNTARY COMMITMENT PROCEEDINGS, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

By Senators Graham; Dannelly, Davis, Dorsett and McKissick:

**S.B. 667**, 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 Soles, Hoyle, McKissick, and Rand:

**S.B. 668**, A BILL TO BE ENTITLED AN ACT TO ALLOW A BANK TO ISSUE PREFERRED STOCK, TO PAY DIVIDENDS ON CERTAIN

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PREFERRED SHARES, AND TO PERMIT THE COMMISSIONER OF BANKS TO APPOINT THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER.

Referred to the **Commerce Committee**.

By Senators Soles, Hoyle, McKissick, and Rand:

**S.B. 669**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BANKING COMMISSION APPELLATE PROCEDURES.

Referred to the **Commerce Committee**.

By Senators Purcell; and Clodfelter:

**S.B. 670**, 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; and Dorsett:

**S.B. 671**, A BILL TO BE ENTITLED AN ACT REQUIRING COUNTY DEPARTMENTS OF SOCIAL SERVICES TO DEVELOP POLICIES ON HOW TO ADDRESS THE ISSUE OF FOSTER PARENTS WHO SMOKE.

Referred to the **Health Care Committee**.

By Senators Purcell; and Dorsett:

**S.J.R. 672**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE IMPACT OF SMOKING PROHIBITIONS IN FOSTER CARE HOMES.

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

By Senators Purcell; and Dorsett:

**S.B. 673**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT A POLICY PROHIBITING A FOSTER PARENT FROM SMOKING IN THE PRESENCE OF AN INFANT IN THE FOSTER PARENT'S CARE.

Referred to the **Health Care Committee**.

By Senator Purcell:

**S.B. 674**, A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE IMMEDIATELY EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN.

Referred to the **Health Care Committee**.

By Senator Purcell:

**S.B. 675**, A BILL TO BE ENTITLED AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR

INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES  
AND FOR FILING BIRTH CERTIFICATES.

Referred to the **Health Care Committee**.

By Senators Brunstetter; and Tillman:

**S.B. 676**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS AT THE NORTH CAROLINA ZOOLOGICAL PARK.

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

By Senators Brunstetter; and Tillman:

**S.B. 677**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR IMPROVEMENTS AT THE NORTH CAROLINA ZOOLOGICAL PARK.

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

By Senators Brunstetter; Apodaca, Forrester, Snow and Tillman:

**S.B. 678**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NEED-BASED PHYSICIAN ASSISTANT SCHOLARSHIPS.

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

By Senators Brunstetter, Clodfelter, Hartsell, Stein; Snow and Stevens:

**S.B. 679**, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM APPORTIONMENT OF TORT RESPONSIBILITY ACT.

Referred to the **Judiciary I Committee**.

By Senators Brown; Berger of Rockingham, Brock, Brunstetter, East, Goss, Jacumin, Preston, Rucho, Swindell and Tillman:

**S.B. 680**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY TO BE IMPOSED FOR DRUG TRAFFICKING OFFENSES BY AN INCREASE OF ONE LEVEL OF FELONY.

Referred to the **Judiciary I Committee**.

By Senators Dannelly; Dorsett, Graham, Jones and Malone:

**S.B. 681**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND LOCAL TEEN PREGNANCY PREVENTION INITIATIVES AND PROGRAMS.

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

By Senators Dannelly; Clodfelter and Graham:

**S.B. 682**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ONE NORTH CAROLINA FUND TO PROVIDE FINANCIAL ASSISTANCE TO JOHNSON & WALES UNIVERSITY.

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

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By Senators Dannelly; Dorsett, Graham, Jones and Malone:

**S.B. 683**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF BARBER EXAMINERS TO ESTABLISH AND IMPLEMENT A MOBILE BARBERSHOPS PILOT PROGRAM.

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

By Senators Dannelly; Dorsett, Graham, Jones and Malone:

**S.B. 684**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR PARENTING PROGRAMS TO PREVENT PREGNANT AND PARENTING STUDENTS FROM DROPPING OUT OF SCHOOL.

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

By Senators East, Goss; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Forrester, Goodall, Hartsell, Hunt, Jacumin, Rouzer, Rucho, Stevens and Tillman:

**S.B. 685**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE CORPORATE INCOME TAX RATE IN NORTH CAROLINA TO COMPETE WITH OTHER STATES.

Referred to the **Finance Committee**.

By Senators Foriest; Apodaca, Atwater, Bingham, Brunstetter, Forrester and Rouzer:

**S.B. 686**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ELECTRONIC FILING OF ABANDONED PROPERTY REPORTS.

Referred to the **Commerce Committee**.

By Senators Foriest, Hartsell; Atwater, Bingham, Forrester and Rouzer:

**S.B. 687**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS.

Referred to the **Commerce Committee**.

By Senators Kinnaird; and McKissick:

**S.B. 688**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA LOW-EMISSION VEHICLE PROGRAM.

Referred to the **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 11:56 A.M.

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**THIRTY-FIRST DAY**

Senate Chamber  
Monday, March 23, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, you sure didn't quit working on your creation after six days. Springtime in North Carolina proves that, new birth out of a barren winter, the awakening of cherry blossoms, jonquils, seldom seen neighbors coming out of hibernation to walk or work in their yards. Spring reminds us of your presence and gives us reason to hope. In the vernacular of the South we proclaim: 'Some days shouldn't be messed with, just enjoyed.' Remind us of this simple truth amidst the great press of activities each day here in the Senate. Amen."

The Chair grants leaves of absence for today to Senator Davis, Senator Garrou, Senator Nesbitt, Senator Rucho, and Senator Soles.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, March 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Kevin D. O'Neal from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Lanelle Hunter 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, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 112**, AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS.

**CHAPTERED BILLS**

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

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**S.B. 5**, AN ACT TO PROVIDE THAT A CORPORATION THAT IS A MANUFACTURER, WHOLESALE DEALER, OR RETAIL DEALER OF CROSSBOWS MAY OBTAIN A CONTINUING PERMIT FOR THE PURCHASE OR RECEIPT OF CROSSBOWS UPON APPLICATION TO THE SHERIFF OF THE COUNTY IN WHICH THE CORPORATION IS LOCATED, AND TO PROVIDE THAT THE RECORD-KEEPING REQUIREMENT FOR SALES OF CROSSBOWS DOES NOT APPLY TO A MANUFACTURER OF CROSSBOWS AND DOES NOT APPLY TO A WHOLESALE DEALER OF CROSSBOWS WHEN THE SALES ARE TO OTHER WHOLESALE DEALERS OR RETAIL DEALERS. (Became law upon approval of the Governor, March 19, 2009 - S.L. 2009-6.)

**S.B. 37**, AN ACT TO AUTHORIZE OPERATION OF CERTAIN MOTORSPORTS VEHICLE COMBINATIONS. (Became law upon approval of the Governor, March 19, 2009 - S.L. 2009-7.)

**S.B. 127**, AN ACT TO ENACT THE UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, March 19, 2009 - S.L. 2009-8.)

### CALENDAR

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

**S.B. 268**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FOURTEEN THOUSAND NOTARIES PUBLIC.

Upon motion of Senator Clodfelter, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 24.

**S.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF SOUTHPORT TO ENTER INTO AN ANNEXATION AGREEMENT, 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, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Snow, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: None.

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

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**S.B. 59**, A BILL TO BE ENTITLED AN ACT ALLOWING ANY JUDGE OR JUSTICE TO PERFORM MARRIAGE CEREMONIES.

The bill passes its second reading (39-5) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 204**, A BILL TO BE ENTITLED AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 258** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION.

Senator Dannelly offers Amendment No. 1 which is adopted (45-0).

The bill, as amended, passes its second reading (30-15).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, March 24, upon third reading.

**H.B. 94** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IN A LOCAL SCHOOL ADMINISTRATIVE UNIT IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**SENATE PAGES**

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

Victoria Bielby, Hillsborough; John Carpenter, Garner; Issac Flowe, Charlotte; Cody Flowers, Bessemer City; Destiny Gibbens, Crossnore; Trey Maye, Raleigh; Wesley Oliver, Knightdale; Gregory Rains, Archdale; Jay Royster, Shelby; Connie Snapp, Albemarle; Paul Williams, Clayton and Perry Williams III, Clayton.

**ADDITIONAL SPONSOR**

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

**S.B. 280, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA SPECIAL OLYMPICS.**

Upon motion of Senator Basnight, seconded by Senator Queen, the Senate adjourns at 7:31 P.M. subject to introduction of bills and receipt of messages from the House of Representatives, to meet Tuesday, March 24, at 2:00 P.M.

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**THIRTY-SECOND DAY**

Senate Chamber  
Tuesday, March 24, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Dr. Ruth Peterson, Anointed Ones Ministries, Ayden, North Carolina as follows:

"Father, we give you thanks today for our Country and its government. You said if any man lacks wisdom, let him ask of you. So Father, we ask today that you grant these honorable men and women of the General Assembly wisdom greater than their own, skillful and godly wisdom. If we ever needed your wisdom, knowledge, and guidance, we need it now. So we boldly declare and decree that skillful and godly wisdom has entered into the hearts of these leaders. We declare that knowledge is pleasant to them and discretion watches over these men and women of integrity. We confess and believe that the decisions made by these leaders are divinely directed by you. Amen."

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, March 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Eric Bindewald from Hendersonville, North Carolina, who is serving the Senate as Doctor of the Day, and to Nina Davis from Silver Spring, 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. 94**, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IN A LOCAL SCHOOL ADMINISTRATIVE UNIT IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

### 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. 112**, AN ACT TO ALLOW THE TOWN OF WALLACE TO DECLARE RESIDENTIAL AND NONRESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS UNSAFE AND TO HAVE THE OPTION OF REMOVING OR DEMOLISHING THOSE BUILDINGS. (Became law upon ratification, March 23, 2009 - S.L. 2009-9.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 65**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15146, is adopted and engrossed.

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**S.B. 159**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE PRIORITY FUNERAL EXPENSE ALLOWANCE AND THE GRAVESTONE AUTHORIZATION IN PROBATE 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 15148, which changes the title to read **S.B. 159** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY THE SECOND CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS, is adopted and engrossed.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 22** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

Referred to the **Judiciary II Committee**.

**H.B. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.

Referred to the **Judiciary II Committee**.

**H.B. 52**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE FILING PERIOD FOR THE HAYWOOD COUNTY BOARD OF EDUCATION.

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

**H.B. 89**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES.

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

**H.B. 109**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE.

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

**H.B. 201** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE

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DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE TAXES.

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

**H.J.R. 233**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WAKE FOREST WHILE CELEBRATING THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

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

**H.B. 254**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT VACANCIES IN THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE FILLED IN ACCORDANCE WITH GENERAL LAW.

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

**H.B. 274**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

**H.B. 300**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KING TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE CITY'S PUBLIC NUISANCE ORDINANCE.

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

**H.B. 307**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A PROCESS TO SET ASIDE AN ORDER OF PATERNITY OR AN AFFIDAVIT OF PARENTAGE UNDER LIMITED CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

### CALENDAR

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

**S.B. 268**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FOURTEEN THOUSAND NOTARIES PUBLIC.

Senator Brunstetter offers Amendment No. 1 which is adopted (47-1), and changes the title to read **S.B. 268**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL

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RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIVE THOUSAND TWO HUNDRED AND FIFTY NOTARIES PUBLIC.

The bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Senator Rand offers Amendment No. 1.

The Senate recesses at 2:31 P.M. with Amendment No. 1 to S.B. 287 pending, to reconvene at 3:00 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### CALENDAR *(continued)*

**S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, with Amendment No. 1 pending.

Amendment No. 1 is adopted (43-3).

Senator Rand offers Amendment No. 2 which is adopted (47-0).

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

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

The Committee Substitute bill, as amended, passes its second reading (28-18) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

**S.B. 332**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; AND TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE.

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The bill passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION, as amended on second reading.

Senator Clodfelter offers Amendment No. 2 which is adopted (47-0).

The bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

#### **CHANGES TO 2009 SENATE COMMITTEES**

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore* announces that Senator Rouzer is appointed to the **Select Committee on Economic Recovery**.

#### **ADDITIONAL SPONSOR**

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

**S.B. 178**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTS BETWEEN GOVERNMENTAL ENTITIES AND LABOR ORGANIZATIONS FOR THE PURPOSE OF COLLECTIVE BARGAINING.

**S.B. 427**, A BILL TO BE ENTITLED AN ACT TO RESTORE CONTRACT RIGHTS TO STATE AND LOCAL ENTITIES.

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, March 25, at 3:00 P.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Stevens; and Malone:

**S.B. 689**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.

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

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By Senator Atwater:

**S.B. 690**, A BILL TO BE ENTITLED AN ACT TO PROVIDE APPLICANTS WHO REGISTER MOTOR VEHICLES AT THE FARMER RATE TO CHOOSE BETWEEN A STAGGERED REGISTRATION YEAR OR AN ANNUAL REGISTRATION YEAR.

Referred to the **Finance Committee**.

By Senator Dorsett:

**S.B. 691**, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER.

Referred to the **Finance Committee**.

By Senators Dorsett, Malone; Atwater, Clary, Jones and Purcell:

**S.B. 692**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GUARDIANSHIP SERVICES UNDER THE LAWS RELATING TO GUARDIANSHIP.

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

By Senators Dorsett, Malone; Atwater, Clary, Jones and Purcell:

**S.B. 693**, A BILL TO BE ENTITLED AN ACT TO IMPROVE PUBLIC GUARDIANSHIP SERVICES IN NORTH CAROLINA.

Referred to the **Judiciary II Committee**.

By Senator Garrou:

**S.B. 694**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY AS PERFORMED BY PERSONS PRACTICING DENTISTRY OUT OF STATE UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Health Care Committee**.

By Senator Garrou:

**S.B. 695**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 696**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RETENTION OF ACCUMULATED SURPLUS BY THE BEACH PLAN.

Referred to the **Commerce Committee**.

By Senators Rand; Berger of Franklin and Vaughan:

**S.B. 697**, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE E-NC AUTHORITY TO SUPPORT CONNECTIVITY INITIATIVES AND TO ADVANCE TECHNOLOGY-BASED ECONOMIC DEVELOPMENT THROUGHOUT THE STATE.

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

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By Senator Boseman:

**S.B. 698**, A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES AND COUNTIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF NEW FEES AND INCREASES IN EXISTING FEES.

Referred to the **Commerce Committee**.

By Senator Rand:

**S.B. 700**, A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY.

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

By Senator Rand:

**S.B. 701**, 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 Rand:

**S.B. 702**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE PHASED RETIREMENT PROGRAM FROM THE REVISED DEFINITION OF RETIREMENT.

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

By Senator Rand:

**S.B. 703**, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER.

Referred to the **Finance Committee**.

By Senator Rand:

**S.B. 704**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES WITH RESPECT TO POOLED TRUSTS AND ESTATE RECOVERY UNDER MEDICAID.

Referred to the **Judiciary I Committee**.

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By Senators Swindell; and Jones:

**S.B. 705**, 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 Swindell; and Jones:

**S.B. 706**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

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

By Senator Hartsell:

**S.B. 707**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO CHARGE FEES TO APPLICANTS FOR MEDIATOR AND MEDIATOR TRAINING PROGRAM CERTIFICATIONS AND CERTIFICATION RENEWAL FEES.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 708**, A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

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

By Senator Allran:

**S.B. 709**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD.

Referred to the **Judiciary II Committee**.

By Senator Allran:

**S.B. 710**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE OFFENSE OF OBTAINING PROPERTY BY FALSE PRETENSES WHEN THE MONEY OR PROPERTY OBTAINED IS VALUED BETWEEN FIVE THOUSAND DOLLARS AND ONE HUNDRED THOUSAND DOLLARS.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter; Hartsell and Swindell:

**S.B. 711**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAWS RELATING TO MUNICIPAL ANNEXATION AND THE EXERCISE OF EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION IN ORDER TO CONFORM THE PRINCIPLES AND POLICIES OF THE 1959 REPORT OF THE MUNICIPAL ANNEXATION STUDY COMMISSION TO THE PRESENT CIRCUMSTANCES OF URBANIZATION AND URBAN DEVELOPMENT IN NORTH CAROLINA; TO CODIFY THE HOLDING OF

THE DECISION IN NOLAN V. VILLAGE OF MARVIN, TO MORE CLOSELY ALIGN THE PURPOSES AND OPERATION OF THE LAWS RELATING TO MUNICIPAL ANNEXATION AND EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION; AND TO REQUIRE THAT ALL EXISTING MUNICIPAL CORPORATIONS IN NORTH CAROLINA OFFER A MEANINGFUL LEVEL OF URBAN SERVICES TO THEIR CITIZENS IN ORDER TO RETAIN THEIR CHARTERS.

Bill not referred to a committee.

By Senators Hunt; Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Davis, East, Forrester, Goodall, Goss, Jacumin, Preston, Rouzer, Rucho, Stevens, Swindell and Tillman:

**S.B. 712**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO DISTRIBUTE STATE SURPLUS PROPERTY TO FURBISHERS OF COMPUTERS FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE.

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

By Senators Rucho, Clodfelter; Dannelly and Goodall:

**S.B. 713**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE.

Referred to the **Judiciary I Committee**.

By Senator Berger of Franklin:

**S.B. 714**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFAACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS.

Referred to the **Judiciary II Committee**.

By Senator Berger of Franklin:

**S.B. 715**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FIVE COUNTY MENTAL HEALTH AUTHORITY, A LOCAL MANAGEMENT ENTITY, TO ENROLL ITS EMPLOYEES AND RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Clodfelter:

**S.B. 716**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN FINANCE LAWS.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

**S.B. 717**, A BILL TO BE ENTITLED AN ACT TO FUND AN ENROLLMENT GROWTH RESERVE FOR THE COMMUNITY COLLEGES.

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

By Senator Clodfelter:

**S.B. 718**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

**S.B. 719**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; AND (4) TO REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS.

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

By Senator Weinstein:

**S.B. 720**, A BILL TO BE ENTITLED AN ACT AUTHORIZING ROBESON COMMUNITY COLLEGE TO OFFER FLIGHT TRAINING, AIR TRAFFIC CONTROL, AND OTHER AEROSPACE CLASSES AND BE REIMBURSED BY THE COMMUNITY COLLEGES SYSTEM OFFICE FOR FTE HOURS EARNED AS A RESULT OF STUDENT ENROLLMENT.

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

By Senators Hoyle; Goss and Queen:

**S.B. 721**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND ALTERNATE STAFFING REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES DURING CLIENT SLEEP HOURS.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Hoyle; Albertson, Apodaca, Brock, Brunstetter, Forrester, Goss, Jones, Malone and Weinstein:

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**S.B. 722**, A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION.

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

By Senators Berger of Rockingham; Brock, Hunt and Tillman:

**S.B. 723**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ADDITIONAL OVERSIGHT OF THE TAX CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY AND TO LIMIT THE CREDIT FOR COMPENSATION OF INDIVIDUALS RECEIVING PAYMENT TO FIVE HUNDRED THOUSAND DOLLARS.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Hunt and Tillman:

**S.B. 724**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Hunt and Tillman:

**S.B. 725**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INSURERS LICENSED TO SELL HEALTH INSURANCE POLICIES IN OTHER STATES TO OFFER HEALTH INSURANCE POLICIES IN THIS STATE.

Referred to the **Commerce Committee**.

By Senators Berger of Rockingham; Hunt and Tillman:

**S.B. 726**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT ONLY THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Hunt and Tillman:

**S.B. 727**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADMINISTRATION OF A CHEMICAL ANALYSIS FOR ALL DRIVERS INVOLVED IN CRASHES THAT RESULT IN DEATH.

Referred to the **Judiciary I Committee**.

By Senators Berger of Rockingham; Hunt and Tillman:

**S.B. 728**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PEOPLE'S VETO THAT ALLOWS ACTS OF THE GENERAL ASSEMBLY TO BE SUSPENDED UNTIL APPROVED BY THE VOTERS IN A REFERENDUM.

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

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By Senator Rucho:

**S.B. 729**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.

Referred to the **Judiciary I Committee**.

By Senator Rucho:

**S.B. 730**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN LOCAL GOVERNMENT OFFICIALS TO RECUSE THEMSELVES FROM VOTING IN CERTAIN INSTANCES.

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

By Senators Jacumin; and Brock:

**S.B. 731**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

Referred to the **Judiciary I Committee**.

By Senators Preston; Apodaca, Berger of Rockingham, Brock, Brown, Forrester, Goodall, Hunt, Jacumin, Kinnaird, Rouzer, Rucho and Tillman:

**S.B. 732**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A JOINT LEGISLATIVE STUDY COMMITTEE ON EARLY CHILDHOOD PROGRAMS.

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

By Senators Preston; Allran, Apodaca, Berger of Rockingham, Boseman, Brock, Brown, Dorsett, East, Forrester, Hunt, Jacumin, Kinnaird, Queen, Rouzer, Rucho, Swindell and Tillman:

**S.B. 733**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A CURRICULUM FOR A HIGH SCHOOL COURSE CALLED "LIFE 101."

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

By Senators Queen; Bingham, Boseman, Graham, Hoyle, Purcell, Rouzer, Stevens and Tillman:

**S.B. 734**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REPORTING OF DETAILS OF SETTLEMENTS OF MEDICAL MALPRACTICE CLAIMS.

Referred to the **Judiciary I Committee**.

By Senators Queen; Allran, Apodaca, Atwater, Blake, Brock, Brown, East, Goodall, Hunt, Jacumin, Rucho, Snow and Tillman:

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**S.B. 735**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A CIVIL WAR SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senators Queen; Allran, Atwater, Berger of Franklin, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Foriest, Goodall, Graham, Hartsell, Hunt, Jacumin, Jones, McKissick, Nesbitt, Preston, Rouzer, Snow, Stevens, Swindell and Tillman:

**S.B. 736**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A FRIENDS OF CAMP DANIEL BOONE SPECIAL PLATE FOR THE DANIEL BOONE COUNCIL OF THE BOY SCOUTS OF AMERICA.

Referred to the **Finance Committee**.

By Senators Queen; Apodaca, Berger of Franklin, Bingham, Boseman, Brown, Dorsett, Goss, Graham, Hartsell, Hoyle, Jones, Kinnaird, Malone, Nesbitt, Preston, Purcell, Shaw, Snow, Stein, Stevens, Swindell, Tillman and Weinstein:

**S.B. 737**, A BILL TO BE ENTITLED AN ACT TO ENACT THE PARENT AND STUDENT EDUCATIONAL INVOLVEMENT ACT.

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

By Senator Rand:

**S.B. 738**, A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES.

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

By Senators Malone; Bingham, Goss and Stevens:

**S.B. 739**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PLACING OF LIVE FOXES OR COYOTES IN ENCLOSED AREAS FOR THE PURPOSE OF FIELD TRIALS OR THE TRAINING OF DOGS.

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

By Senators Malone; Bingham, Goss, Hartsell, Stevens and Swindell:

**S.B. 740**, A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

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

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By Senators Malone, Stevens; Bingham, Goss, Hartsell and Swindell:

**S.B. 741**, A BILL TO BE ENTITLED AN ACT TO INCREASE CLASS SIZE IN THE PUBLIC SCHOOLS FOR THE 2009-2010 SCHOOL YEAR.

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

By Senator Preston:

**S.B. 742**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE TERCENTENARY CELEBRATION OF THE CITY OF NEW BERN.

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

By Senator Preston:

**S.B. 743**, 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 Senator Preston:

**S.B. 744**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE TOWN OF BEAUFORT'S THREE HUNDREDTH ANNIVERSARY.

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

By Senator Queen:

**S.B. 745**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A S.T.A.R. SPECIAL PLATE FOR SAVE THE ANIMALS RESCUE.

Referred to the **Finance Committee**.

By Senator Queen:

**S.B. 746**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE ENERGY, SCIENCE AND TECHNOLOGY COMMITTEE.

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

By Senator Queen:

**S.B. 747**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR NATIVE BROOK TROUT.

Referred to the **Finance Committee**.

By Senators Clodfelter; Dannelly, Goodall and Graham:

**S.B. 748**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL POSITIONS FOR THE MENTAL HEALTH COURT PILOT PROJECT IN THE 26TH JUDICIAL DISTRICT.

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

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By Senators Clodfelter; Hartsell and Snow:

**S.B. 749**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES.

Referred to the **Commerce Committee**.

By Senators Clodfelter; Stein and Stevens:

**S.B. 750**, A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA.

Referred to the **Finance Committee**.

By Senators Clodfelter and Hoyle:

**S.B. 751**, 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 Senator Clodfelter:

**S.B. 752**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO REQUIRE FOOD SAFETY TRAINING FOR OWNERS AND OPERATORS OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD TO THE PUBLIC.

Referred to the **Health Care Committee**.

By Senators Clodfelter and Hartsell:

**S.B. 753**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DUTIES OF THE STATE WATER INFRASTRUCTURE COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL ALSO SERVE AS LEAD COORDINATOR FOR WATER AND WASTEWATER INFRASTRUCTURE FUNDING IN NORTH CAROLINA, AND TO APPROPRIATE FUNDS FOR THE COMMISSION TO HIRE A PERMANENT STAFF TO ASSIST WITH THE DUTIES OF THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senators Clodfelter; and Stein:

**S.B. 754**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF FEDERAL ECONOMIC STIMULUS LEGISLATION ALSO KNOWN AS THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRTA).

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

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By Senator Clodfelter:

**S.B. 755**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF PRIVATE COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS.

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

By Senators Clodfelter; Dannelly, Goodall and Graham:

**S.B. 756**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH ADDITIONAL COURT PERSONNEL FOR THE 26TH JUDICIAL DISTRICT.

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

By Senators Clodfelter and Hartsell:

**S.B. 757**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE WATER INFRASTRUCTURE COMMISSION TO DEVELOP A STATEWIDE STRATEGIC PLAN AND NEEDS ASSESSMENT FOR WATER AND WASTEWATER INFRASTRUCTURE FUNDING, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senators Rucho and Clodfelter:

**S.B. 758**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SECONDARY ROADS FROM THE STATE HIGHWAY SYSTEM AND TO TRANSFER THE RESPONSIBILITY FOR CONSTRUCTION AND MAINTENANCE OF SECONDARY ROADS TO COUNTIES.

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

By Senators McKissick; Atwater, Berger of Franklin, Davis, Foriest, Jones, Kinnaird, Nesbitt, Snow and Vaughan:

**S.B. 759**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS AND CREATING GROUNDS FOR SUPPRESSION AND DISMISSAL OF IMPAIRED DRIVING CASES BASED ON THE OPERATION OF CHECKING STATIONS.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Clary, Davis, Foriest, Jones, Kinnaird, Snow and Vaughan:

**S.B. 760**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ASSESSMENT OF A CIVIL PENALTY PRIOR TO THE RESTORATION OF

THE LAND FOR CONTINUING VIOLATIONS UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 AND, FOR VIOLATORS WHO FAIL TO CONTEST THE AMOUNT OF THE PENALTY FOR CONTINUING VIOLATIONS WITHIN THIRTY DAYS AFTER THE PENALTY IS DUE, TO BAR SUBSEQUENT CHALLENGES OF THE AMOUNT OF THE PENALTY.

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

By Senators Brown; Berger of Rockingham, Blake, Brock, East, Hoyle, Hunt, Jacumin, Jenkins, Preston, Swindell and Tillman:

**S.B. 761**, 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.

Referred to the **Commerce Committee**.

By Senators Brown; Brock, East, Goodall, Hunt, Preston and Tillman:

**S.B. 762**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY SUPPLEMENT OF TWELVE PERCENT TO NATIONALLY CERTIFIED TEACHERS IN HIGH SCHOOL AUTOMOTIVE PROGRAMS.

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

By Senators Stein; Clodfelter, Kinnaird and McKissick:

**S.B. 763**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES.

Referred to the **Judiciary I Committee**.

By Senator Stein:

**S.B. 764**, A BILL TO BE ENTITLED AN ACT AMENDING THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY.

Referred to the **Judiciary I Committee**.

By Senator Stein:

**S.B. 765**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT EMERGENCY DEPARTMENT DATA AND AMBULATORY SURGICAL DATA ARE INCLUDED IN THE PATIENT DATA SUBMISSION REQUIREMENTS OF THE MEDICAL CARE DATA ACT.

Referred to the **Health Care Committee**.

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By Senators Kinnaird; and Snow:

**S.B. 766**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR APPOINTMENT OF MAGISTRATES, AS RECOMMENDED BY THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; and Snow:

**S.B. 767**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLERK OF SUPERIOR COURT AND THE SENIOR RESIDENT SUPERIOR COURT JUDGE TO CONSULT ON A TIMELY BASIS WITH THE CHIEF DISTRICT COURT JUDGE BEFORE NOMINATING AND APPOINTING MAGISTRATES, AS RECOMMENDED BY THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Berger of Franklin, McKissick, Snow and Vaughan:

**S.B. 768**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EARNED INCOME TAX CREDIT AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON CHILDREN AND YOUTH.

Referred to the **Finance Committee**.

By Senators Kinnaird; and Berger of Franklin:

**S.J.R. 769**, A JOINT RESOLUTION TO AUTHORIZE THE JOINT LEGISLATIVE HEALTH CARE OVERSIGHT COMMITTEE TO STUDY "DO NOT RESUSCITATE ORDERS" ISSUED BY A PHYSICIAN IN THE ABSENCE OF THE PATIENT'S DECLARATION FOR NATURAL DEATH.

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

By Senators Rand, Dorsett; Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Goss, Hartsell, Hoyle, Jacumin, Jones, Malone, Preston, Purcell, Rouzer, Soles, Stein, Stevens, Swindell, Tillman and Weinstein:

**S.B. 770**, 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 Senators Goodall; Apodaca, Berger of Rockingham and Clary:

**S.B. 771**, A BILL TO BE ENTITLED AN ACT TO REALLOCATE LOTTERY FUNDING FROM CLASS SIZE REDUCTION AND PRE-K PROGRAMS TO SCHOOL CONSTRUCTION.

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

By Senator Boseman:

**S.B. 772**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PORT FACILITY THAT UTILIZES SPECIALIZED MACHINERY TO

PROCESS BULK CARGO INTO A FORM SUITABLE FOR DELIVERY AND USE BY A MANUFACTURING FACILITY QUALIFIES AS A MANUFACTURING FACILITY FOR PURPOSES OF THE PRIVILEGE TAX ON MILL MACHINERY.

Referred to the **Finance Committee**.

By Senators Stevens; Boseman, Brunstetter and Clodfelter:

**S.B. 773**, A BILL TO BE ENTITLED AN ACT CREATING AN EDUCATIONAL GOVERNANCE FRAMEWORK FOR THE TWENTY-FIRST CENTURY.

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

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

**S.B. 774**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE'S SEVEN REGIONAL ECONOMIC DEVELOPMENT PARTNERSHIPS TO FACILITATE ECONOMIC DEVELOPMENT.

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

By Senator Dannelly:

**S.B. 775**, 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 TELEPHONE SERVICE AND THE MANNER IN WHICH THE SERVICE CHARGE IS COLLECTED AND REMITTED TO THE 911 BOARD AND EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE.

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

By Senator Dannelly:

**S.B. 776**, A BILL TO BE ENTITLED AN ACT AMENDING THE SERVICE CHARGE FOR PREPAID WIRELESS TELEPHONE SERVICE AND ALLOWING RETAIL VENDORS OF PREPAID WIRELESS TELEPHONE SERVICE TO COLLECT THE SERVICE CHARGES AND REMIT THE AMOUNTS TO THE 911 BOARD.

Referred to the **Finance Committee**.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 98** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

Referred to the **Commerce Committee**.

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**H.B. 121** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

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

**H.B. 186** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO OBJECT TO THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IF THE LOCAL GOVERNMENT HAS HELD A PUBLIC HEARING, TAKEN EVIDENCE, AND PASSED A RESOLUTION OBJECTING TO THE LOCATION OF AN ALCOHOLIC BEVERAGE CONTROL STORE.

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

**H.B. 187** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

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

**H.B. 260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:06 P.M.

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**THIRTY-THIRD DAY**

Senate Chamber  
Wednesday, March 25, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear God, Myrtle Ware was a high school English teacher. She directed the school newspaper, the literary club, and the boys and girls debate teams. At her funeral, a very successful woman spoke these words to one of Mrs. Ware's sons: 'Your mother was my English teacher. She was the first person who taught me how important it is for things to be done right' 'How did she do that?' Mrs. Ware's son asked. The woman responded, 'First, she gave me a failing grade on my term paper. Then when I went to talk with her about the grade, she listened carefully and we both cried.' We are grateful for those who teach our children, O God, and for young people in college right now studying to become teachers. We pray they will be as dedicated as Myrtle Ware to teaching children, not only about academics, but also about how important it is for all things to be done right. Amen."

The Senate recesses at 3:05 P.M. to reconvene at 3:15 P.M.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, March 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. John L. Burkard, Jr. from Raleigh, 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**

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

March 25, 2009

**S.B. 433**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT, with a favorable report.

**S.B. 381**, A BILL TO BE ENTITLED AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN MECKLENBURG 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 35256, is adopted and engrossed.

**S.B. 550**, A BILL TO BE ENTITLED AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF 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 35255, which changes the title to read **S.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, AND TO CONFIRM THAT NORMAL REDISTRICTING REQUIREMENTS APPLY TO THOSE UNITS, 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 to 12:00 Noon on March 26, 2009.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

**NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
16 W. Jones Street  
Raleigh, North Carolina 27601-1030**

**Senate Education/Higher Education Committee  
2009-2010 Biennium  
Senator Vernon Malone, Co-Chairman  
Senator Richard Stevens, Co-Chairman**

March 25, 2009

**MEMORANDUM**

**TO:** Members of the Senate

**FROM:** Senator Vernon Malone, Co-Chair, Senate Education/Higher Education Committee  
Senator Richard Stevens, Co-Chair, Senate Education/Higher Education Committee

**RE:** The University of North Carolina Board of Governors Nominees

**DATE:** March 25, 2009

Pursuant to Senate Resolution 186, the Senate Education/Higher Education Committee has met and voted on the following slate of candidates to be submitted to the Senate. The Senate will elect 8 individuals from this slate to serve on The University of North Carolina Board of Governors.

<b><u>NOMINEE</u></b>	<b><u>SPONSOR(S)</u></b>
John M. Blackburn	Senator Joe Sam Queen
Peaches G. Blank	Senator David Hoyle
Laura W. Buffaloe	Senator Ed Jones
Phillip R. Dixon	Senator Don Davis Senator Clark Jenkins
Paul Fulton	Senator Peter Brunstetter Senator Linda Garrou
Hannah D. Gage	Senator Julia Boseman Senator Linda Garrou
Robert Greczyn, Jr.	Senator Don Davis
Forrest Michael (Mike) James	Senator William Purcell
Franklin E. McCain	Senator Dan Clodfelter Senator Charlie Dannelly Senator Malcolm Graham
Burley B. Mitchell, Jr.	Senator James Forrester Senator Neal Hunt Senator Josh Stein
William G. Smith	Senator Floyd McKissick
Joseph H. Williams	Senator Katie Dorsett Senator Don Vaughan

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**RECONSIDERATION**

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION.

Having voted with the majority, Senator Rand offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails (46-2).

The question before the body is the passage of S.B. 380 on its third reading.

Upon motion of Senator Rand, the bill is placed at the end of today's Calendar, upon third reading.

The Senate recesses at 3:25 P.M. to reconvene at 4:00 P.M.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

**CALENDAR**

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

**S.B. 65** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 159** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY THE SECOND CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 380**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO COLLECT DATA REGARDING MOBILE PHONE USE RELATED TO CRASHES ON FORMS SUPPLIED BY THE DIVISION, as amended on second and third reading and placed earlier on today's Calendar after reconsideration of third reading.

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The bill, as amended, passes its third readings (42-6) and is ordered engrossed and sent to the House of Representatives.

**ELECTION OF MEMBERS  
TO THE BOARD OF GOVERNORS  
OF THE UNIVERSITY OF NORTH CAROLINA**

Pursuant to **S.R. 186**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and pursuant to the report received from the Education/Higher Education Committee today with the slate of candidates to be submitted to the Senate, the President recognizes Senator Malone, Co-Chair of the Education/Higher Education Committee, who explains the voting procedures.

Senator Malone announces that Senator Tillman, Senator Atwater, Senator Stevens, and Senator Hoyle will assist with the vote canvass. The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

The Senate recesses at 4:27 P.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 Walter Dalton, Lieutenant Governor.

**ANNOUNCEMENT OF MEMBERS  
ELECTED TO THE BOARD OF GOVERNORS  
OF THE UNIVERSITY OF NORTH CAROLINA**

Pursuant to **S.R. 186**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, Senator Malone, Co-Chair of the Education/Higher Education Committee, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

John M. Blackburn  
Peaches Gunter Blank  
Laura Walton Buffaloe  
Phillip R. Dixon  
Paul Fulton  
Hannah Dawson Gage  
Franklin E. McCain  
Burley B. Mitchell, Jr.

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The President declares John M. Blackburn, Peaches Gunter Blank, Laura Walton Buffaloe, Phillip R. Dixon, Paul Fulton, Hannah Dawson Gage, Franklin E. McCain, and Burley B. Mitchell, Jr. duly elected to the Board of Governors of the University of North Carolina, and he further orders a special message be sent to the House of Representatives informing that Honorable Body of such action. The President directs Senator Malone and Senator Stevens, Co-Chairmen 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.

#### **ADDITIONAL SPONSOR**

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

**S.B. 739**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE PLACING OF LIVE FOXES OR COYOTES IN ENCLOSED AREAS FOR THE PURPOSE OF FIELD TRIALS OR THE TRAINING OF DOGS.

#### **REMARKS ON DR. JOHN HOPE FRANKLIN**

Upon motion of Senator Atwater, the remarks of the members about Dr. John Hope Franklin are spread upon the Journal as follows:

##### **Lieutenant Governor:**

“I will note members before I call for notices and announcements that one of the new members of the Board of Governors is someone who is a great civil rights leader, Franklin McCain, one of the A&T students with the non-violent sit-in. It is ironic that that occurs today, on a day that I regret to tell you that a great North Carolinian has passed away, Dr. John Hope Franklin, at the age of ninety-four years. A revered historian and a former Tar Heel of the Year, who wrote the book *From Slavery to Freedom*, did some of the research for the landmark case of Brown vs. Board of Education, marched with Dr. King from Selma to Montgomery, and as was said of him, ‘he not only writes history, he is history.’ He passed away today at Duke University and Senator Basnight when we adjourn I think it would be appropriate to adjourn in his honor.”

##### **Senator McKissick:**

“I simply would like to say that Dr. Franklin was a resident of Durham. He was certainly someone who was internationally known and someone who was a personal friend to me and his loss will be greatly experienced not only in Durham but throughout the State of North Carolina and throughout the entire Nation. You might even recall when President Clinton was President, he appointed him Chairman of a Racial Reconciliation Commission which conducted hearings throughout the entire Country. He was someone who, I

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think, we can all be proud of for his accomplishments, not only for him individually, but what he represented as a North Carolinian and as a great American. Thank you.”

**Senator Basnight:**

“If I may, Mr. President, I would also add to John Hope Franklin his contribution to this Country and historic value of our place in history as a people. On the march with Martin Luther King from Selma to Montgomery, our Sergeant-at-Arms was there, as well as John Hope Franklin and he participated in that march. Mr. Goins was a U.S. Marshal assigned to that four-day march.”

Upon motion of Senator Basnight, seconded by Senator McKissick, the Senate adjourns in memory of Dr. John Hope Franklin subject to introduction of bills and receipt of messages from the House of Representatives, to meet Thursday, March 26, at 11:00 A.M.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Garrou:

**S.B. 777**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCOPE OF TOBACCO PRODUCT MANUFACTURERS AND WHOLESALER DEFINITIONS.

Referred to the **Finance Committee**.

By Senator Soles:

**S.B. 778**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY ACT.

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

By Senators Jacumin; Allran and Shaw:

**S.B. 779**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT RELIGIOUS ORGANIZATIONS ARE EXEMPT FROM PROPERTY TAX.

Referred to the **Finance Committee**.

By Senator Berger of Franklin:

**S.B. 780**, A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

Referred to the **Commerce Committee**.

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By Senators Berger of Franklin; Atwater, Bingham, Boseman, Dannelly, Davis, Dorsett, Forrester, Goss, Graham, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Shaw, Snow, Soles, Stein, Vaughan and Weinstein:

**S.B. 781**, A BILL TO BE ENTITLED AN ACT TO HONOR THE PATIENT'S CHOICE OF A PHYSICIAN WHEN THE PATIENT IS AN EMPLOYEE ENTITLED TO COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce Committee**.

By Senators Berger of Franklin; Allran, Apodaca, Berger of Rockingham, Bingham, Brock, Clary, Davis, East, Goss, Hoyle, Hunt, Preston, Rouzer and Tillman:

**S.B. 782**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE LAW THAT REQUIRES A PERSON TO OBTAIN A LICENSE OR PERMIT TO PURCHASE, SELL, RECEIVE, OR OTHERWISE TRANSFER A PISTOL OR CROSSBOW.

Referred to the **Commerce Committee**.

By Senator Hoyle:

**S.B. 783**, A BILL TO BE ENTITLED AN ACT TO CLARIFY INSPECTION STATION AND SELF-INSPECTOR RESPONSIBILITIES AND NOTICE REQUIREMENTS.

Referred to the **Finance Committee**.

By Senators Hoyle and Goss:

**S.B. 784**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO SUBMIT ALL CONTRACTS AND STANDARD OPERATING PROCEDURES TO THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND TO CREATE AN AFFIRMATIVE DEFENSE FOR A FAILURE TO POST INFORMATION BY A FORMER CONTRACT AGENT.

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

By Senators Weinstein; Atwater, Brown, East and Tillman:

**S.B. 785**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION.

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

By Senators Stevens; and Malone:

**S.B. 786**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS

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FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senator Kinnaird:

**S.B. 787**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SENIOR RESIDENT SUPERIOR COURT JUDGE TO CONSULT WITH THE CHIEF DISTRICT COURT JUDGE IN THE APPOINTMENT OF PUBLIC DEFENDERS, AS RECOMMENDED BY THE CONFERENCE OF CHIEF DISTRICT COURT JUDGES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird; Atwater, Graham, McKissick, Nesbitt, Snow, Vaughan and Weinstein:

**S.B. 788**, 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 I Committee**.

By Senators Swindell, Jones; Berger of Franklin, Brown, Brunstetter, East, Forrester, Goss and Stevens:

**S.B. 789**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON FROM BEING LICENSED AS A BAIL BONDSMAN IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION.

Referred to the **Commerce Committee**.

By Senators Swindell; and Jenkins:

**S.B. 790**, 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.

Referred to the **Commerce Committee**.

By Senator Hartsell:

**S.B. 791**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE REED GOLD MINE FUND IN THE DIVISION OF STATE HISTORIC SITES.

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

By Senators Hartsell and Clodfelter:

**S.B. 792**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WATER AND WASTEWATER INFRASTRUCTURE AUTHORITY TO ADMINISTER THE STATE'S FUNDING FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO TRANSFER THE CONSTRUCTION GRANTS AND LOANS SECTION OF THE DIVISION OF

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WATER QUALITY AND THE FINANCIAL SERVICES UNIT IN THE PUBLIC WATER SUPPLY SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE AUTHORITY, TO PROVIDE THAT THE CLEAN WATER MANAGEMENT TRUST FUND SHALL NOT FUND WASTEWATER PROJECTS, TO TRANSFER ANNUALLY THE SUM OF TWENTY-FIVE MILLION DOLLARS FROM THE CLEAN WATER MANAGEMENT TRUST FUND TO THE WATER INFRASTRUCTURE FUND TO PROVIDE GRANT AND LOAN FUNDS FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO DIRECT THE AUTHORITY AND THE NORTH CAROLINA ECONOMIC DEVELOPMENT CENTER TO DEVELOP A TRANSITION PLAN TO MOVE THE WATER AND WASTEWATER PROGRAMS FROM THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO THE AUTHORITY, AND TO MAKE CONFORMING STATUTORY CHANGES AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senators Dannelly; Dorsett, Graham and Malone:

**S.B. 793**, 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 Rand:

**S.B. 794**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CIVIL COMMITMENT OF CERTAIN SEX OFFENDERS WHO LACK THE CAPACITY TO PROCEED TO TRIAL.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 795**, A BILL TO BE ENTITLED AN ACT REQUIRING THAT RESIDENTIAL PROPERTY DISCLOSURE STATEMENTS CONTAIN WARNINGS ABOUT HIGH NOISE AND ACCIDENT POTENTIAL ZONES WHEN THE REAL PROPERTY BEING TRANSFERRED IS LOCATED WITHIN ONE MILE OF A MILITARY INSTALLATION.

Referred to the **Commerce Committee**.

By Senator Rand:

**S.B. 796**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY COMPREHENSIVE REFORM OF THE STATE'S APPROACH TO COMMUNITY CORRECTIONS.

Referred to the **Judiciary I Committee**.

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By Senator Rand:

**S.B. 797**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDGE'S DISQUALIFICATION FROM A CASE SHALL BE IN WRITING AND SHALL SPECIFY THE REASON FOR THE DISQUALIFICATION.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 798**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PRESIDENTIAL ELECTORS MAY HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 799**, A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.

Referred to the **Health Care Committee**.

By Senator Rand:

**S.B. 800**, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

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

By Senator Rand:

**S.B. 801**, 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. 802**, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FOR PHYSICIANS WORKING IN VOLUNTEER NETWORKS.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 803**, A BILL TO BE ENTITLED AN ACT TO ADDRESS HIDDEN LIENS TO PROTECT THIRD-PARTY PURCHASERS FOR VALUE AND LENDERS IN REAL ESTATE TRANSACTIONS; AND TO MAKE IT A FELONY TO MAKE A WRITTEN FALSE STATEMENT OF SUMS DUE FOR LABOR OR MATERIAL FURNISHED TO REAL PROPERTY.

Referred to the **Judiciary I Committee**.

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By Senator Rand:

**S.B. 804**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED.

Referred to the **Health Care Committee**.

By Senator Purcell:

**S.B. 805**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO STUDY THE FEASIBILITY OF ESTABLISHING A SCHOOL-BASED INFLUENZA VACCINATION PILOT PROGRAM.

Referred to the **Health Care Committee**.

By Senator Purcell:

**S.B. 806**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR REGISTRATION AND CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES.

Referred to the **Commerce Committee**.

By Senator Jones:

**S.B. 807**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD ANIMALS POSE TO THE COMMUNITY.

Referred to the **Judiciary II Committee**.

By Senator Jones:

**S.B. 808**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

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

By Senator Jones:

**S.B. 809**, A BILL TO BE ENTITLED AN ACT TO GRANT MEMBERS AND VETERANS OF THE MILITARY FREE ADMISSION TO STATE-OPERATED MUSEUMS AND STATE PARKS, TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS, AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

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

By Senators McKissick; Atwater, Berger of Franklin, Foriest, Kinnaird, Purcell, Stein and Vaughan:

**S.B. 810**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENTS BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS.

Referred to the **Commerce Committee**.

By Senators McKissick; Atwater, Clary, Foriest, Purcell, Snow and Vaughan:

**S.B. 811**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY, OR AN ABNORMAL MARKET DISRUPTION.

Referred to the **Commerce Committee**.

By Senators McKissick, Atwater; Clary, Foriest, Goodall, Goss, Graham, Jones, Kinnaird, Nesbitt, Purcell, Stevens, Vaughan and Weinstein:

**S.B. 812**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A BUYOUT OPTION IN THE PARTITION PROCEDURES WHEREBY NONPETITIONING EXISTING OWNERS MAY BUY OUT THEIR CO-OWNERS WHO SEEK THE SALE OF THE PROPERTY, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Bingham, Clary, Foriest, Goss, Graham, Kinnaird, Nesbitt, Purcell, Rouzer, Stevens and Vaughan:

**S.B. 813**, A BILL TO BE ENTITLED AN ACT TO MAKE THE THEFT OF REGULATED METALS AFFIXED TO REAL PROPERTY A FELONY.

Referred to the **Judiciary I Committee**.

By Senators Preston; Brock and Brown:

**S.B. 814**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

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

By Senators Preston; and Brown:

**S.B. 815**, A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS TO MAKE UP WORK DURING UNEXCUSED ABSENCES AND TO

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REQUIRE SCHOOLS TO DEVELOP AND IMPLEMENT INTERVENTION PLANS FOR STUDENTS WITH AN EXCESSIVE NUMBER OF UNEXCUSED ABSENCES AND FOR STUDENTS AT RISK OF DROPPING OUT OF SCHOOL.

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

By Senators Brunstetter and Rand:

**S.B. 816**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OFFICE OF PROSECUTION SERVICES TO MANAGE THE BUDGETARY ASPECTS OF THE VARIOUS DISTRICT ATTORNEY OFFICES.

Referred to the **Judiciary I Committee**.

By Senators Stein; Bingham, Brunstetter, Dorsett, Goss, Graham, Kinnaird, Purcell, Stevens and Weinstein:

**S.B. 817**, A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

Referred to the **Judiciary I Committee**.

By Senators Rouzer; Bingham, Brock, Foriest, Hartsell, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 818**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR CERTAIN HOME PURCHASES.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 819**, A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

Referred to the **Judiciary II Committee**.

By Senators Hartsell and Berger of Franklin:

**S.B. 820**, A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS CUSTOM-BUILT VEHICLES, REPLICA VEHICLES, AND STREET RODS AND TO MAKE CORRESPONDING CHANGES.

Referred to the **Commerce Committee**.

By Senators Brunstetter; Boseman, Forrester and Purcell:

**S.B. 821**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE PUBLIC GREATER ACCESS TO EMERGENCY MEDICAL CARE BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE.

Referred to the **Judiciary I Committee**.

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By Senator Jenkins:

**S.B. 822**, A BILL TO BE ENTITLED AN ACT TO ALLOW INFRASTRUCTURE PROCUREMENT PROJECTS INVOLVING PARTNERSHIPS BETWEEN PUBLIC AND PRIVATE ENTITIES.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 823**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF INCOME FOR PURPOSES OF DETERMINING ELIGIBILITY FOR THE PROPERTY TAX HOMESTEAD EXCLUSION.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 824**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SCHOOL BUSES TO TRANSPORT STUDENTS HOME FROM AFTER-SCHOOL PROGRAMS UNDER CERTAIN CIRCUMSTANCES.

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

By Senator Jenkins:

**S.B. 825**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE TO SUPPORT NC EDUCATION.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 826**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO CREATE A TEN-DAY WINDOW FOR INSPECTING NEW AND USED VEHICLES REGISTERED IN THIS STATE, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES.

Referred to the **Commerce Committee**.

By Senator Jenkins:

**S.B. 827**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE FERRY DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO THE MARINE DIVISION AND TO DEFINE THE MARINE DIVISION'S RESPONSIBILITIES.

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

By Senator Jenkins:

**S.B. 828**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND TO CLARIFY THE APPLICATION OF THIS PROCESS.

Referred to the **Commerce Committee**.

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By Senator Jenkins:

**S.B. 829**, A BILL TO BE ENTITLED AN ACT TO REGULATE REAL ESTATE APPRAISAL MANAGEMENT COMPANIES.

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

By Senator Jacumin:

**S.B. 830**, A BILL TO BE ENTITLED AN ACT TO PERMIT CAMPAIGN SIGNS IN STATE HIGHWAY RIGHTS-OF-WAY WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS.

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

By Senators Clodfelter; Hoyle and Jenkins:

**S.B. 831**, A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY.

Referred to the **Commerce Committee**.

By Senators Boseman; Brown, Preston and Soles:

**S.B. 832**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET.

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

By Senator Clodfelter:

**S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Bingham; Albertson, Goss, Hartsell, Kinnaird, Purcell, Stevens and Swindell:

**S.B. 834**, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO INCREASE CERTAIN FEES.

Referred to the **Health Care Committee**.

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By Senators Albertson; and Kinnaird:

**S.B. 835**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

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

By Senator Albertson:

**S.B. 836**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS.

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

By Senator Albertson:

**S.B. 837**, 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 CENTER FOR INTERNATIONAL UNDERSTANDING TO USE TO EXPAND ITS PROGRAMS.

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

By Senator Albertson:

**S.B. 838**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.

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

By Senators Albertson, Clodfelter, and Hartsell:

**S.B. 839**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL SYSTEM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senator Albertson:

**S.B. 840**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE NORTH CAROLINA AGRICULTURAL MEDIATION PROGRAM AT WESTERN CAROLINA UNIVERSITY TO PROVIDE MEDIATION, ARBITRATION, AND NEGOTIATION SERVICES TO TRADITIONALLY UNDERSERVED MEMBERS OF THE AGRICULTURAL COMMUNITY IN FORECLOSURES, BANKRUPTCIES, AND OTHER AGRICULTURAL DISPUTES THAT THREATEN THE AGRICULTURAL COMMUNITY IN RURAL AND ECONOMICALLY STRESSED AREAS OF THE STATE.

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

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By Senators Albertson; Berger of Franklin, Bingham, Clodfelter, Dorsett, Goss, Hoyle, Jenkins, Kinnaird, Malone, Queen, Stein and Weinstein:

**S.B. 841**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE BIOFUELS CENTER OF NORTH CAROLINA TO CONTINUE THE IMPLEMENTATION OF THE NORTH CAROLINA STRATEGIC PLAN FOR BIOFUELS LEADERSHIP.

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

By Senators Albertson; Clodfelter, Dorsett, Hoyle, Kinnaird, Malone, Queen, Stein and Weinstein:

**S.B. 842**, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR ALTERNATIVE FUEL INFRASTRUCTURE AND TO CREATE A TAX CREDIT FOR ALTERNATIVE FUEL AND ADVANCED TECHNOLOGY VEHICLES.

Referred to the **Finance Committee**.

By Senators Albertson; Atwater, Berger of Franklin, Boseman, Clodfelter, Kinnaird, Purcell, Stein and Weinstein:

**S.B. 843**, 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 II Committee**.

By Senator Albertson:

**S.B. 844**, 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; Atwater, Purcell and Weinstein:

**S.B. 845**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER, INC., TO PROVIDE GRANTS TO LOCAL GOVERNMENTS FOR TESTING AND CONSTRUCTING ALTERNATIVE WASTEWATER TREATMENT SYSTEMS.

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

By Senators Albertson; and Atwater:

**S.B. 846**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND IS A NONREVERTING

ACCOUNT, TO MAKE A CHANGE TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE FOR THE TRUST FUND, AND TO MAKE TECHNICAL CHANGES.

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

By Senators Albertson; Atwater, Purcell and Weinstein:

**S.B. 847**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FARMLAND PRESERVATION.

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

By Senator Albertson:

**S.B. 848**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT GRADUATES OF NORTH CAROLINA HIGH SCHOOLS HAVE ACCESS TO HIGHER EDUCATION.

Withdrawn by request of bill sponsor.

By Senators Albertson, Clodfelter, Hartsell; and Boseman:

**S.B. 849**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

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

By Senator Vaughan:

**S.B. 850**, A BILL TO BE ENTITLED AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE LIENS FOR CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATION ASSESSMENTS.

Referred to the **Judiciary II Committee**.

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By Senator Vaughan:

**S.B. 851**, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR PROBLEM-SOLVING COURTS.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

**S.B. 852**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THRESHOLD FOR POSITIVE ALCOHOL SCREENING TEST RESULTS.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

**S.B. 853**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AND HAS NOTIFIED AND CONSULTED WITH OR HAS MADE A GOOD FAITH EFFORT TO NOTIFY AND CONSULT WITH BOTH THE ATTORNEY WHO INITIALLY PROSECUTED THE CASE AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION AND TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

**S.B. 854**, A BILL TO BE ENTITLED AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT.

Referred to the **Judiciary II Committee**.

By Senators Vaughan; and Garrou:

**S.J.R. 855**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARVIN MARTIN WARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senator Vaughan:

**S.B. 856**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT FIRE ALARM CONTRACTORS BE LICENSED IN THIS STATE; AND TO EXPAND THE ROLE OF THE STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTS TO ENCOMPASS THE LICENSURE OF FIRE ALARM CONTRACTORS.

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

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**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

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

**H.J.R. 485**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:36 P.M.

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**THIRTY-FOURTH DAY**

Senate Chamber  
Thursday, March 26, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Alphonso McGlen, Bethel AME Church, Greensboro, North Carolina, as follows:

"We gather today, O God, under the banner of our Nation and of our State, grateful of life, health, and a reasonable portion of strength. We thank you for the men and women of this Senate who gather together to deliberate and consider legislation for the good of the citizens of our great State of North Carolina. May their deliberations be productive. May their considerations work toward the common good of all of our citizens. May even their differences not work toward discord, but may they find unity in the transcendent values that we stand for as they consider the needs, the hopes, the hurts of each and every family of our great State. Be with their families. Be with their children. Above all, we thank you for this great State of North Carolina and we thank you for the purposes for which we gather. We ask that the pursuit of life, liberty, and of happiness be realized even in the work that is accomplished here today. This is our hope out of our uniqueness of individuality and diversity of faith. Amen."

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

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

*The Chair extends privileges of the floor to Monette Mabolo from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 389**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS 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 85178, is adopted and engrossed.

**S.B. 390**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS 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 55320, is adopted and engrossed.

**S.B. 411**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY PRIOR TO THE COMPLETION OF FIFTEEN YEARS OF 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 35279, which changes the title to read **S.B. 411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND

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THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE, is adopted and engrossed.

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

### CALENDAR

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

**S.B. 433**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT, 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, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Monday, March 30, upon third reading.

**S.B. 381** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN MECKLENBURG COUNTY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD AN ADDITIONAL MEMBER TO THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY, AND TO CONFIRM THAT NORMAL REDISTRICTING REQUIREMENTS APPLY TO THOSE UNITS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### WITHDRAWAL FROM COMMITTEE

**S.J.R. 855**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARVIN MARTIN WARD, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on March 25.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, March 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, March 30.

#### **ADDITIONAL SPONSOR**

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

**S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION.

Upon motion of Senator Basnight, seconded by Senator Blake, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Monday, March 30, at 7:00 P.M.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Clodfelter; Hartsell and Swindell:

**S.B. 711**, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE LAWS RELATING TO MUNICIPAL ANNEXATION AND THE EXERCISE OF EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION IN ORDER TO CONFORM THE PRINCIPLES AND POLICIES OF THE 1959 REPORT OF THE MUNICIPAL ANNEXATION STUDY COMMISSION TO THE PRESENT CIRCUMSTANCES OF URBANIZATION AND URBAN DEVELOPMENT IN NORTH CAROLINA; TO CODIFY THE HOLDING OF THE DECISION IN NOLAN V. VILLAGE OF MARVIN, TO MORE CLOSELY ALIGN THE PURPOSES AND OPERATION OF THE LAWS RELATING TO MUNICIPAL ANNEXATION AND EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION; AND TO REQUIRE THAT ALL EXISTING MUNICIPAL CORPORATIONS IN NORTH CAROLINA OFFER A MEANINGFUL LEVEL OF URBAN SERVICES TO THEIR CITIZENS IN ORDER TO RETAIN THEIR CHARTERS.

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Referred to the **Finance Committee**. (Filed on March 19 and referred to committee on March 26.)

By Senators Albertson, Clodfelter, and Hartsell:

**S.B. 857**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF AIR QUALITY, TO STUDY HOW TO COMPLY WITH FEDERAL GUIDELINES RELATED TO THE QUALITY OF AMBIENT AIR WHILE REDUCING THE FREQUENCY OF EMISSIONS INSPECTIONS FOR MOTOR VEHICLES THAT ARE LESS THAN FOUR MODEL YEARS OLD AND TO REDUCE THE FREQUENCY OF EMISSIONS INSPECTION BY EXEMPTING VEHICLES THAT ARE LESS THAN FOUR MODEL YEARS OLD FROM THE EMISSIONS INSPECTION REQUIREMENT, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

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

By Senator Clodfelter:

**S.B. 858**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JUDICIAL DEPARTMENT TO ESTABLISH RECEIPT-SUPPORTED POSITIONS WITHOUT PRIOR CONSULTATION WITH THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

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

By Senators Clodfelter; and Hartsell:

**S.B. 859**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN FIVE HUNDRED THOUSAND TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

**S.B. 860**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS.

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

By Senator Clodfelter:

**S.B. 861**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NUMBER OF FULL-TIME ASSISTANT DISTRICT ATTORNEY POSITIONS FOR PROSECUTORIAL DISTRICT 26, TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO SET THE WORTHLESS CHECK FEE AMOUNT, TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ELECT A RETIREMENT SYSTEM, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.

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

By Senator Clodfelter:

**S.B. 862**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SUPREME COURT WITH AUTHORITY TO REVISE THE RULES OF CIVIL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.

Referred to the **Judiciary I Committee**.

By Senator Berger of Rockingham:

**S.B. 863**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT.

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

By Senators Hoyle, Davis; and Swindell:

**S.B. 864**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE HEALTH AND SAFETY OF SECONDARY SCHOOL STUDENTS BY REQUIRING THAT ALL PUBLIC HIGH SCHOOLS EMPLOY A LICENSED ATHLETIC TRAINER AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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 Hoyle; and Jenkins:

**S.B. 865**, A BILL TO BE ENTITLED AN ACT TO REMOVE HAZARDOUS TITLE V SOURCES OF AIR POLLUTION FROM STATE REGULATION, WHICH APPLIES HEALTH-BASED AIR QUALITY STANDARDS, TO THE END THAT THESE HAZARDOUS TITLE V SOURCES WILL BE SUBJECT TO REGULATION UNDER ONLY THE FEDERAL CLEAN AIR ACT, WHICH APPLIES MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY STANDARDS.

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

By Senators Hoyle; Apodaca, Boseman, Dannelly, East, Hartsell, Hunt, Jacumin, Jenkins, Swindell and Tillman:

**S.B. 866**, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

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

By Senator Hoyle:

**S.B. 867**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMPLIANCE WITH THE STATE'S TAX LAWS IS A CONDITION OF HOLDING AN ABC PERMIT AND THAT AN ABC PERMIT MAY BE REVOKED FOR FAILURE TO TIMELY FILE A TAX RETURN OR PAY AN OVERDUE TAX DEBT.

Referred to the **Finance Committee**.

By Senator Stevens:

**S.B. 868**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REMOVE BARRIERS TO THE LATERAL ENTRY OF SKILLED INDIVIDUALS FROM THE PRIVATE SECTOR INTO THE TEACHING PROFESSION.

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

By Senators Stevens and Malone:

**S.B. 869**, A BILL TO BE ENTITLED AN ACT AUTHORIZING A JOINT LEGISLATIVE STUDY COMMISSION ON AFTER SCHOOL CHILD CARE AND RELATED PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senator Stevens:

**S.B. 870**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVISOR OF STATUTES TO MAKE THE GENERAL STATUTES GENDER NEUTRAL AND TO RECOMMEND OTHER STATUTORY AND CONSTITUTIONAL CHANGES TO THAT END.

Referred to the **Judiciary I Committee**.

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By Senator Clodfelter:

**S.B. 871**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE MEDICAID SWAP HOLD HARMLESS.

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

By Senators Clodfelter; and Dannelly:

**S.J.R. 872**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE STUDY COMMISSION TO STUDY THE STANDARDS APPLIED IN DISPUTED CHILD CUSTODY CASES.

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

By Senator Clodfelter:

**S.B. 873**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA, INCLUDING THE REVENUE LAWS, AND APPROPRIATE FUNDS.

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

By Senator Clodfelter:

**S.B. 874**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

**S.B. 875**, A BILL TO BE ENTITLED AN ACT TO INCREASE FEES IN THE GENERAL COURT OF JUSTICE, TO AUTHORIZE A PROCESSING FEE FOR DEFENDANTS PAYING COURT COSTS IN INSTALLMENTS, TO ESTABLISH A MOTOR VEHICLE ROAD SAFETY FEE, AND TO DEFRAY THE EXPENSES OF PROCESSING HIGHWAY PATROL CITATIONS.

Referred to the **Finance Committee**.

By Senators Clodfelter; and Hartsell:

**S.B. 876**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE DESIRABILITY AND THE FEASIBILITY OF CONSOLIDATING THE STATE'S ENVIRONMENTAL POLICY-MAKING, RULE-MAKING, AND QUASI-JUDICIAL FUNCTIONS INTO ONE COMPREHENSIVE FULL-TIME ENVIRONMENTAL COMMISSION.

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

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By Senator Clodfelter:

**S.B. 877**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS TO CONTAIN CERTAIN TERMS AND CONDITIONS.

Referred to the **Commerce Committee**.

By Senators Clodfelter; and Hartsell:

**S.B. 878**, 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 Atwater; and Hartsell:

**S.J.R. 879**, A JOINT RESOLUTION TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHAT SOURCES OF REVENUE, IF ANY, COULD ACCRUE FOR THE BENEFIT OF NORTH CAROLINA IN THE EVENT THE OFFSHORE DRILLING EXPLORATION FOR OIL OR NATURAL GAS IN COASTAL WATERS OFF NORTH CAROLINA WERE TO TAKE PLACE IN THE FUTURE.

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

By Senator Atwater:

**S.B. 880**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO CONSIDER REQUESTS FOR AND ISSUE CERTIFICATES OF REHABILITATION FOR NONVIOLENT EX-OFFENDERS WHO HAVE DEMONSTRATED SIGNIFICANT REHABILITATION IN ORDER TO ASSIST THOSE OFFENDERS IN OBTAINING EMPLOYMENT.

Referred to the **Judiciary II Committee**.

By Senator Atwater:

**S.B. 881**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS.

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

By Senator Hartsell:

**S.B. 882**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

Referred to the **Judiciary I Committee**.

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By Senator Hartsell:

**S.B. 883**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.

Referred to the **Finance Committee**.

By Senator Hartsell:

**S.B. 884**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

**S.B. 885**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COMMERCIAL FISHING WITHIN ONE HUNDRED YARDS OF AN OYSTER SANCTUARY.

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

By Senator Vaughan:

**S.B. 886**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FISHERY MANAGEMENT PLANS MUST MEET A STANDARD OF AT LEAST FIFTY PERCENT PROBABILITY OF ACHIEVING THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES.

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

By Senator Vaughan:

**S.B. 887**, A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS.

Referred to the **Commerce Committee**.

By Senators Vaughan; and Dorsett:

**S.B. 888**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO ERECT SPEED LIMIT SIGNS ON ANY ON-RAMP TO A HIGHWAY.

Referred to the **Transportation Committee**.

By Senators Vaughan; Dorsett, McKissick and Rand:

**S.B. 889**, A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

Referred to the **Commerce Committee**.

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By Senators Purcell; and Bingham:

**S.B. 890**, A BILL TO BE ENTITLED AN ACT TO RAISE THE AGE FOR WHICH USE OF TANNING EQUIPMENT REQUIRES A WRITTEN PRESCRIPTION FROM THIRTEEN TO FIFTEEN YEARS OLD.

Referred to the **Health Care Committee**.

By Senators Hartsell and Hoyle:

**S.B. 891**, A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 130A OF THE GENERAL STATUTES TO DEFINE LODGING ESTABLISHMENTS, TO REGULATE SINGLE-ROOM OCCUPANCY, AND TO INCREASE THE MINIMUM SCORE FOR GRADING OF LODGING ESTABLISHMENTS; AUTHORIZING CITIES AND COUNTIES TO REGULATE SINGLE-ROOM OCCUPANCY FACILITIES; ESTABLISHING FEES FOR THE INSPECTION OF LODGING ESTABLISHMENTS; PROVIDING GOOD-FAITH IMMUNITY TO INNKEEPERS WHO ASSIST LAW ENFORCEMENT PERSONNEL IN CRIMINAL INVESTIGATIONS; AND MAKING CONFORMING CHANGES.

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

By Senators Atwater and Vaughan:

**S.B. 892**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT.

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

By Senator Hartsell:

**S.B. 893**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION TO COLLECT GROUP SELF-INSURER ASSESSMENTS; TO EXCLUDE FROM PARTICIPATION IN THE ASSOCIATION AGGREGATE SECURITY SYSTEM INDIVIDUAL SELF-INSURERS THAT FAIL TO SUBMIT CERTAIN FINANCIAL INFORMATION; AND TO ADJUST DEPOSIT REQUIREMENTS FOR ALL INDIVIDUAL SELF-INSURERS.

Referred to the **Commerce Committee**.

By Senator Hartsell:

**S.B. 894**, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

Referred to the **Commerce Committee**.

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By Senator Hartsell:

**S.B. 895**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PAYMENT OF CIGARETTE TAXES BY STAMP AND TO LIMIT THE RECEIPT AND SALE OF NON-TAX-PAID CIGARETTES.

Referred to the **Finance Committee**.

By Senators Hartsell; Albertson, Clodfelter, Stevens and Weinstein:

**S.B. 896**, A BILL TO BE ENTITLED AN ACT TO DIRECT A COMPREHENSIVE SYSTEMIC ANALYSIS OF THE SCIENTIFIC MERITS OF THE AGRICULTURAL RESEARCH STATIONS, AGRICULTURAL RESEARCH FARM, AND UNIVERSITY FIELD LABORATORIES.

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

By Senator Dannelly:

**S.B. 897**, 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 Soles:

**S.B. 898**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES.

Referred to the **Finance Committee**.

By Senators Rouzer; Bingham and Tillman:

**S.B. 899**, A BILL TO BE ENTITLED AN ACT TO FREEZE DISTRIBUTIONS FROM THE EDUCATION LOTTERY FUND UNLESS FUNDS ARE AVAILABLE FOR FULL DISTRIBUTION TO THE PUBLIC SCHOOL BUILDING CAPITAL FUND.

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

By Senator Rouzer:

**S.B. 900**, A BILL TO BE ENTITLED AN ACT TO ALLOW REGISTERS OF DEEDS TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM IMAGES OR COPIES OF RECORDS PLACED ON THE INTERNET.

Referred to the **Judiciary I Committee**.

By Senators Rouzer; Apodaca and Purcell:

**S.B. 901**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR BIFURCATION OF ISSUES OF LIABILITY AND DAMAGES IN MEDICAL MALPRACTICE ACTIONS.

Referred to the **Judiciary I Committee**.

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By Senators Rouzer; Apodaca and Purcell:

**S.B. 902**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REPORTING OF DETAILS OF SETTLEMENTS OF MEDICAL MALPRACTICE CLAIMS.

Referred to the **Judiciary I Committee**.

By Senators Rouzer; Apodaca and Purcell:

**S.B. 903**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF FUTURE EXPENSES ARISING FROM MEDICAL MALPRACTICE ACTIONS TO BE PAID PERIODICALLY.

Referred to the **Judiciary I Committee**.

By Senators Rouzer; and Purcell:

**S.B. 904**, A BILL TO BE ENTITLED AN ACT TO MODIFY APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS.

Referred to the **Judiciary I Committee**.

By Senator Clary:

**S.B. 905**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE CHILD FATALITY TASK FORCE TO STUDY ISSUES RELATING TO CHILD DRUG USE AND PARENTS WHO SUPPLY DRUGS TO THEIR CHILDREN.

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

By Senator Clary:

**S.B. 906**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADULT DAY HEALTH OVERNIGHT RESPITE PROGRAMS AND TO DIRECT THE DIVISION OF MEDICAL ASSISTANCE TO PURSUE A MEDICAID WAIVER TO PROVIDE COVERAGE FOR RESPITE CARE.

Referred to the **Health Care Committee**.

By Senators Clodfelter; Albertson, Hartsell and Swindell:

**S.B. 907**, A BILL TO BE ENTITLED AN ACT TO ENACT THE WATER RESOURCE POLICY ACT OF 2009.

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

By Senators Clodfelter; Dorsett, Foriest, Hartsell, Malone, Nesbitt, Queen, Snow and Swindell:

**S.B. 908**, 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 Clodfelter:

**S.B. 909**, A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVER-COLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE.

Referred to the **Finance Committee**.

March 26, 2009

By Senator Clodfelter:

**S.B. 910**, A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE STATUTES RELATING TO REGIONAL PUBLIC TRANSPORTATION AND TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO CREATE REGIONAL TRANSPORTATION FUNDING AGREEMENTS AND TO PROVIDE FOR FINANCING.

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

By Senator Clodfelter:

**S.B. 911**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE INTERNATIONAL BUILDING CODE AS THE STATE BUILDING CODE AND TO REORGANIZE THE STATE BUILDING CODE COUNCIL.

Referred to the **Commerce Committee**.

By Senator Hoyle:

**S.B. 912**, A BILL TO BE ENTITLED AN ACT TO STIMULATE CERTAIN HOME PURCHASES.

Referred to the **Finance Committee**.

By Senators Hoyle; Apodaca, Forrester, Jacumin, Jenkins, Tillman and Vaughan:

**S.B. 913**, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

Referred to the **Commerce Committee**.

By Senators Hoyle; Apodaca, Forrester, Jacumin, Jenkins, Tillman and Vaughan:

**S.B. 914**, A BILL TO BE ENTITLED AN ACT TO CLARIFY DEALER TERMINATION ASSISTANCE RIGHTS.

Referred to the **Commerce Committee**.

By Senators Hoyle; Apodaca, Boseman, Jacumin, Jenkins, Jones, Malone, Queen, Shaw, Snow, Swindell, Tillman and Vaughan:

**S.B. 915**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE AUTHORIZATION FOR ALL COUNTIES TO LEVY A FOUR-TENTHS PERCENT LOCAL LAND TRANSFER TAX.

Referred to the **Finance Committee**.

By Senators Dorsett; Davis, Stein and Vaughan:

**S.B. 916**, A BILL TO BE ENTITLED AN ACT PROVING THAT LANDLORDS SHALL DEPOSIT ALL TENANT SECURITY DEPOSITS IN AN INTEREST-BEARING TRUST ACCOUNT AND THE INTEREST SHALL BE REMITTED TO THE NORTH CAROLINA HOUSING TRUST FUND.

Referred to the **Commerce Committee**.

March 26, 2009

By Senators Dorsett; Clodfelter, Dannelly, Graham and Vaughan:

**S.B. 917**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE.

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

By Senators Dorsett; Foriest and Queen:

**S.B. 918**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SMALL BREWERY BREWING LIMIT FROM TWENTY-FIVE THOUSAND GALLONS TO SIXTY THOUSAND GALLONS BEFORE THE BREWERY MUST USE A WHOLESALE DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.

Referred to the **Commerce Committee**.

By Senators Bingham; and Hartsell:

**S.B. 919**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE USE OF INTRABASIN AND INTERBASIN NETTING BY CONTRACT AMONG WATER UTILITIES.

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

By Senator Rand:

**S.B. 920**, A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 921**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO OPERATE ON SUNDAYS.

Referred to the **Commerce Committee**.

By Senators Rand; and Hartsell:

**S.B. 922**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND.

Referred to the **Finance Committee**.

March 26, 2009

By Senator Rand:

**S.B. 923**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LONGEVITY RATES FOR MEMBERS OF THE UTILITIES COMMISSION.

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

By Senators Rand; and Hartsell:

**S.B. 924**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE ENTITY RECEIVING FUNDS FOR THE SALE OF THE STOCK CAR RACING THEME SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senator Apodaca:

**S.B. 925**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING WATER THAT IS OFFERED FOR SALE BY A BUSINESS IS AN UNFAIR TRADE PRACTICE.

Referred to the **Judiciary II Committee**.

By Senator Apodaca:

**S.B. 926**, 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.

Referred to the **Judiciary II Committee**.

By Senators Apodaca; Berger of Rockingham, Brunstetter and East:

**S.B. 927**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

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

By Senators Berger of Franklin, Snow; Allran, Apodaca, Brock and Preston:

**S.B. 928**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, TO PROVIDE THAT A PERSON WHO IS IN A PLACE WHERE THE PERSON HAS A RIGHT TO BE HAS NO DUTY TO RETREAT, AND TO PROVIDE THAT A

PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE.

Referred to the **Judiciary II Committee**.

By Senator Berger of Franklin:

**S.B. 929**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED.

Referred to the **Judiciary II Committee**.

By Senators Berger of Franklin; and Stein:

**S.B. 930**, A BILL TO BE ENTITLED AN ACT TO CREATE A PRESUMPTION THAT CERTAIN INFECTIOUS DISEASES, RESPIRATORY DISEASE, HYPERTENSION, HEART DISEASE, AND CERTAIN CANCERS ARE OCCUPATIONAL DISEASES FOR FIREFIGHTERS EMPLOYED BY UNITS OF LOCAL GOVERNMENT THAT ARE COVERED BY THE WORKERS' COMPENSATION ACT.

Referred to the **Judiciary II Committee**.

By Senator Goss:

**S.B. 931**, A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCITY TO COMMERCIAL DRIVERS LICENSE HOLDERS FROM MEXICO, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER.

Referred to the **Commerce Committee**.

By Senators Clary; Dorsett, Hunt, Jones and Malone:

**S.B. 932**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR DETERMINING INCOMPETENCY UNDER THE LAWS RELATING TO GUARDIANSHIP, AS RECOMMENDED BY THE HOUSE STUDY COMMITTEE ON STATE GUARDIANSHIP LAWS.

Referred to the **Judiciary I Committee**.

By Senators Clary; Allran, Berger of Rockingham, Blake, Dorsett, East, Hoyle, Hunt, Malone, Preston and Tillman:

March 26, 2009

**S.B. 933**, A BILL TO BE ENTITLED AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

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

By Senators Clary; Allran, Berger of Rockingham, Blake, East, Hoyle, Hunt and Tillman:

**S.B. 934**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY.

Referred to the **Judiciary I Committee**.

By Senator Goss:

**S.B. 935**, A BILL TO BE ENTITLED AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE FEES.

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

By Senators Goss; Atwater, Kinnaird and McKissick:

**S.B. 936**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR NINE 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.

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

By Senator Davis:

**S.B. 937**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE GUIDELINES FOR ISSUANCE OF A LIMITED DRIVING PRIVILEGE BY THE COURTS.

Referred to the **Judiciary I Committee**.

By Senators Davis; Berger of Franklin, Foriest, Jones and Kinnaird:

**S.B. 938**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

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

By Senators Davis, Jenkins; Apodaca, Hartsell and Stevens:

**S.B. 939**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MILL REHABILITATION TAX CREDIT.

Referred to the **Finance Committee**.

March 26, 2009

By Senator Davis:

**S.B. 940**, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTIFIED NURSE MIDWIVES FLEXIBILITY IN THE PRACTICE OF MIDWIFERY.

Referred to the **Health Care Committee**.

By Senators Rouzer; Apodaca, Brown, Tillman and Vaughan:

**S.B. 941**, A BILL TO BE ENTITLED AN ACT REQUIRING APPLICANTS FOR PUBLIC ASSISTANCE TO UNDERGO DRUG TESTING AND DEMONSTRATE THAT THE APPLICANT IS EMPLOYED, FURTHERING THE APPLICANT'S EDUCATION, OR PERFORMING COMMUNITY SERVICE BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Rouzer; Apodaca, Brown and Tillman:

**S.B. 942**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS A GENERAL RULE IN CIVIL ACTIONS THAT PREVAILING DEFENDANTS BE AWARDED ATTORNEYS' FEES.

Referred to the **Judiciary I Committee**.

By Senator Garrou:

**S.B. 943**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Referred to the **Finance Committee**.

By Senator Garrou:

**S.B. 944**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON HEALTH INSURANCE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM SPECTRUM DISORDERS.

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

By Senators Malone; Bingham, Dannelly and Purcell:

**S.B. 945**, A BILL TO BE ENTITLED AN ACT TO REVISE THE STATE'S GUARDIANSHIP STATUTES WITH RESPECT TO JURISDICTION, VENUE, PROCEDURE, APPEALS, AND PORTABILITY.

Referred to the **Judiciary I Committee**.

By Senators Malone; Bingham, Dannelly, Dorsett, Jones and Purcell:

**S.B. 946**, A BILL TO BE ENTITLED AN ACT TO REDEFINE THE ROLE OF COURT-APPOINTED ATTORNEYS IN INCOMPETENCY AND GUARDIANSHIP PROCEEDINGS UNDER THE LAWS PERTAINING TO GUARDIANSHIP.

Referred to the **Judiciary I Committee**.

March 26, 2009

By Senators Malone, Stevens; Apodaca, Bingham, Brunstetter, Dannelly, Dorsett, Goss, Jenkins, Jones, Purcell, Rouzer and Tillman:

**S.B. 947**, A BILL TO BE ENTITLED AN ACT TO ELIMINATE STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT.

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

By Senators Malone, Snow; Albertson, Dannelly, Dorsett, Foriest, Hoyle, Jenkins, Purcell, Stein and Stevens:

**S.B. 948**, A BILL TO BE ENTITLED AN ACT AUTHORIZING A JOINT LEGISLATIVE STUDY COMMISSION ON YOUTH TRANSITIONING OUT OF FOSTER CARE.

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

By Senator Malone:

**S.B. 949**, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Malone:

**S.B. 950**, 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/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Malone:

**S.B. 951**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE PHI BETA SIGMA FRATERNITY.

Referred to the **Finance Committee**.

By Senators Vaughan; and Berger of Rockingham:

**S.J.R. 952**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HORACE ROBINSON KORNEGAY, FORMER MEMBER OF CONGRESS.

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

By Senator Nesbitt:

**S.B. 953**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE PURCHASER OF FORECLOSED PROPERTY SHALL NOT DISPOSSESS

OR EVICT A TENANT WHO RECEIVES SECTION 8 ASSISTANCE PRIOR TO THE EXPIRATION OF THE TENANT'S LEASE.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

**S.B. 954**, A BILL TO BE ENTITLED AN ACT TO ENACT CONSUMER PROTECTIONS AGAINST ABUSIVE DEBT BUYERS.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

**S.B. 955**, A BILL TO BE ENTITLED AN ACT TO REQUIRE BICYCLES TO HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE WHEN OPERATED AT NIGHT ON A STREET OR HIGHWAY.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

**S.B. 956**, A BILL TO BE ENTITLED AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES.

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

By Senator Nesbitt:

**S.B. 957**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Referred to the **Commerce Committee**.

By Senator Nesbitt:

**S.B. 958**, A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt; and Preston:

**S.B. 959**, A BILL TO BE ENTITLED AN ACT DIRECTING THE OFFICE OF ECONOMIC RECOVERY AND INVESTMENT TO REPORT ON THE USE OF FEDERAL STIMULUS FUNDS FOR THE 2008-2009 FISCAL YEAR AND THE SENATE COMMITTEE ON ECONOMIC RECOVERY TO REPORT ON ITS RECOMMENDATIONS REGARDING THE USE OF FEDERAL STIMULUS FUNDS FOR THE 2009-2011 FISCAL BIENNIUM.

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

March 26, 2009

By Senators Nesbitt; and Preston:

**S.B. 960**, A BILL TO BE ENTITLED AN ACT TO ENSURE ACCOUNTABILITY IN THE USE OF FEDERAL STIMULUS FUNDS BY LOCAL GOVERNMENTS AND NONPROFIT ENTITIES.

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

By Senator Nesbitt:

**S.B. 961**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT NOTICE OF A CLAIM OF LIEN FOR ASSESSMENTS FILED BY A HOMEOWNERS ASSOCIATION BE SERVED ON THE LOT OWNER IN THE SAME MANNER AS SERVICE OF A SUMMONS IN A CIVIL ACTION.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

**S.B. 962**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

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

By Senators Nesbitt; and Preston:

**S.B. 963**, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE USE OF FEDERAL STIMULUS FUNDS.

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

By Senator Nesbitt:

**S.B. 964**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAXIMIZE THE BENEFITS OF THE FEDERAL FOOD AND NUTRITION SERVICE PROGRAM AND THE FEDERAL FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM.

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

By Senator Nesbitt:

**S.B. 965**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CIVIL LIABILITY OF DEBT COLLECTORS WHO VIOLATE THE PROVISIONS OF ARTICLE 2 OF CHAPTER 75 OF THE GENERAL STATUTES, RELATING TO PROHIBITED ACTS BY DEBT COLLECTORS.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt; Atwater, Clodfelter, Davis, Dorsett, Foriest, Jones, Kinnaird, Malone, McKissick, Rand, Shaw, Snow and Stein:

**S.B. 966**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE VOTER-OWNED ELECTIONS ACT TO COVER ADDITIONAL COUNCIL OF STATE POSITIONS AND TO MAKE TECHNICAL CHANGES TO THE ACT.

March 26, 2009

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell; Berger of Rockingham, Bingham, Clodfelter, Purcell, Rand and Tillman:

**S.B. 967**, A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN STANLY, DAVIDSON, MONTGOMERY, AND ROWAN COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC FACILITIES.

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

By Senators Queen; Apodaca, Goss, Nesbitt and Snow:

**S.B. 968**, A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Queen:

**S.B. 969**, A BILL TO BE ENTITLED AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE.

Referred to the **Judiciary II Committee**.

By Senators Queen; Albertson, Apodaca, Atwater, Berger of Franklin, Boseman, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 970**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF COMMERCE TO PROVIDE GRANTS TO REGIONAL COUNCILS OF GOVERNMENT IN ORDER TO CONVENE AND ORGANIZE REGIONAL ECONOMIC RECOVERY ALLIANCES IN EACH REGION AND TO APPROPRIATE FUNDS IN EACH OF THE NEXT TWO FISCAL YEARS FOR THIS PURPOSE.

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

March 26, 2009

By Senator Rand:

**S.B. 971**, A BILL TO BE ENTITLED AN ACT TO FURTHER CLARIFY THAT CERTAIN SWEEPSTAKES ARE PROHIBITED.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 972**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMITTEE ON PRISON OVERCROWDING, INCARCERATION OF NONVIOLENT FELONS, AND MODIFIED SENTENCES.

Referred to the **Judiciary I Committee**.

By Senators Rand; and Preston:

**S.B. 973**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND TO MAKE CONFORMING AMENDMENTS TO THE GENERAL STATUTES.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rand:

**S.B. 974**, A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009.

Referred to the **Commerce Committee**.

By Senator Apodaca:

**S.B. 975**, A BILL TO BE ENTITLED AN ACT RELATING TO THE DURATION OF THE COMPENSATION FOR TOTAL DISABILITY UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Commerce Committee**.

By Senators Bingham; Malone, Purcell, Rand and Stevens:

**S.B. 976**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA OFFICE OF MANAGEMENT INNOVATION.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Bingham; Malone, Purcell and Rand:

**S.B. 977**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OBESITY PREVENTION PROGRAM IN THE PUBLIC SCHOOLS.

Referred to the **Health Care Committee**.

By Senators Bingham; and Hartsell:

**S.B. 978**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY

COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW.

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

By Senators Bingham; Berger of Rockingham, Forrester, Goodall, Hartsell, Jacumin and Purcell:

**S.B. 979**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF DAMAGES THAT MAY BE AWARDED IN CIVIL ACTIONS AGAINST HEALTH CARE PROVIDERS FOR HEALTH CARE LIABILITY CLAIMS, TO OTHERWISE REFORM HEALTH CARE LIABILITY, AND TO MAKE CONFORMING CHANGES.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

**S.B. 980**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 981**, A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO ALLOW A MORTGAGE GUARANTY INSURER TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Commerce Committee**.

By Senators Jenkins, Foriest; Albertson, Apodaca, Atwater, Berger of Franklin, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, Garrou, Goss, Graham, Hartsell, Hoyle, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.B. 982**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER.

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

By Senators Jenkins; Apodaca, Berger of Rockingham, Bingham, Brock, Brown, Brunstetter, East, Forrester, Goss, Hoyle, Jones, Malone, Preston, Shaw, Snow, Stevens, Swindell, Tillman and Weinstein:

**S.B. 983**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEPARTMENT OF TRANSPORTATION SELECTIVE VEGETATION REMOVAL POLICIES AND PERMIT FEES.

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

By Senators McKissick; Berger of Rockingham, Clary, Hunt and Rand:

**S.B. 984**, A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO AND USE OF JUVENILE COURT RECORDS WHEN THE INDIVIDUAL IS LATER CHARGED AS AN ADULT IN A CRIMINAL PROCEEDING.

Referred to the **Judiciary I Committee**.

By Senators McKissick; Atwater, Boseman, Foriest, Graham, Jenkins and Purcell:

**S.B. 985**, 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/Higher Education Committee**.

By Senators McKissick; Atwater, Berger of Franklin, Clary, Davis, Graham, Hunt, Jenkins, Jones and Stein:

**S.B. 986**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM.

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

By Senator Graham:

**S.B. 987**, A BILL TO BE ENTITLED AN ACT TO AMEND REQUIREMENTS FOR THE STORAGE OF FIREARMS TO PROTECT MINORS, TO ENCOURAGE UNLOADED STORAGE OF FIREARMS, AND TO PROVIDE NOTICE OF SAFE STORAGE REQUIREMENTS.

Referred to the **Judiciary II Committee**.

By Senator Graham:

**S.B. 988**, A BILL TO BE ENTITLED AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTING AT LOCAL ABC STORES.

Referred to the **Commerce Committee**.

By Senator Graham:

**S.B. 989**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAMPAIGN4CHANGE'S ANTIGANG, ANTIDRUG OUTREACH PRODUCTION.

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

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By Senators Davis; Apodaca, Bingham, Jenkins, Kinnaird, McKissick, Nesbitt and Snow:

**S.B. 990**, 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.

Referred to the **Judiciary I Committee**.

By Senators Davis; Apodaca, Berger of Franklin, Dannelly, Dorsett, Graham, Jones, Kinnaird, Malone, Purcell, Queen, Rouzer, Stein, Stevens and Swindell:

**S.B. 991**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MILITARY BUSINESS CENTER.

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

By Senators Davis; Apodaca, Kinnaird, Snow, Stein and Stevens:

**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE.

Referred to the **Judiciary I Committee**.

By Senators Bingham; and Dorsett:

**S.B. 993**, A BILL TO BE ENTITLED AN ACT RELATING TO ADVANCING FIRE SAFETY WHILE PROTECTING INFANTS, CHILDREN, AND OTHERS FROM BROMINATED FLAME RETARDANT IN PRODUCTS FOR SALE AND TO CREATE A TAX INCENTIVE FOR MANUFACTURERS TO DEVELOP ALTERNATIVE PRODUCT DESIGNS WITHOUT CERTAIN CHEMICAL FLAME RETARDANTS FOR FIRE SAFETY STANDARDS.

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

By Senators Clodfelter; Dannelly and Rand:

**S.B. 994**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA STATE ATHLETICS COMMISSION.

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

By Senators Purcell; Allran and Jenkins:

**S.B. 995**, A BILL TO BE ENTITLED AN ACT TO RESTORE THE FORMER APPOINTMENT PROCESS OF THE NORTH CAROLINA AUCTIONEERS COMMISSION WHEREBY AT LEAST THREE MEMBERS ARE REQUIRED TO BE APPOINTED TO THE COMMISSION PURSUANT TO NOMINATIONS SUBMITTED BY THE AUCTIONEERS ASSOCIATION OF NORTH CAROLINA AND TO MAKE OTHER CLARIFYING CHANGES.

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

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By Senators Jenkins; and Davis:

**S.B. 996**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 997**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE HIGHWAY USE TAX CAP ON OUT-OF-STATE VEHICLES.

Referred to the **Finance Committee**.

By Senator Jenkins:

**S.B. 998**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON BEACH MANAGEMENT ISSUES.

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

By Senators Jenkins; and Davis:

**S.B. 999**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE LEGISLATION ENACTED IN 2007 TO REQUIRE SUPPLIERS THAT IMPORT GASOLINE FOR SALE TO OFFER TO DISTRIBUTORS OR RETAILERS ONLY GASOLINE THAT IS NOT PREBLENDED WITH FUEL ALCOHOL AND THAT IS SUITABLE FOR SUBSEQUENT SUCH BLENDING ALSO REQUIRES THESE SUPPLIERS TO OFFER SUCH GASOLINE AT EACH TERMINAL IN THE STATE.

Referred to the **Commerce Committee**.

By Senator Jenkins:

**S.B. 1000**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO RESTRICT THE OVERALL LENGTH OF VEHICLES TRANSPORTING POLES FOR EMERGENCY REPAIR TO FIFTY-THREE FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED.

Referred to the **Commerce Committee**.

By Senator Jenkins:

**S.B. 1001**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE FUNDING FORMULA FOR CITIES REGARDING APPROPRIATIONS FOR MUNICIPAL STREETS, TO INCLUDE CITIES AND COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO CLARIFY THE DEFINITION OF THE STATE HIGHWAY SYSTEM.

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

By Senators Jenkins, Davis, and Jones:

**S.B. 1002**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MATCHING FUNDS POOL TO ENABLE THE STATE TO LEVERAGE FEDERAL FUNDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT TO BE USED FOR MAPPING AND DEPLOYING BROADBAND TECHNOLOGY IN RURAL COMMUNITIES.

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

By Senators Jenkins, Davis, and Jones:

**S.B. 1003**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO WOW E-COMMUNITY DEVELOPMENT CORPORATION TO CONTINUE AS THE DESIGNATED TECHNOLOGY RESOURCE CENTER FOR GRASSROOTS EFFORTS IN SOME OF THE STATE'S NORTHEASTERN COUNTIES AND TO SUPPORT AND MENTOR SIMILAR EFFORTS IN SOME WESTERN COUNTIES.

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

By Senators Hoyle; and Clary:

**S.B. 1004**, A BILL TO BE ENTITLED AN ACT TO REGULATE COMPETITION BETWEEN LOCAL GOVERNMENT AND PRIVATE BUSINESS BY REQUIRING CITIES THAT PROVIDE COMMUNICATIONS SERVICES TO THE PUBLIC TO COMPLY WITH LAWS APPLICABLE TO PRIVATE PROVIDERS, TO ESTABLISH SEPARATE ENTERPRISE FUNDS, TO NOT CROSS-SUBSIDIZE COMMUNICATIONS SERVICE WITH OTHER GOVERNMENTAL FUNDS, TO IMPUTE THE COSTS THAT WOULD BE INCURRED BY PRIVATE PROVIDERS, TO ANNUALLY REMIT TO THE CITY'S GENERAL FUND THE COSTS THAT WOULD BE INCURRED BY PRIVATE PROVIDERS, AND TO PREPARE AN ANNUAL AUDIT OF COMPETITIVE ACTIVITIES.

Referred to the **Commerce Committee**.

By Senators Hoyle, Foriest; and Clary:

**S.B. 1005**, A BILL TO BE ENTITLED AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES AND TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND.

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

By Senator Hoyle:

**S.B. 1006**, A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN).

Referred to the **Finance Committee**.

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By Senators Hoyle and Vaughan:

**S.B. 1007**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT.

Referred to the **Judiciary II Committee**.

By Senator Swindell:

**S.B. 1008**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS.

Referred to the **Finance Committee**.

By Senator Swindell:

**S.B. 1009**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL EVENTS.

Referred to the **Finance Committee**.

By Senator Swindell:

**S.B. 1010**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

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

By Senator Swindell:

**S.B. 1011**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

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

By Senators Berger of Franklin; Berger of Rockingham, Blake, Brunstetter, Clodfelter, Dorsett, East, Foriest, Forrester, Goodall, Hartsell, Malone, Queen, Shaw and Tillman:

**S.B. 1012**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMITTEE ON THE PARTICIPATION OF HOME SCHOOL STUDENTS IN CLASSES AND EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**.

By Senator Berger of Franklin:

**S.B. 1013**, A BILL TO BE ENTITLED AN ACT TO DIRECT EACH PRETRIAL RELEASE PROGRAM TO PREPARE AND MAINTAIN A PUBLIC REGISTER THAT MAKES READILY ACCESSIBLE TO THE PUBLIC CERTAIN INFORMATION REGARDING THE PRETRIAL RELEASE PROGRAM AND THE DEFENDANTS RELEASED THROUGH

THE PROGRAM, TO REQUIRE THAT A COPY OF THE REGISTER BE LOCATED IN THE OFFICE OF THE APPROPRIATE CLERK OF COURT, AND TO REQUIRE THAT EACH PRETRIAL RELEASE PROGRAM SUBMIT AN ANNUAL REPORT THAT INCLUDES CERTAIN INFORMATION REGARDING THE PRETRIAL RELEASE PROGRAM AND THE DEFENDANTS RELEASED THROUGH THE PROGRAM TO THE COUNTY COMMISSIONERS AND THE CLERK OF COURT IN THE APPROPRIATE COUNTY.

Referred to the **Judiciary II Committee**.

By Senators Berger of Franklin; Dorsett and Shaw:

**S.B. 1014**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH THE LOTTERY TRUST FUND.

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

By Senators Stein; Berger of Franklin, Davis, Dorsett, Queen and Stevens:

**S.B. 1015**, A BILL TO BE ENTITLED AN ACT TO ENACT THE HOMEOWNER AND HOMEBUYER PROTECTION ACT TO PROHIBIT HOME FORECLOSURE RESCUE SCAMS AND OFFER PROTECTIONS IN LAND INSTALLMENT SALES.

Referred to the **Judiciary I Committee**.

By Senators Stein; Berger of Franklin, Dorsett, Kinnaird, Nesbitt and Purcell:

**S.B. 1016**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC ADJUSTMENT OF THE STATE'S MINIMUM WAGE BASED ON INCREASES IN THE CONSUMER PRICE INDEX.

Referred to the **Commerce Committee**.

By Senators Stein, Clodfelter; Davis, Dorsett, Garrou, Kinnaird, Nesbitt and Stevens:

**S.B. 1017**, A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT; AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS.

Referred to the **Judiciary I Committee**.

By Senators Stein; Berger of Franklin, Davis and Dorsett:

**S.B. 1018**, A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC BAG USE IN NORTH CAROLINA.

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

By Senators Stein, Brunstetter; Apodaca, Berger of Franklin, Davis, Dorsett, Garrou, Graham, Kinnaird, Nesbitt, Queen, Stevens, Swindell and Tillman:

**S.B. 1019**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND

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THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

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

By Senators Stein; Atwater, Berger of Franklin, Davis, Dorsett, Hunt, Kinnaird, McKissick and Stevens:

**S.B. 1020**, A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDITS TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN AFTER JANUARY 1, 2009, AND BEFORE PERMANENT RULES ARE ADOPTED.

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

By Senators Stein; and Weinstein:

**S.B. 1021**, A BILL TO BE ENTITLED AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS.

Referred to the **Judiciary I Committee**.

By Senators Stein; Garrou, Nesbitt, Purcell, Snow and Stevens:

**S.B. 1022**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMPARATIVE EFFECTIVENESS TASK FORCE TO IMPROVE HEALTH CARE QUALITY AND CONTAIN HEALTH CARE COSTS.

Referred to the **Health Care Committee**.

By Senators Stein; Davis, Dorsett, Garrou, Kinnaird, Nesbitt and Stevens:

**S.B. 1023**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO MAKE SCHOOLS SAFER.

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

By Senators Stein; Berger of Franklin, Davis, Dorsett, Garrou, Kinnaird, Nesbitt, Queen and Stevens:

**S.B. 1024**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABILITY 2050 TASK FORCE TO DEVELOP A NORTH CAROLINA 2050 SUSTAINABILITY PLAN THAT PLANS FOR SUSTAINABLE GROWTH AND DEVELOPMENT IN NORTH CAROLINA IN THE FUTURE THROUGH THE YEAR 2050.

Referred to the **Select Committee on Energy, Science and Technology** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Stein; Apodaca, Berger of Franklin, Dorsett, Jenkins, Kinnaird, Nesbitt, Purcell, Stevens and Tillman:

**S.B. 1025**, A BILL TO BE ENTITLED AN ACT TO INCREASE AND EXTEND THE SUNSET FOR THE CREDIT FOR SMALL BUSINESS

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EMPLOYEE HEALTH BENEFITS, TO ENACT THE "HEALTHY NC" PROGRAM TO FACILITATE THE AVAILABILITY OF AFFORDABLE ACCIDENT AND HEALTH INSURANCE COVERAGE TO SMALL EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THIS ACT.

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

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT ON RAFFLE PRIZES AND TO AUTHORIZE THE RAFFLE OF REAL PROPERTY.

Referred to the **Judiciary II Committee**.

**H.B. 144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, IN COLLABORATION WITH THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF AGING AND ADULT SERVICES, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS FOR SPECIAL CARE POPULATIONS.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:31 P.M.

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#### THIRTY-FIFTH DAY

Senate Chamber  
Monday, March 30, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"Dear Lord, at the outset of this prayer, we begin by offering a few moments of personal silent prayer for family and friends of the eight persons killed and

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three injured in the tragic event yesterday in Carthage. Let's also remember families whose lives were threatened and uprooted by the tornadoes that hit last week in the eastern part of the State. In the wake of such events, we simply pray that in the task before us this week, help us to exhibit workmanship as you have defined it. The kind in which the character of our work and our character become inseparably, godlike and good. Then we shall be instruments of your peace to others. Amen."

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

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

*The Chair extends privileges of the floor to Sandra Luffman from Elkin, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILLS AND RESOLUTIONS

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

**S.B. 89**, AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM.

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 136**, AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE. (Became law upon approval of the Governor, March 26, 2009 - S.L. 2009-10.)

**H.B. 94**, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS AN UNPAID VOLUNTEER IN A LOCAL SCHOOL ADMINISTRATIVE UNIT IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION. (Became law upon approval of the Governor, March 26, 2009 - S.L. 2009-11.)

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 285**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

**S.B. 131**, A BILL TO BE ENTITLED AN ACT TO REQUIRE, IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY THE PRESIDING JUDGE, THAT A PERSON CONVICTED OF DRIVING WHILE IMPAIRED BE IMPRISONED FOR A PERIOD OF TWENTY-FOUR HOURS IN A CONFINEMENT FACILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85185, which changes the title to read **S.B. 131** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON CONVICTED OF DRIVING WHILE IMPAIRED BE IMPRISONED FOR A PERIOD OF TWENTY-FOUR HOURS IN A CONFINEMENT FACILITY, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 144**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE CIVIL LIABILITY OF DOMESTIC VIOLENCE SHELTERS AND PERSONS ASSOCIATED WITH THOSE SHELTERS, 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.

**S.B. 262**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO BOTH CIVIL LIABILITY AND TO A CIVIL PENALTY FOR FAILURE TO CARRY OUT ITS DUTY, 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 55159, which changes the title to read **S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO BOTH CIVIL LIABILITY AND TO A CIVIL PENALTY FOR FAILURE TO CARRY OUT ITS DUTY, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 307**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85184, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

### CALENDAR

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

**S.B. 433**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

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**S.B. 389** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 390** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 494**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANNEXATION LAWS TO REQUIRE MEANINGFUL SERVICES AND MEANINGFUL OVERSIGHT, referred to the **State & Local Government Committee** on March 10.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Finance 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 **Finance Committee**.

#### CALENDAR *(continued)*

**S.J.R. 855**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MARVIN MARTIN WARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

**Senator Vaughan:**

“It is indeed a privilege to speak before this Body on behalf of Senator Ward. I first got to know him as a law student at Wake Forest in the 1970’s and he was a great counselor to me over the years in representing clients before this and other Bodies. His family is from Greensboro. They are in the gallery. Betty Cone is sort of known as ‘Miss Greensboro’ and has her hand in everything good in our community. He was a great leader in Forsyth County and all of the Piedmont-Triad, particularly in education. I commend the resolution for a great gentleman to you.”

March 30, 2009

**Senator Garrou:**

“Ladies and Gentlemen of the Senate, Marvin Ward was my hero. I admired him so much for all the work and efforts he put into whatever he did. He was the Superintendent of the schools during the consolidation and during the time when the schools were integrating. It was such a terrible time and unrest and he stood up to the segregationists. He was a man of integrity and hard work and determination and made sure that all the children in our school system would be served well. He also had a great sense of humor. You could always count on him to give a smile to you and share a witty thought about things that he thought were funny and things that he thought were interesting. He was a charming fellow. And then I had the privilege of serving as his constituent for sixteen years. When I decided to run for the Senate, we had great conversations about the opportunities before us and an opportunity to serve and come down here and provide quality education for all of the children of North Carolina. He loved his family. He always spoke about his children and about June, his wife, and she is with us. He was such an outstanding father and grandfather and husband and he is missed and will continue to be missed and to all of you we say thank you for sharing him with us.”

**Senator Rand:**

“Ladies and Gentlemen of the Senate, the first thing was that Marvin Ward was a consummate gentleman. He was really sort of the old school. I mean he told you what he thought and would not mince words about it but once he told you, you didn’t have to worry about it again because to him that’s the way it was. And, of course, he and June were a wonderful couple and meant so much to so many people here. When the women got together they always enjoyed her tremendously and I know my wife enjoyed her immensely and it meant a lot to all of us everywhere. The work he did on education was truly unique during those days and there were a lot of things being done to try to improve North Carolina’s educational system and a lot of creative things being tried and a lot of innovative things that Marvin worked on are with us still. He was a wonderful gentleman and he was a wonderful man to serve with and we all enjoyed his company and his presence so much and, as Senator Garrou said, we owe his family a great debt for allowing him to spend that time with us for the benefit of the people of North Carolina. Thank you, Mr. President.”

**Senator Brunstetter:**

“I think it’s also important to add that Marvin Ward was widely respected on both sides on the aisle. I remember when I was Chairman of the Board of Commissioners we had the recommendation to name one of our new elementary schools after Marvin Ward and it was a great pleasure to see that come through. I think it is a fitting legacy that each day as children go to school in Forsyth County there’s a number of them going to Marvin Ward Elementary School. I think it’s fair to say that because of his dignity and professionalism we were able to get through the desegregation issue and without him we would have had a much more difficult time.”

March 30, 2009

**Senator Basnight:**

“Members of the Body, I can see June and Marvin walking down the hall now, one kind of tall and one kind of short; one smiling and one not. Marvin had a way of speaking his opinion, placing his mind of how he felt before you in a pretty straightforward fashion. There was no trickery in his approach to life. He believed it to be one of character and he believed that one should do basically what he told you he would do. I remember a particular time when Ted, his companion Senator from Forsyth County, had a bill that would benefit his community and Marvin was all for that bill. It was an appropriations bill and it would have done great things. He explained it well to me and said Ted was a great man to present this. Then a few weeks later, Ted had some screwball idea, some proposal, and he was good at that at times, and he brought that forward and Marvin came in to let me know what a crazy guy Ted was! So he went from great to pretty bad, but Marvin could understand what was good and if it benefited the people of his district, boy, he was for it. If it would do a great good for the people of this State, if it would advance opportunity, if it would improve education, if it would provide for a good job, Marvin was there. What a wonderful man and what a colorful person in an indirect way. We miss him very much. Good to see you, June.”

**Lieutenant Governor Dalton:**

“Before I call for the third reading, I would just like to thank Senator Vaughan for bringing forth this joint resolution. I am pleased we are honoring Senator Ward tonight. His grandson, B.C., and I belong to the same fraternity. I have valued B.C.’s friendship throughout the years. I know he’s proud of his grandfather and Senator Ward is well known to this day by reputation in the General Assembly. He was a great educator, a great champion of education during his time in the Senate and we honor him and we thank the family for sharing him with the State of North Carolina.”

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives.

Upon motion of Senator Vaughan the President extends the courtesies of the gallery to June Darden Ward, his wife; Betty Ward Cone, his daughter; Marvin Thomas Ward, his son; Benjamin Cone III, his grandson; Robert Phillips, his nephew, and his wife Kathy; Jake Philips, his great nephew; Clare Phillips, his great niece; and Linda Starke, his caregiver.

**WITHDRAWAL FROM COMMITTEE**

**H.J.R. 233**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WAKE FOREST WHILE CELEBRATING THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on March 24.

March 30, 2009

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, April 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 Thursday, April 2.

**S.J.R. 182**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT WALTER "BOB" SCOTT, FORMER GOVERNOR OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on February 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 Thursday, April 9, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, April 9.

#### SENATE PAGES

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

Clara Brown, Henderson; Hannah Byrd, Fairfield; Max Godfrey, Garner; Rebekah Hall, Raleigh; Alexandra Holding, Charlotte; Abby Paulson, Cary; Matt Pounds, Clayton; Sidra Shoaib, Clayton; Katie Shytle, Laurinburg; Jes Smothers, High Point; Eleanor Sojka, Laurinburg; Ben Stevens, Greensboro; Meredith Sutton, Pink Hill and Kaleb Templeton, Concord.

#### ADDITIONAL SPONSORS

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

**S.J.R. 872**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE STUDY COMMISSION TO STUDY THE STANDARDS APPLIED IN DISPUTED CHILD CUSTODY CASES.

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

**S.B. 762**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY SUPPLEMENT OF TWELVE PERCENT TO NATIONALLY CERTIFIED TEACHERS IN HIGH SCHOOL AUTOMOTIVE PROGRAMS.

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**S.B. 960**, A BILL TO BE ENTITLED AN ACT TO ENSURE ACCOUNTABILITY IN THE USE OF FEDERAL STIMULUS FUNDS BY LOCAL GOVERNMENTS AND NONPROFIT ENTITIES.

**S.B. 973**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS AND TO MAKE CONFORMING AMENDMENTS TO THE GENERAL STATUTES.

Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns at 7:30 P.M. subject to introduction of bills and receipt of messages from the House of Representatives, to meet Tuesday, March 31, at 3:00 P.M.

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**THIRTY-SIXTH DAY**

Senate Chamber  
Tuesday, March 31, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

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

"This is a prayer offered by the late Senator Marvin Ward on May 13, 1993, and in honor and memory of Senator Ward who was recognized last night with a joint resolution for his service to North Carolina. 'Guide us with your wisdom as individuals and as members of the Senate. Make us aware of your judgment as we deal with the events of this time. Help us to live up to your standards as we serve as your stewards. Bless the decisions that we have made this week that will help to meet the needs in the lives of millions of our North Carolina people. As we have acted with maturity and integrity, may we win the honor, respect and thanks of the citizens that we represent. We ask in thy name. Amen'"

The Chair grants leaves of absence for today to Senator Brock, Senator East, and Senator Rouzer.

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

*The Chair extends privileges of the floor to Dr. Amanda Peppercorn from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Loretta Hayden from Laurinburg, North Carolina, who is serving the Senate as Nurse of the Day.*

March 31, 2009

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 617**, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

**S.B. 714**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 484**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE STATE AUDITOR FROM CERTAIN EX OFFICIO DUTIES, with a favorable report.

**S.B. 633**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS BEEN AGREED UPON BY THE PARTIES, with a favorable report.

**S.B. 256**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15230, which changes the title to read **S.B. 256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, is adopted and engrossed.

**CALENDAR**

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

March 31, 2009

**S.B. 144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE CIVIL LIABILITY OF DOMESTIC VIOLENCE SHELTERS AND PERSONS ASSOCIATED WITH THOSE SHELTERS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 1.

**S.B. 285**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 1.

#### **CHANGES TO 2009 SENATE COMMITTEE**

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

Senator McKissick is appointed to the **Select Committee on Economic Recovery**.

#### **ADDITIONAL SPONSORS**

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

**S.B. 600**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT AND TO REQUIRE ADDITIONAL COMPENSATION TO HOLDERS OF CONDEMNED CONSERVATION EASEMENTS.

**S.B. 847**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FARMLAND PRESERVATION.

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

**S.B. 600**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT AND TO REQUIRE ADDITIONAL COMPENSATION TO HOLDERS OF CONDEMNED CONSERVATION EASEMENTS.

March 31, 2009

**S.B. 847**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FARMLAND PRESERVATION.

Upon motion of Senator Basnight, seconded by Senator Graham, the Senate adjourns subject to introduction of bills and receipt of messages from the House of Representatives, to meet Wednesday, April 1, at 3:00 P.M.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Rand; and Hartsell:

**S.B. 1026**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LOCAL GOVERNMENT TORT CLAIMS ACT.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 1027**, A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF ABUTTING PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT.

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

By Senators Albertson; Allran, Atwater, Davis, Dorsett, Foriest, Goss, Hartsell, Hoyle, Jenkins, Jones, Malone, Preston, Queen, Snow, Tillman and Weinstein:

**S.B. 1028**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES AND POLICIES FOR CHARTERED COMMUNITY GROUPS TO TUTOR PUBLIC SCHOOL STUDENTS.

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

By Senators Bingham, Hoyle; and Hartsell:

**S.B. 1029**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS.

Referred to the **Commerce Committee**.

By Senators Stevens and Malone:

**S.B. 1030**, A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.

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

March 31, 2009

By Senator Dorsett:

**S.B. 1031**, A BILL TO BE ENTITLED AN ACT TO LIMIT RECOVERY OF HEALTH CARE DEBTS UNDER THE COMMON LAW DOCTRINE OF NECESSARIES.

Referred to the **Judiciary II Committee**.

By Senator Brock:

**S.B. 1032**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROHIBIT PUBLIC EMPLOYERS FROM MAKING PAYROLL DEDUCTIONS FOR POLITICAL PURPOSES.

Referred to the **Finance Committee**.

By Senators Brock; Berger of Rockingham, Brown, Brunstetter, Hunt, Jacumin, Preston and Tillman:

**S.B. 1033**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE EFFECT OF HEAD INJURIES IN HIGH SCHOOL ATHLETICS.

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

By Senators Brock; and Berger of Rockingham:

**S.B. 1034**, 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 **Education/Higher Education Committee**.

By Senator Brock:

**S.B. 1035**, A BILL TO BE ENTITLED AN ACT REDUCING THE COMPENSATION OF THE GOVERNOR, THE COUNCIL OF STATE, AND THE LEGISLATIVE LEADERSHIP POSITIONS TO 1994 COMPENSATION LEVELS.

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

By Senators Brock; Apodaca, Berger of Rockingham, Brown, Hunt, Jacumin, Preston and Tillman:

**S.B. 1036**, A BILL TO BE ENTITLED AN ACT TO MAKE THE CRIMINAL OFFENSE OF SIMPLE ASSAULT A FELONY RATHER THAN A MISDEMEANOR WHEN THE SIMPLE ASSAULT IS COMMITTED AGAINST A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR EMERGENCY PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT AGAINST CERTAIN EMERGENCY PERSONNEL IF THE ASSAULT IS WITH A DEADLY WEAPON OR INFLECTS SERIOUS BODILY INJURY.

Referred to the **Judiciary I Committee**.

March 31, 2009

By Senator Brock:

**S.B. 1037**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL ACTIVE STATE EMPLOYEES TO HAVE A PHYSICAL EXAMINATION ANNUALLY.

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

By Senators Brock; Berger of Rockingham, Hunt and Tillman:

**S.B. 1038**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LIST OF PERSONS WHO OBTAIN A CONCEALED HANDGUN PERMIT AND OTHER INFORMATION RELATED TO THE PERMIT APPLICATION ARE NOT PUBLIC RECORDS.

Referred to the **Judiciary I Committee**.

By Senators Brock; Berger of Rockingham, Hunt, Jacumin and Tillman:

**S.B. 1039**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COVERAGE FOR ABORTIONS UNDER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Brock:

**S.B. 1040**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE UNIVERSITY OF NORTH CAROLINA, ITS CONSTITUENT INSTITUTIONS, OR DESIGNATED LIAISON PERSONNEL FROM GIVING PERFORMING ARTS TICKETS TO ANY DESIGNATED INDIVIDUAL.

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

By Senators Brock; Jacumin, Preston and Tillman:

**S.J.R. 1041**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CERTIFICATE OF NEED LAW.

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

By Senator Nesbitt:

**S.B. 1042**, 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.

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

By Senator Kinnaird:

**S.B. 1043**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS LICENSURE ACT AND

TO CHANGE THE OFFENSE CLASSIFICATION FOR PRACTICING MEDICINE WITHOUT A LICENSE FROM A CLASS 1 MISDEMEANOR TO A CLASS I FELONY.

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

By Senator Kinnaird:

**S.B. 1044**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ECONOMIC RELIEF TO ELECTRIC UTILITY RATEPAYERS DURING THIS PERIOD OF ECONOMIC RECESSION AND THE COMING RECOVERY PERIOD BY PLACING A MORATORIUM ON THE CONSTRUCTION OF NEW COAL-FIRED POWER PLANTS.

Referred to the **Commerce Committee**.

By Senator Kinnaird:

**S.B. 1045**, 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 Senators Kinnaird; and Nesbitt:

**S.B. 1046**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SPECIAL COMMITTEE ON SENTENCING AND PRISON OVERCROWDING.

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

By Senators Kinnaird; Nesbitt and Stein:

**S.B. 1047**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARE SUBSIDY PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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

By Senators Kinnaird; and Nesbitt:

**S.B. 1048**, 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 WHO COMMITS A CRIME OR INFRACTION AND TO ESTABLISH THE TASK FORCE FOR JUVENILE JUSTICE ADMINISTRATION.

Referred to the **Judiciary I Committee**.

By Senator Rand:

**S.B. 1049**, A BILL TO BE ENTITLED AN ACT AMENDING THE MODEL AIRPORT ZONING ACT.

Referred to the **Commerce Committee**.

March 31, 2009

By Senators Berger of Rockingham; and Brock:

**S.B. 1050**, A BILL TO BE ENTITLED AN ACT TO PROVIDE OPENBOOK GOVERNMENT IN NORTH CAROLINA.

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

By Senators Berger of Rockingham; and Brock:

**S.B. 1051**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMPREHENSIVE PERFORMANCE MANAGEMENT AND ACCOUNTABILITY PROGRAM AND BUDGET SYSTEM.

Referred to the **Finance Committee**.

By Senators Berger of Rockingham; Apodaca, Bingham, Blake, Brock, Brown, Clary, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Rouzer and Tillman:

**S.B. 1052**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT GENERAL FUND EXPENDITURES SHALL NOT EXCEED REVENUE FOR THE PREVIOUS CALENDAR YEAR AND TO PROVIDE THAT ANY POSITIVE BALANCE IN THE GENERAL FUND AFTER TRANSFERRING FUNDS TO THE SAVINGS RESERVE ACCOUNT AND THE REPAIRS AND RENOVATIONS ACCOUNT MAY BE APPROPRIATED ONLY FOR TAXPAYER REFUNDS, CAPITAL IMPROVEMENTS, OR TO REPAY THE STATE'S INDEBTEDNESS.

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

By Senator Preston:

**S.B. 1053**, A BILL TO BE ENTITLED AN ACT TO ALLOW A HIGHWAY USE TAX EXEMPTION FOR VEHICLES THAT HAVE BEEN MODIFIED FOR OPERATION BY OR FOR A DISABLED VETERAN.

Referred to the **Finance Committee**.

By Senators Swindell; and Hoyle:

**S.B. 1054**, A BILL TO BE ENTITLED AN ACT TO CREATE A NEW MULTI JURISDICTIONAL INDUSTRIAL PARK EXCEPTION.

Referred to the **Finance Committee**.

By Senator Clodfelter:

**S.B. 1055**, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA TO PROVIDE FOR MANDATORY LUNCH BREAKS FOR EMPLOYEES.

Referred to the **Commerce Committee**.

By Senator Shaw:

**S.B. 1056**, A BILL TO BE ENTITLED AN ACT REQUIRING A BAIL BONDSMAN TO OBTAIN A FIREARMS REGISTRATION PERMIT AND FIREARMS TRAINING AND MAINTAIN LIABILITY INSURANCE.

Referred to the **Judiciary I Committee**.

By Senators Dorsett; and Vaughan:

**S.B. 1057**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS, AIRCRAFT REPAIR PARTS, AIRCRAFT ACCESSORIES, AND AIRCRAFT SIMULATORS.

Referred to the **Finance Committee**.

By Senator Hoyle:

**S.B. 1058**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATUTORY FORMULA FOR THE DISTRIBUTION OF REPAIR AND RENOVATION FUNDS.

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

By Senators Foriest; Apodaca, Atwater, Forrester, Goss, Jenkins, Jones and Tillman:

**S.B. 1059**, A BILL TO BE ENTITLED AN ACT TO PROVIDE COST-OF-LIVING INCREASES FOR RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO CLOSE THE GAP IN THE AVERAGE PERCENTAGE INCREASE BETWEEN THE CONSUMER PRICE INDEX AND THE AVERAGE INCREASE IN RETIREE COST-OF-LIVING ALLOWANCES OVER THE PAST FIVE YEARS.

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

By Senators Foriest; Allran, Apodaca, Atwater, Brunstetter, Clodfelter, Forrester, Garrou, Goss, Graham, Hartsell, Jenkins, Jones, Purcell, Stein, Stevens and Tillman:

**S.B. 1060**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SPECIAL COMMISSION TO STUDY RETIREMENT AND HEALTH BENEFITS FOR TEACHERS AND STATE EMPLOYEES.

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

By Senator Stein:

**S.B. 1061**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE STUDY OF THE COMPARATIVE EFFECTIVENESS OF MEDICAL TREATMENTS AND PRESCRIPTION DRUGS TO IMPROVE HEALTH AND CONTAIN COSTS.

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

By Senators Boseman; Kinnaird and McKissick:

**S.B. 1062**, A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS.

Referred to the **Judiciary II Committee**.

March 31, 2009

By Senator Boseman:

**S.J.R. 1063**, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE STUDY COMMISSION TO STUDY CHILD SUPPORT GUIDELINES REGARDING CHILD SUPPORT ARREARAGE THAT DOES NOT ACCRUE FOR A PARENT WHO IS INCARCERATED.

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

By Senators Boseman; Kinnaird and McKissick:

**S.B. 1064**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON FAMILY VIOLENCE AND CHILD CUSTODY.

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

By Senators Malone; and Stein:

**S.B. 1065**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA MUSEUM OF ART.

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

By Senators Albertson; Atwater, Davis, Dorsett, Goss, Jenkins, Kinnaird, Purcell, Stein and Weinstein:

**S.B. 1066**, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR ALTERNATIVE FUEL INFRASTRUCTURE AND TO CREATE A TAX CREDIT FOR ALTERNATIVE FUEL VEHICLES AND ADVANCED TECHNOLOGY VEHICLES.

Referred to the **Finance Committee**.

By Senators Albertson; Atwater, Davis, Goss, Hartsell, Jenkins, Kinnaird, Purcell and Weinstein:

**S.B. 1067**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS A STATEWIDE GOAL THAT TEN PERCENT OF THE FOOD PRODUCTS THAT ARE CONSUMED IN NORTH CAROLINA BE SUSTAINABLY AND LOCALLY PRODUCED IN NORTH CAROLINA BY THE YEAR 2020 AND TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY AND PROGRAMMATIC CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

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

By Senators Albertson; Atwater, Davis, Dorsett, Goss, Jenkins, Kinnaird, Purcell and Weinstein:

**S.B. 1068**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE SITING OF WIND ENERGY FACILITIES.

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

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By Senators Malone, Swindell; Albertson, Atwater, Berger of Franklin, Boseman, Brown, Dannelly, Davis, Dorsett, Foriest, Goss, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Snow, Soles, Stein, Stevens, Tillman and Weinstein:

**S.B. 1069**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOBS COMMISSION.

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

By Senator Malone:

**S.B. 1070**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

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

By Senators Malone; Atwater, Stevens and Swindell:

**S.B. 1071**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COLLABORATIVE PROJECT.

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

By Senator Malone:

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

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

By Senator Snow:

**S.B. 1073**, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE.

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

By Senators Snow; Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Brunstetter, Davis, Goss, Kinnaird, Nesbitt, Queen, Swindell, Tillman and Weinstein:

**S.B. 1074**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF WILDLIFE PROTECTORS TO MAKE STOPS IN THE INTEREST OF PUBLIC SAFETY BASED UPON REASONABLE SUSPICION.

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

By Senator Snow:

**S.B. 1075**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A SALARY SUPPLEMENT OF TWELVE PERCENT

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TO NATIONALLY CERTIFIED TEACHERS IN HIGH SCHOOL AUTOMOTIVE PROGRAMS.

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

By Senators Snow, Kinnaird; and Atwater:

**S.B. 1076**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM.

Referred to the **Judiciary II Committee**.

By Senators Snow, Kinnaird; and Atwater:

**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS.

Referred to the **Judiciary II Committee**.

By Senators Snow and Kinnaird:

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

Referred to the **Judiciary II Committee**.

By Senators Snow; Atwater and Queen:

**S.B. 1079**, A BILL TO BE ENTITLED AN ACT REGARDING THE SALE OF AGRICULTURAL RESEARCH STATIONS MANAGED BY THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR UNIVERSITY RESEARCH, TEACHING, AND EXTENSION.

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

By Senator Snow:

**S.B. 1080**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DETERMINATION OF WHETHER A PROPOSED MINING PERMIT, OR A PROPOSED MODIFICATION TO A MINING PERMIT TO ADD LAND TO THE PERMITTED AREA, IS CONSISTENT WITH LOCAL ZONING REGULATIONS AND ORDINANCES PRIOR TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TAKING FURTHER ACTION UPON THE APPLICATION FOR THE PERMIT.

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

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By Senators Snow; and Atwater:

**S.B. 1081**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO DEVELOP AND IMPLEMENT AN ALCOHOL AND DRUG EDUCATION PILOT PROGRAM.

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

By Senators Snow; and Atwater:

**S.B. 1082**, A BILL TO BE ENTITLED AN ACT ALLOWING PROBATION OFFICERS IN THE DIVISION OF COMMUNITY CORRECTIONS ACCESS TO THE JUVENILE RECORDS OF PERSONS SUBJECT TO PROBATION UNDER THEIR SUPERVISION FOR THE PURPOSE OF DETERMINING RISK ASSESSMENT FOR PROBATION.

Referred to the **Judiciary II Committee**.

By Senators Snow; and Queen:

**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LITTLE TENNESSEE RIVER BASIN ADVISORY COMMISSION.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Snow:

**S.B. 1084**, A BILL TO BE ENTITLED AN ACT TO RESTORE BUDGET CUTS AND APPROPRIATE FUNDS FOR THE CHILD WELFARE COLLABORATIVE.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow, Hartsell; Apodaca, Atwater, Berger of Franklin, Bingham, Brock, Brown, Brunstetter, Dorsett, Foriest, Goodall, Goss, Nesbitt, Queen, Rucho, Swindell and Tillman:

**S.B. 1085**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON GASOLINE SHORTAGES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Snow, Kinnaird; and Atwater:

**S.B. 1086**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CORRECTIONAL AND PROBATION OFFICER EDUCATION AND TRAINING STANDARDS COMMISSION.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Snow; Allran, Atwater, Berger of Franklin, Berger of Rockingham, Kinnaird, McKissick, Nesbitt, Queen and Weinstein:

**S.B. 1087**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS A

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CONDITION OF PROBATION, TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, TO MITIGATE PUNISHMENTS FOR IMPAIRED DRIVING OFFENSES, AND TO ENSURE COMPLIANCE WITH CHILD CUSTODY AND VISITATION ORDERS.

Referred to the **Judiciary II Committee**.

By Senators Snow; Atwater, Berger of Franklin, Blake, Clary, Davis, East, Goss, Hunt, Jones, Kinnaird, McKissick, Nesbitt, Queen, Tillman, Vaughan and Weinstein:

**S.B. 1088**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A LAW ALLOWING THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO EXPEND FUNDS TO COVER FUNERAL EXPENSES FOR MEMBERS OF THE STATE HIGHWAY PATROL KILLED IN THE LINE OF DUTY.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Snow, Kinnaird; and Atwater:

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION.

Referred to the **Judiciary II Committee**.

By Senator Snow:

**S.B. 1090**, A BILL TO BE ENTITLED AN ACT AMENDING RULE 4 OF THE NORTH CAROLINA RULES OF CIVIL PROCEDURE RELATING TO SERVICE OF PROCESS.

Referred to the **Judiciary II Committee**.

By Senator Snow:

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE.

Referred to the **Judiciary II Committee**.

By Senator Swindell:

**S.B. 1092**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MAIN STREET FINANCIAL INCENTIVE FUND FOR GRANTS FOR MICROPOLITAN AREAS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Garrou, Albertson, Dannelly, and Swindell:

**S.B. 1093**, 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**.

#### **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 IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

**H.B. 63** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY.

Referred to the **Finance Committee**.

**H.B. 103** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT ALEXANDER, ANSON, CATAWBA, CHOWAN, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to the **Finance Committee**.

**H.B. 212** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF HEALTH INSURANCE PILOT DEMONSTRATION PROJECTS IN INTERESTED COUNTIES TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH INSURANCE.

Referred to the **Commerce Committee**.

**H.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS.

Referred to the **State & Local Government Committee**.

**H.B. 357**, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS.

Referred to the **Education/Higher Education Committee**.

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**H.B. 382** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **Health Care Committee**.

**H.B. 473**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE 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. 488**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT.

Referred to the **State & Local Government Committee**.

**H.B. 494**, A BILL TO BE ENTITLED AN ACT ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 551**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:39 P.M.

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**THIRTY-SEVENTH DAY**

Senate Chamber  
Wednesday, April 1, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by Rabbi Lucy Dinner, Temple Beth Or, Raleigh, North Carolina as follows:

"Eternal holy one of blessing, you dignify our lives by empowering us to embrace our destiny as caretakers of your world. We pray for our State, that it may ever be a standard bearer of human rights, of opportunity, and protection for all its inhabitants. May the work of these esteemed leaders advance the needs of the one and the many, and inspire citizens to uphold the rights of all. May those entrusted in these chambers with the care of our State lead wisely and with civility and work together for the common good. May they take to heart the profound losses of those affected by economic hardships, loss of jobs, homes, and hope. May they seriously consider the welfare of those who lack access to medical care for the physically and mentally ill. Guide them that their efforts and deliberations will strengthen the name of the great State of North Carolina. We ask your blessing, eternal God, to accompany these men and women who hold the fate of our State in their hands, that in their work they will be humbly mindful of your presence and the great responsibility that they hold in their hands. Amen."

The Chair grants a leave of absence for today to Senator Davis.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, March 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The 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 Rausa McManus from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

**CHAPTERED BILLS**

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

April 1, 2009

**S.B. 89**, AN ACT TO AUTHORIZE THE ADDITION OF GRANDFATHER MOUNTAIN STATE PARK TO THE STATE PARKS SYSTEM. (Became law upon approval of the Governor, March 31, 2009 - S.L. 2009-12.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 214**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER, with a favorable report.

**S.B. 269**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION, with a favorable report.

**S.B. 339**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE PORTION OF THE TOWN OF STALLINGS LOCATED IN UNION COUNTY AND TO AUTHORIZE THE DISTRICT TO LEVY UP TO A FIVE PERCENT ROOM OCCUPANCY TAX WITHIN THE DISTRICT TO BE USED FOR TOURISM DEVELOPMENT WITHIN THE DISTRICT, with a favorable report.

**S.B. 453**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, with a favorable report.

**S.B. 631**, A BILL TO BE ENTITLED AN ACT TO CONFORM DEADLINES FOR LEVYING, REPEALING, INCREASING, OR DECREASING THE REGIONAL TRANSIT AUTHORITY REGISTRATION TAX TO THE DMV REGISTRATION RENEWAL SCHEDULE ADOPTED UNDER THE NEW ELECTRONIC MOTOR VEHICLE INSPECTION SYSTEM, with a favorable report.

**S.B. 570**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL, with a favorable report as amended.

Committee Amendment No. 1 adopted and engrossed.

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By Senator Jones for the **State & Local Government Committee**:

**S.B. 429**, A BILL TO BE ENTITLED AN ACT AUTHORIZING NEW HANOVER COUNTY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, with a favorable report.

**S.B. 498**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES, with a favorable report.

**S.B. 503**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS, with a favorable report.

**S.B. 504**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS, with a favorable report.

**S.B. 499**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGEcombe 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 75236, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 457**, A BILL TO BE ENTITLED AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with a favorable report.

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**S.B. 835**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85187, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 22**, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE ADDITIONAL TECHNOLOGY ASSOCIATED WITH A MOBILE PHONE WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15234, which changes the title to read **S.B. 22** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 8** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO PROVIDE CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, 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 50357, which changes the title, upon concurrence, to read **H.B. 8** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO PROVIDE CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR ANY LOCAL CONFINEMENT FACILITY, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 293**, A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS AND TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15233, is adopted and engrossed.

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**S.B. 412**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA LIMITED LIABILITY COMPANY 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 85188, is adopted and engrossed.

**S.B. 513**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85186, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**S.B. 135**, A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55325, is adopted and engrossed.

**S.B. 405**, A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS BY REQUIRING A REPORT OF SALES INFORMATION WHEN REAL PROPERTY IS TRANSFERRED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55324, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 18**, A BILL TO BE ENTITLED AN ACT TO AMEND SPECIFIC EXPERIENCE HOURS OF THE FOUR HUNDRED CLOCK HOURS REQUIRED FOR PERMANENT LICENSURE AS A SPEECH AND LANGUAGE PATHOLOGIST.

Referred to the **Health Care Committee**.

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**H.B. 225**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

Referred to the **Finance Committee**.

**H.B. 337**, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF STATESVILLE.

Referred to the **Finance Committee**.

**H.B. 703** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION AND TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS.

Referred to the **Health Care Committee**.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 144** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE CIVIL LIABILITY OF DOMESTIC VIOLENCE SHELTERS AND PERSONS ASSOCIATED WITH THOSE SHELTERS.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 228**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFICE OF MEN'S HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS RECOMMENDED BY THE PUBLIC HEALTH STUDY COMMISSION, with a favorable report.

Upon motion of Senator Bingham, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 675**, A BILL TO BE ENTITLED AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES

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AND FOR FILING BIRTH CERTIFICATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15235, which changes the title to read **S.B. 675** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES, is adopted and engrossed.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 785**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION, referred to the **Appropriations/Base Budget Committee** on March 25.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee** and if favorable re-referred to **Appropriations/Base Budget Committee**.

**S.B. 978**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, referred to the **Education/Higher Education Committee** on March 26.

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 **Judiciary II 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 **Judiciary II Committee**.

#### CALENDAR *(continued)*

**S.B. 256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO

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THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Upon motion of Senator Snow, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 6.

**S.B. 285**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 484**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE STATE AUDITOR FROM CERTAIN EX OFFICIO DUTIES.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 966**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE VOTER-OWNED ELECTIONS ACT TO COVER ADDITIONAL COUNCIL OF STATE POSITIONS AND TO MAKE TECHNICAL CHANGES TO THE ACT, referred to the **State & Local Government Committee** on March 26.

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 **Judiciary I 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 **Judiciary I Committee**.

**S.B. 936**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR NINE 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, referred to the **State & Local Government Committee** on March 26.

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 **Judiciary I 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 **Judiciary I Committee**.

**S.B. 938**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION

April 1, 2009

CAMPAIGNS, referred to the **State & Local Government Committee** on March 26.

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 **Judiciary I 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 **Judiciary I Committee**.

#### CALENDAR *(continued)*

**S.B. 617**, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 633**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS BEEN AGREED UPON BY THE PARTIES.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### ADDITIONAL SPONSORS

Senator Swindell requests to be added as a sponsor of previously introduced legislation:

**S.B. 966**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE VOTER-OWNED ELECTIONS ACT TO COVER ADDITIONAL COUNCIL OF STATE POSITIONS AND TO MAKE TECHNICAL CHANGES TO THE ACT.

Senator Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 634**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.

**S.B. 695**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL LAW CONCERNING RESTRAINING OF DOGS.

April 1, 2009

Upon motion of Senator Dannelly, seconded by Senator McKissick, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Thursday, April 2, at 11:00 A.M.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**H.J.R. 53, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WALTER BROWN, FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.**

The joint resolution is placed on the Calendar for Thursday, April 2.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:46 P.M.

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### **THIRTY-EIGHTH DAY**

Senate Chamber  
Thursday, April 2, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, my high-school daughter's best friend was at our home last night crying when I arrived. Her mom had lost her job yesterday and an eleven-year-old boy and family friend learned that his cancer had recurred and that a second major operation was looming. I know that Holy Scripture says that of the three, faith, hope, and love, the greatest is love. But I'm also convinced that right now, for most of us, the rarest of these is hope. Offering hope in word and deed may surely be the greatest single gift offered by the members, by all of us during this legislative session to people who have lost hope. You said surely I know the plans I have for you. Plans for your well being, to give you a future with hope. Help us to be ambassadors of that promise, O God. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

April 2, 2009

*The Chair extends privileges of the floor to Dr. John Derbyshire from Rocky Mount, North Carolina, who is serving the Senate as Doctor of the Day, and to Sharon Derbyshire from Rocky Mount, North Carolina, who is serving the Senate as Nurse of the Day.*

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 40**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO TO LEVY A ROOM OCCUPANCY TAX, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55327, which changes the title to read **S.B. 40** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO TO LEVY A ROOM OCCUPANCY TAX AND TO MAINTAIN THE CURRENT DISTRIBUTION AND USE OF THE ROOM AND OCCUPANCY TAX LEVIED BY THE TOWN OF BANNER ELK, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**S.B. 346**, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15236, which changes the title to read **S.B. 346** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**S.B. 393**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35282, is adopted and engrossed.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, April 7.

April 2, 2009

**S.B. 432**, A BILL TO BE ENTITLED AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35283, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**S.B. 437**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG 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 35284, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**S.B. 539**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO INCREASE ITS MOTOR VEHICLE TAX BY UP TO AN ADDITIONAL SIX DOLLARS PER YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55329, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**S.B. 543**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55328, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

### CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

**S.B. 269**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

April 2, 2009

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 7.

**S.B. 293** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS AND TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 7.

**S.B. 513** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 7.

### INTRODUCTION OF BILLS AND RESOLUTIONS

Resolutions filed for introduction are presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

**S.J.R. 1094**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WATHA ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick; Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.J.R. 1095**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN HOPE FRANKLIN, DISTINGUISHED EDUCATOR, HISTORIAN, AND CIVIL RIGHTS ACTIVIST.

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:

April 2, 2009

House of Representatives  
April 1, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.R. 189**, 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:

Bill Daughtridge  
Walter Conaway Davenport  
James M. Deal, Jr.  
Dudley E. Flood  
Charles H. Mercer, Jr.  
Fred G. Mills, Sr.  
Dr. Irvin A. Roseman, and  
David W. Young

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**CALENDAR** (*continued*)

**H.J.R. 53**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WALTER BROWN, FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Upon motion of Senator Rand, the joint resolution is taken up out of its regular order of business. The joint resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

Upon motion of Senator Goss, the President extends the courtesies of the gallery to Mrs. Ruth Brown, Representative Brown's wife; Betty Ruth Satterlee and Johnsie Charles Brown and her husband, Joe Brown, his daughters; and Anna Kidd, Representative Brown's former legislative assistant.

**S.B. 214**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

April 2, 2009

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, April 7, upon third reading.

**S.B. 339**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE PORTION OF THE TOWN OF STALLINGS LOCATED IN UNION COUNTY AND TO AUTHORIZE THE DISTRICT TO LEVY UP TO A FIVE PERCENT ROOM OCCUPANCY TAX WITHIN THE DISTRICT TO BE USED FOR TOURISM DEVELOPMENT WITHIN THE DISTRICT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---42.

Voting in the negative: Senators Allran, Brock, East, Forrester, Rucho and Tillman--6.

The bill remains on the Calendar for Tuesday, April 7, upon third reading.

**S.B. 570**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL, 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, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, April 7, upon third reading.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

April 2, 2009

By Senator Bingham for the **Health Care Committee**:

**S.B. 208**, A BILL TO BE ENTITLED AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85189, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 7.

**CALENDAR** (*continued*)

**S.B. 429**, A BILL TO BE ENTITLED AN ACT AUTHORIZING NEW HANOVER COUNTY TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 453**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 498**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 499** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGEcombe COUNTY.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 503**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

April 2, 2009

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 504**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 631**, A BILL TO BE ENTITLED AN ACT TO CONFORM DEADLINES FOR LEVYING, REPEALING, INCREASING, OR DECREASING THE REGIONAL TRANSIT AUTHORITY REGISTRATION TAX TO THE DMV REGISTRATION RENEWAL SCHEDULE ADOPTED UNDER THE NEW ELECTRONIC MOTOR VEHICLE INSPECTION SYSTEM, 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, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, April 7, upon third reading.

**S.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY.

The Committee Substitute bill passes its second reading (29-19).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, April 7, upon third reading.

**S.B. 412** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

April 2, 2009

**WITHDRAWAL FROM CALENDAR**

**S.B. 256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, placed on the Calendar for Monday, April 6.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Monday, April 6, and placed on the Calendar for Tuesday, April 7.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Monday, April 6, and placed on the Calendar for Tuesday, April 7.

**CALENDAR** (*continued*)

**S.B. 675** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 835** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

The Committee Substitute bill passes its second reading (33-15).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, April 7, upon third reading.

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 7.

**H.J.R. 233**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WAKE FOREST WHILE CELEBRATING THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

The joint resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

April 2, 2009

Upon motion of Senator Basnight, seconded by Senator Jones, the Senate adjourns at 12:07 P.M. to meet Monday, April 6, at 7:00 P.M.

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### THIRTY-NINTH DAY

Senate Chamber  
Monday, April 6, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, on this Monday night, April 6, 2009, we pray for your presence and guidance in all matters deliberated by the members this week and in committees, and in hallway conversations and in this Chamber. The truth is that on this Monday night many of us are also thinking about the NCAA National Basketball Championship which tips off later this evening between our own University of North Carolina Tar Heels and the Michigan State Spartans. We pray for both teams. They've worked hard to get to this game. We pray that each team plays well, that the game is injury free and that both teams will walk off the court feeling like winners. I'm thinking it, O God, and you know what I'm thinking, so I unashamedly pray it. When the game is over, I hope the Tar Heels have at least one more point on the scoreboard than Michigan State so that they may bring the National Championship home. Amen."

The Chair grants leaves of absence for tonight to Senator Brown and Senator Goodall.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Uday Reebye from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Cathy Chapman from Efland, 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:

April 6, 2009

**H.J.R. 53**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN WALTER BROWN, FORMER MEMBER OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES. (Res. 7)

**H.J.R. 233**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WAKE FOREST WHILE CELEBRATING THE TOWN'S ONE HUNDREDTH ANNIVERSARY. (Res. 8)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 74**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1 FELONY, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 403**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO PROVIDE THAT CRIMINALLY INJURIOUS CONDUCT INCLUDES BOTH FELONY AND MISDEMEANOR DEATH BY VEHICLE AND TO PROVIDE THAT ECONOMIC LOSS FOR WHICH COMPENSATION MAY BE AWARDED INCLUDES THE COST OF GRIEF COUNSELING FOR THE SPOUSE AND CHILDREN OF THE DECEASED VICTIM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55330, which changes the title to read **S.B. 403** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO PROVIDE THAT CRIMINALLY INJURIOUS CONDUCT INCLUDES BOTH FELONY AND MISDEMEANOR DEATH BY VEHICLE AND TO PROVIDE THAT ECONOMIC LOSS FOR WHICH COMPENSATION MAY BE AWARDED INCLUDES THE COST OF GRIEF COUNSELING FOR THE SPOUSE AND CHILDREN OF THE DECEASED VICTIM AND APPROPRIATE FUNDS FOR IMPLEMENTATION, is adopted and engrossed.

April 6, 2009

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Foriest; Apodaca, Bingham, Brunstetter, Forrester, Goss, Purcell, Rouzer and Stevens:

**S.J.R. 1096**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHRISTOPHER DUFFY COLLINS.

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. 2** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

Referred to the **Health Care Committee**.

**H.B. 65** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

Referred to the **Education/Higher Education Committee**.

**H.J.R. 224**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THEODORE JAMES "TED" KINNEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 402** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FOURTEEN THOUSAND NOTARIES PUBLIC.

Referred to the **State & Local Government Committee**.

**H.B. 435**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE LEE COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF LEE COUNTY, THE PERSON RECOMMENDED BY THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED.

Referred to the **State & Local Government Committee**.

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**H.B. 502**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER DISPOSITION.

Referred to the **State & Local Government Committee**.

**H.B. 622**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT.

Referred to the **State & Local Government Committee**.

**H.B. 664**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTER OF DEEDS OF AVERY COUNTY TO REFUSE RECORDATION OF A DEED FOR PROPERTY SUBJECT TO DELINQUENT MUNICIPAL PROPERTY TAXES FOR THE VILLAGE OF SUGAR MOUNTAIN.

Referred to the **Finance Committee**.

**H.B. 683**, A BILL TO BE ENTITLED AN ACT ESTABLISHING NORTH CAROLINA HOT SAUCE DAY.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 696**, A BILL TO BE ENTITLED AN ACT ESTABLISHING MOTORCYCLE AWARENESS MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Basnight, seconded by Senator Stevens, the Senate adjourns at 7:09 P.M. to meet Tuesday, April 7, at 3:00 P.M.

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### **FORTIETH DAY**

Senate Chamber  
Tuesday, April 7, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Senate recesses at 3:07 P.M. to reconvene at 3:30 P.M.

### **RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

April 7, 2009

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, sometimes we pray for something and we get what we prayed for and then forget to thank you. That won't be the case today. Last night we prayed that the Tar Heels would have at least one more point on the scoreboard at the end of the National Championship game. They did and we do thank you. They brought the National Championship back to North Carolina. Instead of buying into the psychological hype that winning would somehow act as an economic stimulus, they just did what they do best, played great basketball. But I'm sure the team would like to visit the Legislature to be honored for their accomplishments by you men and women here in the Senate whom they trust to deal with the economy by doing what you do best. I also trust and believe that you will perform your difficult task just as admirably as the Tar Heels last night. Amen."

The Chair grants a leave of absence for today to Senator Hoyle.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, 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 Karen Byrd from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.*

#### 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 Preston:

**S.J.R. 1097**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BEAUFORT ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Goss; Albertson, Apodaca, Bingham, Blake, Boseman, Brunstetter, Davis, Dorsett, Foriest, Forrester, Goodall, Hartsell, Jenkins, Jones, Malone, Soles, Stein, Stevens, Swindell and Tillman:

**S.J.R. 1098**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE EDWARD BROWN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

April 7, 2009

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 214**, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 339**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE PORTION OF THE TOWN OF STALLINGS LOCATED IN UNION COUNTY AND TO AUTHORIZE THE DISTRICT TO LEVY UP TO A FIVE PERCENT ROOM OCCUPANCY TAX WITHIN THE DISTRICT TO BE USED FOR TOURISM DEVELOPMENT WITHIN THE DISTRICT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Goodall, Goss, Graham, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---39.

Voting in the negative: Senators Brock, East, Forrester, Garrou, Rouzer, Rucho and Tillman---7.

The bill is ordered sent to the House of Representatives.

**S.B. 570**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

April 7, 2009

**S.B. 539** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO INCREASE ITS MOTOR VEHICLE TAX BY UP TO AN ADDITIONAL SIX DOLLARS PER YEAR, upon second reading.

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. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 9, upon third reading.

**S.B. 208** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 9, upon third reading.

**S.B. 40** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO TO LEVY A ROOM OCCUPANCY TAX AND TO MAINTAIN THE CURRENT DISTRIBUTION AND USE OF THE ROOM AND OCCUPANCY TAX LEVIED BY THE TOWN OF BANNER ELK, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: Senators Allran, Brock, East, Forrester, Rouzer and Rucho---6.

The Committee Substitute bill remains on the Calendar for Wednesday, April 8, upon third reading.

**S.B. 346** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, upon second reading.

April 7, 2009

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 8, upon third reading.

**S.B. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 8, upon third reading.

**S.B. 432** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, April 8, upon third reading.

April 7, 2009

**S.B. 543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jenkins, Jones, Kinnaird, Malone, McKissick, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---39.

Voting in the negative: Senators Allran, Berger of Rockingham, Brock, Brown, East, Forrester, Jacumin, Preston and Tillman---9.

The Committee Substitute bill remains on the Calendar for Wednesday, April 8, upon third reading.

**S.B. 269**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 437** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 631**, A BILL TO BE ENTITLED AN ACT TO CONFORM DEADLINES FOR LEVYING, REPEALING, INCREASING, OR DECREASING THE REGIONAL TRANSIT AUTHORITY REGISTRATION TAX TO THE DMV REGISTRATION RENEWAL SCHEDULE ADOPTED UNDER THE NEW ELECTRONIC MOTOR VEHICLE INSPECTION SYSTEM, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

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**S.B. 256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Senator Snow offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 293** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS AND TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 513** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION.

Senator McKissick offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

**S.B. 202**, 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 with Committee Amendments No. 1, 2, 3, 4, 5, 6, 7.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35286, is adopted and engrossed. Committee Amendments No. 1, 2, 3, 4, 5, 6, 7, are adopted.

Upon motion of Senator Rand, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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**CALENDAR** *(continued)*

**H.B. 105**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 835** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

The Committee Substitute bill passes its third reading (33-15) and is ordered sent to the House of Representatives.

The Senate recesses at 4:28 P.M. for the purpose of a Pensions & Retirement and Aging Committee meeting to reconvene at 4:45 P.M.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

**SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Kaela Cogswell, Carrboro; Geoff Cotton, Garner; Joseph Curry, Angier; Jessica Douglas, Cary; Jamie Emmerman, Chapel Hill; Christina Frazier, Raleigh; Brianne Gill, Raleigh; Tom Gill III, Raleigh; Luke Hagemann, Charlotte; Ian Harwood, Apex; Benjamin Horne, Nashville; Maria Ivory, Raleigh; Upama Karki, Cary; Kallie McNamara, Cary; Victoria Mendez, Lawndale; Mackenzie Nyman, Battleboro; Delante' Randolph, Raleigh; Christine Rheem, Chapel Hill; Elizabeth Snyder, Mechanicsville, Virginia; Brad Vohlers, Cary; Shardai Webb, Raleigh; Malik Webb, Raleigh and Kat Woolard, Morrisville.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 202** (Committee Substitute with Appropriation/Base Budget Committee Amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE

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DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with a favorable report.

Upon motion of Senator Foriest, the Committee Substitute bill, with Appropriations/Base Budget amendments, is re-referred to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, April 8, at 2:30 P.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 80** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS.

Referred to the **Judiciary I Committee**.

**H.B. 97**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING CERTAIN BROADBAND SERVICE PROVIDERS THAT PROVIDE VOICE GRADE COMMUNICATIONS SERVICES WITHIN A DEFINED SERVICE TERRITORY OR FRANCHISE AREA TO OFFER SUCH VOICE GRADE SERVICE AS AN INCIDENT TO BROADBAND SERVICE IN AREAS CONTIGUOUS TO THE PROVIDERS' SERVICE TERRITORY OR FRANCHISE AREA.

Referred to the **Commerce Committee**.

**H.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to the **Finance Committee**.

**H.B. 380** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES,

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AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee**.

**H.B. 391**, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO OFFER NONCREDIT COURSES IN SAFE DRIVING TO HIGH SCHOOL STUDENTS DURING THE SCHOOL YEAR.

Referred to the **Education/Higher Education Committee**.

**H.B. 529** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGEcombe COUNTY.

Referred to the **Rules and Operations of the Senate Committee**.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

**S.B. 202** (Committee Substitute with Appropriations/Base Budget Committee Amendments), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill with Amendments No. 1, 2, 3, 4, 5, 6, 7, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35287, is adopted and engrossed. (Appropriations/Base Budget Committee Amendments are engrossed into the Finance Committee Substitute, 3rd edition.)

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:53 P.M.

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April 7, 2009

**FORTY-FIRST DAY**

Senate Chamber  
Wednesday, April 8, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Father, in a distressed economy, the world still teaches us that to have what we want is riches. But you have taught us, O God, that to be able to do without is our true source of power. Each day the question arises, which definition shall we choose and live by, maybe, especially today as the Senate debates its proposal for the State's budget. Amen."

The Chair grants leaves of absence for today to Senator Berger of Franklin and Senator Hoyle.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Barbara Smith from Cary, 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 Forrester, Chair; Senator Dorsett; Senator Goss; and Senator Blake as the Committee to escort The Honorable Alex Ferguson, the Speaker and Presiding Officer of the Scottish Parliament, and other guests from Scotland, to the Well of the Senate.

Mr. Ferguson is recognized and addresses the Senate. He introduces other members of the Scottish Delegation, the Honorable Tricia Marwick and the Honorable Murdo Fraser, members of the Scottish Parliament. The committee escorts the guests from the Chamber.

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 105, AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE**

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RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **State & Local Government Committee**.

**H.B. 336**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS.

Referred to the **Finance Committee**.

**H.B. 360** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE.

Referred to the **Finance Committee**.

**H.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS EACH YEAR.

Referred to the **Finance Committee**.

**H.B. 541** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO INCREASE ITS MOTOR VEHICLE TAX BY UP TO AN ADDITIONAL SIX DOLLARS PER YEAR.

Referred to the **Finance Committee**.

**H.B. 557** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FUTURE VOLUNTEER FIREFIGHTERS & RESCUE SQUAD MEMBERS ACT OF NORTH CAROLINA.

Referred to the **State & Local Government Committee**.

**H.B. 620**, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

April 8, 2009

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Stevens for the **Education/Higher Education Committee**:

**S.B. 689**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION, with a favorable report.

**S.B. 66**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15239, is adopted and engrossed.

**S.B. 740**, A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR 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 85192, is adopted and engrossed.

Upon motion of Senator Stevens, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

**H.J.R. 485**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute joint resolution 50504, is adopted and engrossed.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 40** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO TO LEVY A ROOM OCCUPANCY TAX AND TO MAINTAIN THE CURRENT DISTRIBUTION AND USE OF THE ROOM AND OCCUPANCY TAX LEVIED BY THE TOWN OF BANNER ELK, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 5, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 346** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, 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 Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 393** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, 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 Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

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**S.B. 432** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN, 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 Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 543** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 37, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Bingham, Blake, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---37.

Voting in the negative: Senators Allran, Berger of Rockingham, Brock, Brown, East, Forrester, Jacumin, Preston, Rouzer, Rucho and Tillman---11.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 202** (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 Hunt offers Amendment No. 1.

Senator Rand offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Clodfelter, which motion prevails (28-20).

Senator Berger of Rockingham offers Amendment No. 2.

Senator Berger of Rockingham withdraws Amendment No. 2.

*Upon the appearance of Senator Hoyle in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

Senator Brown offers Amendment No. 3.

Senator Brown withdraws Amendment No. 3.

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The Senate recesses at 4:29 P.M. with S.B. 202 pending to reconvene at 4:45 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### WITHDRAWAL FROM COMMITTEE

**H.B. 494**, A BILL TO BE ENTITLED AN ACT ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES, referred to the **Rules and Operations of the Senate Committee** on March 31.

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 Thursday, April 9, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, April 9.

### CALENDAR *(continued)*

**S.B. 202** (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. 4.

Senator Rand offers a motion that Amendment No. 4 lie upon the table, seconded by Senator Snow, which motion prevails (29-20).

Senator Rand calls the previous question on the passage of the Committee Substitute bill No. 2, seconded by Senator Clodfelter, which motion prevails (31-18).

Senator Apodaca announces a pair vote. If Senator Berger of Franklin were present, he would vote "aye"; Senator Apodaca votes "no".

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 32, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Bingham, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---32.

Voting in the negative: Senators Allran, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---16.

The Committee Substitute bill No. 2 remains on the Calendar for Thursday, April 9, upon third reading.

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**ADDITIONAL SPONSOR**

Senator Goodall requests to be added as a sponsor of previously introduced legislation:

**S.B. 592**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMMUNITY COLLEGES TO USE MODERN EQUIPMENT IN TRAINING WORKERS FOR NORTH CAROLINA JOBS.

**S.B. 626**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

**S.B. 659**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE FOR DETERMINING WHEN A JUDGE SHOULD BE DISQUALIFIED FROM PRESIDING OVER A CASE.

**S.B. 660**, A BILL TO BE ENTITLED AN ACT TO REQUIRE COVERAGE FOR DIMINUTION IN VALUE AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE PROPERTY COVERAGE.

**S.B. 722**, A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION.

**S.B. 723**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ADDITIONAL OVERSIGHT OF THE TAX CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY AND TO LIMIT THE CREDIT FOR COMPENSATION OF INDIVIDUALS RECEIVING PAYMENT TO FIVE HUNDRED THOUSAND DOLLARS.

**S.B. 725**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INSURERS LICENSED TO SELL HEALTH INSURANCE POLICIES IN OTHER STATES TO OFFER HEALTH INSURANCE POLICIES IN THIS STATE.

**S.B. 726**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT ONLY THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE.

**S.B. 729**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF

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REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.

**S.B. 730**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN LOCAL GOVERNMENT OFFICIALS TO RECUSE THEMSELVES FROM VOTING IN CERTAIN INSTANCES.

**S.B. 733**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT A CURRICULUM FOR A HIGH SCHOOL COURSE CALLED "LIFE 101."

**S.B. 741**, A BILL TO BE ENTITLED AN ACT TO INCREASE CLASS SIZE IN THE PUBLIC SCHOOLS FOR THE 2009-2010 SCHOOL YEAR.

**S.B. 750**, A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA.

**S.B. 751**, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM INCOME TAX CERTAIN GAINS FROM INVESTMENTS IN TECHNOLOGY BUSINESSES AND OTHER QUALIFIED SMALL BUSINESSES.

**S.B. 796**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY COMPREHENSIVE REFORM OF THE STATE'S APPROACH TO COMMUNITY CORRECTIONS.

**S.B. 802**, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FOR PHYSICIANS WORKING IN VOLUNTEER NETWORKS.

**S.B. 817**, A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

**S.B. 818**, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR CERTAIN HOME PURCHASES.

**S.B. 821**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE PUBLIC GREATER ACCESS TO EMERGENCY MEDICAL CARE BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE.

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**S.B. 868**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REMOVE BARRIERS TO THE LATERAL ENTRY OF SKILLED INDIVIDUALS FROM THE PRIVATE SECTOR INTO THE TEACHING PROFESSION.

**S.B. 899**, A BILL TO BE ENTITLED AN ACT TO FREEZE DISTRIBUTIONS FROM THE EDUCATION LOTTERY FUND UNLESS FUNDS ARE AVAILABLE FOR FULL DISTRIBUTION TO THE PUBLIC SCHOOL BUILDING CAPITAL FUND.

**S.B. 901**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR BIFURCATION OF ISSUES OF LIABILITY AND DAMAGES IN MEDICAL MALPRACTICE ACTIONS.

**S.B. 902**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REPORTING OF DETAILS OF SETTLEMENTS OF MEDICAL MALPRACTICE CLAIMS.

**S.B. 903**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF FUTURE EXPENSES ARISING FROM MEDICAL MALPRACTICE ACTIONS TO BE PAID PERIODICALLY.

**S.B. 909**, A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVER-COLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE.

**S.B. 920**, A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY.

**S.B. 927**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE SCHOOL TESTING PROGRAM.

**S.B. 928**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, TO PROVIDE THAT A PERSON WHO IS IN A PLACE WHERE THE PERSON HAS A RIGHT TO BE HAS NO DUTY TO RETREAT, AND TO PROVIDE THAT A

PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE.

**S.B. 933**, A BILL TO BE ENTITLED AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

**S.B. 934**, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF HABITUAL MISDEMEANOR LARCENY.

**S.B. 969**, A BILL TO BE ENTITLED AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE.

**S.B. 971**, A BILL TO BE ENTITLED AN ACT TO FURTHER CLARIFY THAT CERTAIN SWEEPSTAKES ARE PROHIBITED.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

**S.B. 1088**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A LAW ALLOWING THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO EXPEND FUNDS TO COVER FUNERAL EXPENSES FOR MEMBERS OF THE STATE HIGHWAY PATROL KILLED IN THE LINE OF DUTY.

Upon motion of Senator Basnight, seconded by Senator Nesbitt, the Senate adjourns at 5:01 P.M. to meet Thursday, April 9, at 10:00 A.M.

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**FORTY-SECOND DAY**

Senate Chamber  
Thursday, April 9, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, we close this week in the Senate reminded that we are in the midst of Holy Week for two of the world's three largest religions. Those words 'Holy Week' conjure up different experiences for people listening to this prayer. For the Jewish Community of faith, the celebration of Passover began at sundown last night and last seven days. The holy remembrance of God rescuing and liberating his people from captivity in Egypt and opening the way to their promised land. For Christians, Easter Sunday is the highest and holiest of days. The remembrance of the death, burial and resurrection of Jesus as Christ is the source of the Christian's salvation and eternal hope. We are grateful, O God, for such experiences, you rescuing us from others and ourselves. Nothing is more important than our relationship with you. Yahweh, Adonai, Jesus the Christ. In humble and complete gratitude for your saving grace we pray. Amen."

The Chair grants leaves of absence for today to Senator Berger of Franklin, Senator Boseman, and Senator Graham.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, April 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Ted Kunstling from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela Kabbe from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.*

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**S.B. 799**, A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN

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INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Tuesday, April 14.

**S.B. 834**, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO 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 55332, is adopted and engrossed.

Upon motion of Senator Purcell, the Committee Substitute bill is re-referred to the **Finance Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE, re-referred to the **Appropriations/Base Budget Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, April 14, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Tuesday, April 14.

#### CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

**S.B. 202** (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 third reading.

Senator Apodaca announces a pair vote. If Senator Berger of Franklin were present, he would vote "aye"; Senator Apodaca votes "no".

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 30, noes 16, as follows:

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Voting in the affirmative: Senators Albertson, Atwater, Basnight, Bingham, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---30.

Voting in the negative: Senators Allran, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman--16.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

**S.B. 66** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

The Committee Substitute bill passes its second reading (34-13).

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 14, upon third reading.

**S.J.R. 182**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT WALTER "BOB" SCOTT, FORMER GOVERNOR OF NORTH CAROLINA.

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**

“On January 23, 2009, this State lost a champion and a true public servant. Governor Robert Walter Scott left this physical world to take his place with other family members, friends, and movers of this State who have made a significant difference in the world that we now enjoy. It is a privilege to introduce, Mr. President, this legislation that honors the life and memory of this special statesman and someone I can truly call a friend. I really don’t know what is in store for me personally in the future but if it is anything positive, there has been some influence by Bob Scott and his family. His is the type of life and he has been the type of role model that has greatly influenced me as I grew up in Alamance County. From a distance, I was always impressed with his reputation and his standing in our rural community. You see, before it was chic, Bob Scott had a reputation for standing up for those who had no one, standing up for the everyday folk without money and without clout. With all that he had accomplished, even in the early days, he was considered somewhat of a maverick. Before I knew him personally, I remember my parents and their friends talking about Bob Scott and his family. Before integration, my folks spoke of his positive influence in helping neighbors and friends with issues and with problems. I am sure there were others but I specifically remember Bob’s

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name being spoken as symbolic of someone that could be counted on to be fair, honest, and trustworthy. Even as a teenager back in 1964, I was in awe that my parents knew the Lieutenant Governor of North Carolina and he only lived a few miles from my home. Back then, someone who championed for integration was automatically a hero for many of us. But even beyond that, this maverick took on leading the charge for the importance of education to all North Carolinians and I guess it is so apropos considering the discussion we've just had here in this chamber talking about the importance of education to us all. My parents were also educators and they used the Scott family as a beacon for what could be done for all citizens of North Carolina. In 1968 when he became Governor, Bob and Jessie Rae were really our pride and joy. We felt like one of us had made it. Bob faced tough choices on integration and public education during his tenure but he did not shy away from controversy. He actually pushed through the State's first retail tax on cigarettes but the reason was to help finance the first public kindergartens in this State. Bob and Jessie Rae were lead supporters of the Equal Rights Amendment in the 1970's. But his real love, my friends, was always education, and it is only fitting that he was chosen as President of the North Carolina Community College System from 1983 to 1994. Governor Scott is also credited with creating the current University of North Carolina system. When I first thought of getting involved in politics with our local party, it was Bob Scott who encouraged me. When I first ran for elected office with our local party, it was Bob Scott who advised me. When I first made a conscious effort to serve my community, Bob Scott was my inspiration. Jessie Rae, to you and your family, you are not alone. Your loss is our loss. Your loss is the State's loss. I think it is best summed up by John Dunne in the *Tolling Bell* when he said this:

'No man is an island entire of itself; every man is a piece of the continent, a part of the main. If a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friend's or of thine own were; 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.'

Jessie Rae, to you and your family, please accept our deepest sympathy and greatest gratitude for sharing your life and sharing Bob with us. I commend this resolution to my Senate colleagues."

**Senator Rand:**

"Ladies and Gentlemen of the Senate, Bob Scott truly had a very distinguished life and his contribution to North Carolina will always be remembered. He, of course, was a distinguished son of a distinguished father, and uncle and the whole family as it goes back. His work with the Community Colleges, of course, was a labor of love for him, I think, and he did a great deal of truly good work for that group. But what I always loved about him and my fondest memories are that he was the successor as the leader of the Branch-head

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Boys and he gloried in it. Those possum dinners he had when he was Governor were just wonderful stuff and then he was the guiding force behind the Chitlin Club. It's not in the resolution that he was a member of the Chitlin Club and I think he would find it offensive that it wasn't in there because he was always there and he loved the spirit of that group and he loved to be a part of it. I think he even loved the chitlins which requires an act of conscious will that many of us are not capable of! But he loved life, he loved his friends, and he really loved North Carolina and what it was. I think for that, I will always remember him along with the other things, but that is just his wonderful personality and the joy in life that was so evident with him. He was truly a good fellow and truly had a great impact on our State and we sure do miss him. Thank you, Mr. President."

**Senator Soles:**

"Ladies and Gentlemen of the Senate, my life and my political career in many, many ways have been influenced by the Scott family. One of my earliest recollections of politics is riding with my father and Kerr Scott throughout Columbus County when Governor Kerr Scott was campaigning to be the Governor. To this very day, hanging in my office over there is a picture of Kerr Scott with his hands crammed into his coat pockets standing on a flatbed truck in front of a warehouse in Columbus County and yours truly is sitting in the band right behind him. I was still in high school back then and that was my first contact, I guess, with the Scott family. I was elected to the North Carolina House of Representatives in 1969. That's the same time Governor Bob Scott was elected Governor. I was in the group that went over to the Administration Building auditorium at the Governor's request and he shut the door and started talking to us about tobacco tax. Those from the east, the tobacco areas, tried to get out but he had all the doors shut so we couldn't get out. We had to sit there and listen to him. I admit it today that I ended up voting for this proposition. Then, in 1977, when I came to the Senate, Ralph Scott sat right over there and I served with the Governor's uncle. All the time whether you talk about Kerr Scott, Bob Scott or Ralph Scott, they were true North Carolina leaders. You could depend on what they said and what they said generally was right. North Carolina and I are both better off for having been associated with them. Thank you very much."

**Senator Swindell:**

"To follow up on what some have said here and if you come to my office, Ms. Jessie Rae, on my wall I have a picture of me, my father, and Governor Kerr Scott when I was about five years old. Governor Kerr Scott used to come down to Mattamuskeet and goose hunt with us and stay at our house every winter and he always wore a necktie when he hunted and he always had a big plug of tobacco in his mouth. Sergeant Minges was his chauffeur and in that day and time you took Car #1 wherever you went as Governor of this State and in the picture you can notice on the left side of the picture you see the #1 tag on the license plate. Well, as a five-year old in pre-school, every afternoon at about three o'clock, Sergeant Minges would drive me to Swan Quarter to buy bbs for

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my bb gun and we would ride by the school about three times where I would sit in the back seat and wave out the window to my sisters and other folks on the playground! My memories are very fond of this wonderful family. I remember as a small child it was Kerr Scott who paved the road in front of our house with his road bond issue. We had a dirt road and Kerr Scott paved our road. Bob Scott was no different. My father, as he came along in his activities with the Community College System in North Carolina, he and Bob Scott became dear friends, also. Every year for the opening day of dove season, my father, Russell, and I would have the big dove hunt up at the farm and Jessie Rae you would be frying ham out under the garage and would serve us all ham biscuits for brunch. Every year we would begin our dove season there. I also am very proud of the fact that when I was about 21-years old, I really haven't done the math though, I was active with the Teen Democrats of North Carolina. I also have in my office, the Order of the Long Leaf Pine that was presented to me by Governor Bob Scott many years ago. It hangs in my office. I also can well remember about seven or eight years ago we had a reunion down at Monk Harrington's for those of us who used to go down to the deer hunt every year. I got a call from Russell Clay and they picked me up at McDonald's in Nashville and about six of us, Ben Rooney's son, Ben who is an attorney in Rocky Mount, and whose dad was Chief of Staff with Governor Scott, got in a van. It was a cold day and the windows were rolled tight and it may have been longer than that because our good friend, Jim Graham, was on that trip and he smoked his cigar all the way down to Lewiston. I have wonderful memories of the Scott family and I say to you, thank you, Jessie Rae, for being by his side, for giving us our wonderful systems we have now in North Carolina, and I thank the entire Scott family for the dedication and loyalty you have shown to the State of North Carolina. I urge you to support the resolution."

**Senator Albertson:**

"Mr. President, members of the Senate, if you ever met Bob Scott you simply could not help but like him. He was just what you would call a down-to-earth, simple person in so many ways. What I always learned from him or picked up from him more than anything else was his roots in the rural areas of this State. He understood agriculture and knew how important that was. He knew where the food came from and how important the soil and water was and all that working together to make good things happen. He did a lot for this State but I think one of the things that he did, in my estimation that was so great, was when he served as President of the Community College System. I recall I was serving on the Board down at James Sprunt at that time and prior to his service as President of the Community College System, as I remember, we had someone who lived way out-of-state somewhere across the Country who was serving in that capacity and, of course, he was a great fellow, I think, but when he came here nobody knew him and he knew nobody in the State, virtually speaking. So when Bob Scott took over that leadership position I think it was just a great sigh of relief to everybody who was connected to the Community College System. I recall we talked about it down at James Sprunt. We said we have someone now

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who knows us and we have someone we know. He did a lot to booster the Community College System as one of the greatest Systems across the Country today and we are thankful to the Good Lord for his service."

**Senator Basnight:**

"To Jessie Rae and your family, many thanks for the memories and the experiences of living in North Carolina under your husband's tutorage. I remember going to Monk Harrington's event in Lewiston and your husband was there and the hunt had occurred during the day and everyone gathered around for stew of whatever kind we had, oysters, and there was always a liquid beverage that could be shared and sort of loosened the tongue, so they say. If you missed in the hunt a deer or whatever you may be hunting you could lose the tail of your shirt. Well, Jim Graham was there that day and obviously he was not very successful in the hunt and your husband helped cut off the shirt that he had on and that was part of the fellowship that you experienced at Monk's hunt. You saw the people in North Carolina in a way that you rarely found them. But with Governor Scott that was not so. What you saw was what you had, a man who had a love affair with the people of our State and who had a great concern for the common man. He and I had a conversation last year. I was driving and we were talking and he told me to turn at exit so and so and drive a few miles and you will find me and the door will be open and if you need a bed that will be available or a hot meal. He said we need to talk a little about the condition of the fishermen in North Carolina. He had these memories of all the different groups of people regardless of your station in life. He had that concern of the welfare of your family and our people. What a great man, one of the finest this State has ever had. We thank you for that relationship."

**Senator McKissick:**

"There's little I can add to all that's been said about Bob Scott. He was certainly an admirable person, someone who set a positive tone for this State in so many memorable and remarkable ways. In many respects, my memories of him date back to the time that I was in 7th grade. He was Lieutenant Governor and at that time it wasn't common for many of the white politicians in this State to come to black churches and when they did come on occasions, they were afraid to stand next to an African-American minister to take a photograph or to be seen for an extended period of time. It was essentially a cordial offering to stand near them and to walk away. Well, I was a member of the congregation known as Union Baptist Church over in Durham. We invited him to attend. Not only did he attend and stay the entire length of the service, but after the service was over he came over to the parsonage, the minister's home. I sat there as a child and probably spent a good half hour of time talking to the Lieutenant Governor. It was remarkable to me because he sat there and wanted to know from me as a child what it was like integrating the public school system in Durham, what challenges I saw, what types of issues were important to me. I'm simply a little child listening to him making those thoughtful inquiries but doing it in a most remarkable and a most sensitive way. And, of course, it touched my

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heart in a special way, also. He gave me one of his business cards and he signed his name on the back and it became one of those cherished possessions which I kept with me for many, many years. I put it there next to the autograph I had of Cassius Clay, signed as Cassius Clay also known as Mohammed Ali, with Vice-President Hubert Humphrey's, and many other notables I had occasion to meet. The thing that most impressed me about Bob Scott is that in a time where we still had segregationists running as Governor in this State, he chose to take a different route. He followed that liberal, progressive tradition of Terry Sanford. He wasn't afraid to stand up and to speak out on what was morally correct at a time when it was not fashionable to do so. When the polling would suggest that that was not necessarily the bright thing to do, while it might not be the bright thing, it was the right thing to do and for that kind of political courage I commend him. For those strides that he took this State forward at that period, I commend him. When I look at what he did for our State in moving in a direction in terms of embracing education and building our Community College System and a unified system that is still in place today, he deserves special recognition. But one of the things he also did was to bring to us our Council of Governments and regionalism and encouraged counties and cities and communities to think together, collectively, about the vision of where they should go and provided the resources to begin to look at doing land-use planning, cooperation on projects of regional significance, something which remains in place today. That type of regionalism that he brought was never known in North Carolina before and that's something which, though not written in a resolution, is something which he deserves to be recognized for, as well. So when all is said and done and we think back to the life and accomplishments of this distinguished gentleman and you think of how he touched the lives of so many people, some went duck hunting with him, some ate that stew and drank that special concoction that loosened the tongue, but most importantly, we all can relate to him in a personal way. Very few people have a sort of charismatic personality and are able to deal with people from every walk of life and especially touch the hearts and souls and imaginations of us and to provide, most importantly, visionary leaders that were so essential for North Carolina at that point and place in time. For that I thank his family for sharing him with us. Most importantly, I say to you, you had a remarkable man, someone who really understood this State, someone who knew what we needed, but someone we could not have possibly replaced had it not been for him because he possessed certain characteristics that were appropriate for that day and for that time that brought unity, vision and leadership that have helped North Carolina become what it is today. Thank you."

**Senator Atwater:**

"I think the first thing that I want to share is that I'm very appreciative that he was of great influence upon me and that Governor Scott encouraged me to run for public office and to my eye, when I think of Governor Scott, he was a big man, a large man. I think when I reflect upon the substance of his life, the sum of his life, certainly including his political life, he was bigger yet. And I think

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that when I think upon the contributions in the political affairs of this State and beyond that, to me, it renews some of those great words in our Declaration of Independence that, indeed, this is a government of the people, by the people, and for the people. I am very grateful to him for what he's done for this State and I pray God's richest blessings upon his family and his memory and I commend this resolution to you."

**Lieutenant Governor Dalton:**

"Members of the Senate, I would just like to comment. Certainly, I think we all have to agree that Bob Scott was a great leader and his leadership, obviously has been heard today, was multi-faceted. My knowledge of Bob Scott came more from his role as President of the Community College System. For ten years I served on the Board of the Community Colleges that coincided with his term pretty much as President and I had many opportunities to be with him. Anytime I was with him, it was always obvious he was very proud of his leadership in helping to create that Community College System, proud of his leadership in developing that Community College System, as the President of that System. Today, I think we can say in North Carolina and be very proud that it is perhaps the best Community College System in the Nation, one of the most affordable, one of the most accessible, and obviously, one of the most excellent. That is certainly a tribute to him and it is certainly a part of his great legacy and I think we all thank him for his leadership and thank his family for sharing him with us."

The joint resolution passes its second reading (47-0) and, without objection, is read a third time and passes its 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 Mrs. Jessie Rae Scott, his wife; Jan Scott, his daughter; Andrew Cagle and Scott Sutton, his grandchildren; and Carrie Thompson, family friend.

**S.B. 208** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LEGISLATIVE DRAFTING OFFICES AND STATE AGENCIES TO USE CERTAIN RESPECTFUL REFERENCE TO PEOPLE WITH DISABILITIES IN THE PREPARATION OF LEGISLATION AND RULES.

Senator Dorsett offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 208** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES.

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

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**S.B. 689**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.J.R. 485** (Senate Committee Substitute), A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 494**, A BILL TO BE ENTITLED AN ACT ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

The bill passes its second reading (38-9) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**S.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES AND TO HAVE IN FULL FORCE AND EFFECT A POLICY OF FINANCIAL RESPONSIBILITY.

Senator Rand offers Amendment No. 1 which is adopted (41-6).

Senator Jacumin offers Amendment No. 2 which is adopted (27-20), and changes the title to read **S.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MOPEDS TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee** with adopted amendments unengrossed in the second edition.

#### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 494**, AN ACT ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES.

#### ADDITIONAL SPONSORS

Senator Berger of Rockingham requests to be added as a sponsor of previously introduced legislation:

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**S.B. 494**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANNEXATION LAWS TO REQUIRE MEANINGFUL SERVICES AND MEANINGFUL OVERSIGHT.

Senator Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 700**, A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY.

#### REMOVAL OF BILL CO-SPONSOR

Senator Vaughan requests that he be removed as a sponsor of previously introduced legislation:

**S.B. 781**, A BILL TO BE ENTITLED AN ACT TO HONOR THE PATIENT'S CHOICE OF A PHYSICIAN WHEN THE PATIENT IS AN EMPLOYEE ENTITLED TO COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Upon motion of Senator Basnight, seconded by Senator Goss, the Senate adjourns at 11:52 A.M. subject to receipt of committee reports, to meet Monday, April 13, at 7:00 P.M.

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**FORTY-THIRD DAY**

Senate Chamber  
Monday, April 13, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, the members will honor the life of Kay Yow in a joint resolution in tonight's session. Every time I saw Kay Yow's signature, it was always punctuated with a word and numbers, the biblical verse Philippians 4:13. That verse was as synonymous with Coach Yow's signature as it was in the way in which she lived her life. I believe she would think it the highest of honors to be remembered that way. Kay Yow, Philippians 4:13, 'I can do all things through you, O God, who strengthens me.' Thank you for how she lived her life and for the testimony regarding the source of its greatness. Help us to so live. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Blake, Senator Boseman, Senator Brunstetter, Senator Clary, Senator East, Senator Forrester, Senator Goodall, Senator Hartsell, and Senator Jenkins.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**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. 494**, AN ACT ALLOWING A SUPERIOR COURT JUDGE TO PERFORM MARRIAGE CEREMONIES. (Became law upon approval of the Governor, April 9, 2009 - S.L. 2009-13.)

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 203** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF ESTATES THAT MAY BE ADMINISTERED UNDER THE SMALL ESTATES PROVISIONS OF THE GENERAL STATUTES.

Referred to the **Finance Committee**.

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**H.B. 358** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY APPOINTMENT TO CONSECUTIVE TERMS ON THE NORTH CAROLINA STUDY COMMISSION ON AGING AND THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 377** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee**.

**H.B. 378** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 379**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee**.

**H.J.R. 383** (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDER OF THE HOUSE OF FLAGS MUSEUM.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 440** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

Referred to the **Judiciary II Committee**.

**H.B. 447**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FROM STATUTORY COPY COSTS TO PRISONER LEGAL SERVICES AND OTHER ATTORNEYS WORKING UNDER CONTRACT WITH THE OFFICE OF INDIGENT DEFENSE SERVICES.

Referred to the **Finance Committee**.

**H.B. 596**, A BILL TO BE ENTITLED AN ACT DESIGNATING APRIL AS WOODWORKING MONTH IN NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 628** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EXPEND EXISTING MONEYS FOR CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA AQUARIUM SATELLITE AREAS.

Referred to the **Appropriations/Base Budget Committee**.

**H.J.R. 637**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 701**, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE.

Referred to the **State & Local Government Committee**.

**H.B. 765** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE EXISTING ELECTIVE SHARE STATUTES.

Referred to the **Judiciary II Committee**.

#### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Matt Blaise, Raleigh; Indya Brown, Greensboro; James Butler, Raleigh; Sha'Lantae' Carmon, Scotland Neck; Sydnor Coffman, Greenville; Morgan Cunningham, Jacksonville; Alli Davidson, Summerfield; Amanda Farquharson, Clayton; Dylan Frick, Norwood; Shameire Jackson, Littleton; Jordan Jeter, Raleigh; Nick Johnson, Burlington; Melanie Martin, Wendell; Ross Masters, Lumberton; Elliott McDowell, Providence; Brandon Park, Raleigh; Laura Perry, Clayton; Alexander Privott, Sanford; Tre' Spence, Durham; Kathryn Walker, Morehead City; Ridge Walker, Yanceyville; Ally Winslow, Hertford; JoJo Wright, Enfield; and Jacob Yaniero, Jacksonville.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 754**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF FEDERAL ECONOMIC STIMULUS LEGISLATION ALSO KNOWN AS THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRTA), referred to the **Appropriations/Base Budget Committee** on March 24.

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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 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**.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**H.J.R. 303, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SANDRA KAY YOW, BELOVED WOMEN'S BASKETBALL COACH AT NORTH CAROLINA STATE UNIVERSITY.**

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 Stein:**

“On January 24, 2009, NC State Women’s Basketball Coach Kay Yow succumbed after a long and spirited battle with breast cancer. Characteristically, Coach Yow competed with determination and guts that we would expect and in the process impacted more people than she could ever know. Coach Yow was a native North Carolinian born in Gibsonville to Hilton Lee and Elizabeth Cora Scoggins Yow. After attending ECU for her undergraduate and UNC-Greensboro for her Masters, Kay began her collegiate coaching at Elon College in 1971 as North Carolina’s first female head coach of a college basketball team. She then coached at NC State University for 34 successful years winning 737 games. I had the pleasure of witnessing a few of those victories. A season or two ago, I took my kids to Reynolds Coliseum to watch Kay’s Pack play my Alma Mater, the Big Green of Dartmouth. Dartmouth played hard but State played harder and substantially better. My family had a great time and we developed a new found appreciation for the Lady Pack. Coach Yow led the Wolfpack to five ACC regular season championships and four ACC tournament titles helping to spark the top level competitive environment that characterizes ACC Women’s Basketball today. In 1998, Kay coached the U.S. Women’s National Team to a gold medal in Seoul, Korea. An eight-time National Coach of the Year, I’ll say that again, eight-time National Coach of the Year, Coach Yow was inducted into the Naismith Memorial Basketball Hall of Fame in 2002. She is one of only five women who have achieved that honor. In recognition of her remarkable achievements, NC State dedicated the basketball court at Reynolds Coliseum, Kay Yow Court. While these professional accomplishments are truly outstanding, Kay Yow represents so much more. She was an influential teacher and caring mentor to her players and an inspirational leader in the fight against breast cancer. She was also just a good person. A

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couple of weeks ago, a friend told me how he had signed up for a charity golf tournament for breast cancer research a few years ago and on the day of the tournament it was pouring rain. He had nothing else to do that afternoon so he went to see what was going on. Only about 10 people showed up but that didn't stop Kay from sitting at the table with those guys and talking to them for hours, charming them all, including my friend. That day she made a life-long Kay Yow fan out of him and he is a loyal committed member of the Iron Dukes! Kay Yow left a legacy to her players, her friends, and her fans. She taught her players how to play the game of basketball at the highest level and taught all of us how to face life and the challenges it presents with grace and dignity. Coach Glance, who along with many others, is here tonight, I believe, relayed something to the paper that Coach Yow frequently said, 'We have no control of our circumstances, no control over what happens to us. But we have 100% control over how we respond and that has everything to do with a person's attitude.' Kay's attitude was unfailingly positive and selfless. This evening we honor the memory of Sandra Kay Yow and express the appreciation of the State and its residents for her contributions to women's athletics and for enriching our lives. Ladies and Gentlemen of the Senate, I commend this resolution to you."

**Senator Garrou:**

"Ladies and Gentlemen of the Senate, I only met Kay Yow once. I went to a meeting in Charlotte where she and I were being honored for something or other and I was sitting at the table with her and we got into a long discussion about playing basketball. For those of you who know how old I am know that I probably played half-court basketball like she did when she first started playing. But the fun thing, I was on the defense and I got to shoot all the free throws so that was a great experience except that my poor team, I was at a Girls' School, lost every single game we played. I was the tallest person on the team. Not only did we have a great time talking about basketball, we talked about her life experiences and the way she felt that we ought to reach out to people and help them. She said something to me and I can't for the life of me put it into the eloquent words that she said but she said her life's goal was to dig deep wells for others who follow after us to drink. I mean it gives me shivers to think about that, to think about those words and I will tell you, yesterday when I was sitting in my church on Easter Sunday and we were talking about victorious in death and life everlasting I couldn't help but think about the fact that we were going to be honoring her tonight. I am sure she is in a triumphant place and I urge you to support this resolution. Thank you."

**Senator Weinstein:**

"Being a graduate of North Carolina State University, I took special interest in the career of Kay Yow. Years ago I got to meet her at a fundraiser in Robeson County. At that time we had a young lady on her team, Billie McDowell, and I talked with Coach Yow for quite an extensive time. I'd like to give you my impression of Kay Yow. She was a great coach but she was a greater human being. She taught not only basketball to her players but she

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taught character. She cared for her players. She was respected by her players. She was respected by her peers. Coaches from all over the Country in ladies basketball spoke of Kay Yow with great esteem but, most of all she was loved by her fans and Wolfpack supporters. She was a lady. She brought pride and dignity to North Carolina State University. I can relate with her as she fought her dreaded disease because she fought it with courage and determination. She was an inspiration to all that knew her and I think her legacy will live on for many years. Mr. President, I commend the resolution to you.”

**Senator Hunt:**

“I don’t know how many of you all got to see the eulogy that Kay Yow dictated for her own funeral, but it was really outstanding. She was a great example of our Lord’s admonition to go out there and spread the gospel to all the world. I think she would probably like for us to remember that since she took that time to dictate her own eulogy for her own funeral. I absolutely commend the resolution to you all.”

**Senator Rouzer:**

“Mr. President, it’s a great honor for me to speak in support of this resolution in honor of Kay Yow and her life. I was at that funeral that Neal mentioned and it was extraordinarily touching. In fact, today I went and took a tour of the Cancer Center over at UNC-Chapel Hill and what a marvelous facility that is going to be. I could not help but think of the two, Kay Yow and the Cancer Center, and the work that has been done on behalf of cancer research and all the lives that have been touched by cancer and you know, there’s a lot that I don’t understand. My brother, in fact, was touched by cancer, was diagnosed with brain cancer about six years ago. He is in the five percent that have made it this far without any recurrence and I have often wondered in my mind why was it him and why it wasn’t me, and at Kay Yow’s funeral it became very, very clear. You know there are so many things that we don’t understand as human beings and when you watched Kay Yow and you watched that eulogy, you couldn’t help but know that there’s a higher power. I brought with me today the brochure that was handed out at that funeral and I want to read just a little bit here on the back. But in essence it talks about her faith and here on the side, it says ‘Cancer is limited. Cancer cannot cripple love, cancer cannot shatter hope, cancer cannot erode faith, nor can it destroy peace, nor can it kill friendship, nor can it destroy memories, nor can it silence courage, nor can it invade the soul, nor can it steal eternal life.’ It was mentioned here on the floor earlier that Kay Yow was a great basketball coach. She was great at everything she did. She touched a lot of lives and as a member of the NC State family, I did not have the opportunity to meet Kay Yow but she certainly touched my life and so many others because of who she was as a person. It struck me very sincerely at that funeral that who she was as a person was due to her faith and it also struck me at that funeral that we are all going to be gone far longer than we are alive here and, as we deal with a number of issues that come before us, I think that’s an appropriate thing to keep in perspective. I very sincerely and very genuinely

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commend this resolution in support and honor of Kay Yow, a great woman, a great human being and there's no doubt in my mind she has eternal life. Thank you."

**Senator Rand:**

"Ladies and Gentlemen, Kay Yow was an elegant person and she lived her life to the fullest whether she was competing or interacting with other people. She served as an example of how you live your life and continue with living life to its fullest while you're faced with some pretty difficult circumstances. I think the way she conducted herself and the way that she showed the rest of us how to live is a wonderful example of what a person can mean to a state. I don't think you could live in North Carolina for the last 10 years or so, or the last 25 for that matter, without being aware of Kay Yow and what she meant to so many people. She was a wonderful competitor and her reputation on the national stage was as a wonderful coach and a good human being. Just the story of her problems and how she addressed them, I think, says a great deal about the type of person she was and she made all of us in North Carolina just so proud that we shared her time and shared her experiences and shared her view of the world and life and that she allowed us to participate in all that with her. She was a wonderful human being, she was a great North Carolinian and we certainly will miss her shining presence in the days to come. Thank you."

**Senator Basnight:**

"Members of the Senate and Chancellor, she was known as a coach of basketball but to many of us she was much more than that. She was a coach of life. She loved so very much her players, as we all know, but she also had a deep underlying love of humanity and its meaning. She cared a great deal about life and the people of life. She wanted to make certain that we all succeeded. Senator Apodaca, you spoke of the kindness of a golf player and what it meant to another person, another human being. She showed that on a daily basis in the way she carried herself and the way she showed people how we should live and how kindness and generosity and loving concern for others is paramount in life. She was a great, great human being. We were blessed to have her in our State representing one of the greater universities in this Country. God bless."

**Lieutenant Governor Dalton:**

"Members of the Senate, with your leave, I would like to say I did not know Kay Yow personally but, like a lot of you and a lot of other people, I knew her by reputation and inspiration. She was indeed an inspiring leader and Senator Apodaca mentioned Coach Valvano in the meeting tonight. In that great speech that he gave, he said everybody every day should do three things, laugh, think, and believe in something so passionately you could cry about it. But Kay Yow did not follow that advice to the letter because she was not passionate about just one thing, she was passionate about many things. If you attended her service, you knew she was very passionate about her faith and she was passionate about her devotion to her God. She was passionate about her family who supported

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her in everything she did, particularly in that battle against cancer. She was passionate about NC State. The minister told the story about how Coach Yow was to look after the four- and five-year olds during the church service one day. They didn't know how that would go. Somebody peeked in and they saw Coach Yow leading about twenty four- and five-year olds in a march with their fists pumping saying, 'Go State, Go Wolfpack!' She was also very passionate about her battle against cancer and I think she would be pleased that the North Carolina Senate is honoring her tonight. In this Senate, we have seen Senate members and loved ones of Senate members fight that battle, also, and through the leadership of Senator Basnight and this Senate money was appropriated to make North Carolina one of the leaders in cancer research, as Senator Rouzer mentioned. I think she would be very pleased that NC State and UNC are working together with that joint employee of Joe DeSimone and many others who are working for that cure for cancer. She would be very pleased about that. She was a very special person and regardless of whether your colors are red, or black and gold or some hue of blue, you had to admire, respect and appreciate Kay Yow and appreciate her courage and her leadership. She was one of a kind and she will be missed."

The joint resolution passes its second reading (32-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

Upon motion of Senator Stein the President extends the courtesies of the gallery to family and friends of Kay Yow and members of the North Carolina State women's basketball team.

#### **ADDITIONAL SPONSOR**

Senator Brock requests to be added as a sponsor of previously introduced legislation:

**S.B. 494, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANNEXATION LAWS TO REQUIRE MEANINGFUL SERVICES AND MEANINGFUL OVERSIGHT.**

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 7:58 P.M. to meet Tuesday, April 14, at 2:00 P.M.

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**FORTY-FOURTH DAY**

Senate Chamber  
Tuesday, April 14, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Dan Helvey, Neuse Baptist Church, Raleigh, North Carolina as follows:

"As we face each new day here in America we need thy wisdom. As your word promises, if any man asks of God he giveth to all men liberally. May you grant us wisdom as we face decisions that will impact the lives of others. Please help us as we follow the scriptural admonition in 2 Chronicles 7:14 to humble ourselves, pray, and seek your face and turn from our wicked ways. It is then and only then that you promise to forgive our sins and to heal our land. Help us, Lord, to study to live a quiet and peaceable life. Today, we lift up our public officials to you. In your divine sovereignty you have lead them to lead us. May we continue to pray for them daily as they serve our community. Lord, give us help from trouble for vain is the help of man. May you teach us daily to lean upon thee. We ask these things in the name of the Lord Jesus Christ. Amen."

The Chair grants a leave of absence for today to Senator East.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor 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:

**H.J.R. 303**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF SANDRA KAY YOW, BELOVED WOMEN'S BASKETBALL COACH AT NORTH CAROLINA STATE UNIVERSITY. (Res. 9)

**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. 628** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EXPEND EXISTING MONEYS FOR CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA AQUARIUM SATELLITE AREAS, with a favorable report.

Upon motion of Senator Garrou, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

By Senator Stevens for the **Education/Higher Education Committee**:

**S.B. 708**, A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE 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 85193, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 799**, A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 66** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON ARTS EDUCATION.

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The Committee Substitute bill passes its third reading (39-10) and is ordered sent to the House of Representatives.

**H.B. 628** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EXPEND EXISTING MONEYS FOR CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA AQUARIUM SATELLITE AREAS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and 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:

**H.B. 628**, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EXPEND EXISTING MONEYS FOR CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA AQUARIUM SATELLITE AREAS.

Upon motion of Senator Basnight, seconded by Senator Jones, the Senate adjourns at 2:31 P.M. subject to ratification of bills, to meet Wednesday, April 15, at 3:00 P.M.

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### FORTY-FIFTH DAY

Senate Chamber  
Wednesday, April 15, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Mr. Chuck Milian, Crossroads Fellowship, Raleigh, North Carolina as follows:

"To you, O Lord, we lift up our souls. In you we trust, O God. Do not let us be put to shame, nor let our enemies triumph over us. No one whose hope is in you will ever be put to shame, but they will be put to shame who are treacherous without excuse. Show us your ways, O Lord, and teach us your paths. Guide us in your truth and teach us, for you are God our Savior and our hope is in you all

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day long. Remember, O Lord, your great mercy and love, for they are from old. Remember not the sins of our youth and our rebellious ways. According to your love remember us for you are good, O Lord. Good and upright is the Lord. Therefore he instructs sinners in his ways. He guides the humble in what is right and teaches them his way. All the ways of the Lord are loving and faithful for those who keep the demands of his covenant. For the sake of your name, O Lord, forgive our iniquity, though it is great. He will spend his days in prosperity and his descendants will inherit the land. The Lord confides in those who fear him; he makes his covenant known to them. Our eyes are ever on the Lord, for only he will release our feet from the snare. Lord, we ask that you anoint these men and women here today with your wisdom to know what is right and best in your sight on every issue they must face. Bless and protect these Senators and their families for their service to our State today and always. In Jesus name I pray. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Graham.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, April 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Sandi Manus from Reidsville, North Carolina, who is serving the Senate as Doctor of the Day, and to Leah Byerly from Kannapolis, North Carolina, who is serving the Senate as Nurse of the Day.*

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 628**, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO EXPEND EXISTING MONEYS FOR CAPITAL IMPROVEMENT PROJECTS AT NORTH CAROLINA AQUARIUM SATELLITE AREAS. (Became law upon approval of the Governor, April 14, 2009 - S.L. 2009-14.)

**H.B. 105**, AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (Became law upon approval of the Governor, April 14, 2009 - S.L. 2009-15.)

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Jones for the **State & Local Government Committee**:

**S.B. 548**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO SET HEARINGS, GIVE NOTICES, ACCEPT OR REJECT OFFERS, AND TO DECLARE INTENT, AND TO FURTHER DELEGATE CONTRACTING AUTHORITY TO THE CITY MANAGER, with a favorable report.

**S.B. 618**, 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, with a favorable report.

**S.B. 712**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO DISTRIBUTE STATE SURPLUS PROPERTY TO FURBISHERS OF COMPUTERS FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE, with a favorable report.

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES, with a favorable report.

**S.B. 564**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75237, is adopted and engrossed.

**H.B. 201** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE

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TAXES, 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 10859, which changes the title upon concurrence to read **H.B. 201** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF FOREST RESOURCES, TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE TAXES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 483**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A), with a favorable report.

**S.B. 481**, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY AND TO GRANT CLERKS JURISDICTION TO HEAR MOTIONS TO APPROVE THE APPOINTMENT OF TRUST PROPERTY TO ANOTHER TRUST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85195, which changes the title to read **S.B. 481** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY, is adopted and engrossed.

**S.B. 482**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERMISSIBLE APPOINTEE UNDER A POWER OF APPOINTMENT IS NOT A TRUST BENEFICIARY, AND TO CLARIFY THAT A LOAN OR PLEDGE BY A TRUSTEE MAY BE MADE IN CONNECTION WITH A LOAN OF THE TRUSTEE'S OWN 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 15244, is adopted and engrossed.

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**S.B. 967**, A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN STANLY, DAVIDSON, MONTGOMERY, AND ROWAN COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC 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 55335, which changes the title to read **S.B. 967** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN DAVIDSON, MONTGOMERY, ROWAN, AND STANLY COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC FACILITIES, 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 Committee**:

**S.B. 423**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL 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 85196, which changes the title to read **S.B. 423** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED

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OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY, is adopted and engrossed.

**S.B. 652**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15243, is adopted and engrossed.

**S.B. 668**, A BILL TO BE ENTITLED AN ACT TO ALLOW A BANK TO ISSUE PREFERRED STOCK, TO PAY DIVIDENDS ON CERTAIN PREFERRED SHARES, AND TO PERMIT THE COMMISSIONER OF BANKS TO APPOINT THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55336, which changes the title to read **S.B. 668** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A BANK TO PAY DIVIDENDS ON CERTAIN PREFERRED SHARES ISSUED TO THE UNITED STATES TREASURY AND TO ISSUE AND PAY DIVIDENDS ON PREFERRED SHARES TO RECAPITALIZE ITSELF, is adopted and engrossed.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**S.B. 287** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, 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 the Calendar for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill No. 2, (0-47).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 76** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SET A NEW MINIMUM FILING FEE FOR BOARD OF EDUCATION CANDIDACY.

Referred to the **Finance Committee**.

**H.B. 96** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANIZATIONS.

Referred to the **Education/Higher Education Committee**.

**H.B. 170** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW.

Referred to the **State & Local Government Committee**.

**H.B. 182** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION.

Referred to the **Commerce Committee**.

**H.B. 206**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF

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EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS.

Referred to the **Finance Committee**.

**H.B. 422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.

Referred to the **Finance Committee**.

**H.B. 465** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

Referred to the **Finance Committee**.

**H.B. 531** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 581**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, AND TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary II Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 871**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE MEDICAID SWAP HOLD HARMLESS, referred to the **Appropriations/Base Budget Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **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**.

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Upon motion of Senator Dannelly, seconded by Senator Clodfelter, the Senate adjourns subject to appointment of committees to meet Thursday, April 16, at 11:00 A.M.

#### **CHANGES TO 2009 SENATE COMMITTEE**

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore* announces the following committee change:

Senator Kinnaird is appointed to the **Select Committee on Economic Recovery**.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 287** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 287 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 Garrou; Senator Hoyle; 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.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:40 P.M.

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#### **FORTY-SIXTH DAY**

Senate Chamber  
Thursday, April 16, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Great and loving God, sometimes we speak too quickly or listen half-heartedly in our conversations with others. Sometimes we are easily distracted

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by the glory that does not last very long. We also confess that we have tried at times to shut you away in the small boxes of our own agendas. Forgive us. Instead, today, may we give you our best, the best of our minds, open, searching the best of our hearts, our first love and our deepest commitments. Then all these other things shall be added unto us. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator East and Senator Graham.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Angela Sharpe from Kannapolis, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 706**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS, with a favorable report.

**S.B. 785**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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By Senator Malone for the **Education/Higher Education Committee:**

NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
16 W. Jones Street  
Raleigh, North Carolina 27601-1030  
Senate Education/Higher Education Committee

2009-2010 Biennium  
Senator Vernon Malone, Co-Chairman  
Senator Richard Stevens, Co-Chairman

MEMORANDUM

TO: Members of the Senate

FROM: Senator Vernon Malone, Co-Chair, Senate Education/Higher Education  
Senator Richard Stevens, Co-Chair, Senate Education/Higher Education

RE: The State Board of Community Colleges Election

DATE: April 16, 2009

Pursuant to G.S. 115D-2.1(b)(4)f., the Senate Education/Higher Education Committee met on April 15, 2009, the majority of members being present, and submit the following nominees to be considered by the Senate for election to fill two vacant seats on the State Board of Community Colleges for membership to a term to expire June 30, 2015.

Mr. Linwood Powell  
Mr. James J. Woody, Jr.

No additional nominees shall be received from the floor. The above nominees are legally qualified to serve and are willing to serve if elected.

S/Vernon Malone, Co-Chairman  
Education/Higher Education Committee

S/Richard Stevens, Co-Chairman  
Education/Higher Education Committee

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 548**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO SET HEARINGS, GIVE NOTICES, ACCEPT OR REJECT OFFERS, AND TO DECLARE INTENT, AND TO FURTHER DELEGATE CONTRACTING AUTHORITY TO THE CITY MANAGER.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 23.

**WITHDRAWAL FROM COMMITTEE**

**S.J.R. 1096**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHRISTOPHER DUFFY COLLINS, referred to the **Rules and Operations of the Senate Committee** on April 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, May 7, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, May 7.

**S.B. 510**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXPANSION OF STATE-REIMBURSED INTERPRETING SERVICES TO ENCOMPASS ALL COURT PROCEEDINGS IN WHICH AN INTERPRETER IS NECESSARY TO ASSIST THE COURT IN THE EFFICIENT TRANSACTION OF BUSINESS, referred to the **Appropriations/Base Budget Committee** on March 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Judiciary I Committee**.

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**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 674**, A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE IMMEDIATELY EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75238, which changes the title to read **S.B. 674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 1042**, 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 an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55337, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**CALENDAR** *(continued)*

**S.B. 618**, 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, 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, Clary, Clodfelter, Dannelly, Davis,

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Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Malone, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The bill remains on the Calendar for Monday, April 20, upon third reading.

**S.B. 423** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 851**, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR PROBLEM-SOLVING COURTS, with a favorable report.

#### CALENDAR *(continued)*

**S.B. 481** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERMISSIBLE APPOINTEE UNDER A POWER OF APPOINTMENT IS NOT A TRUST BENEFICIARY, AND TO CLARIFY

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THAT A LOAN OR PLEDGE BY A TRUSTEE MAY BE MADE IN CONNECTION WITH A LOAN OF THE TRUSTEE'S OWN FUNDS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 483**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A).

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

The Committee Substitute bill passes its second reading (48-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 20.

**S.B. 652** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

The Committee Substitute bill passes its second reading (46-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 668** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A BANK TO PAY DIVIDENDS ON CERTAIN PREFERRED SHARES ISSUED TO THE UNITED STATES TREASURY AND TO ISSUE AND PAY DIVIDENDS ON PREFERRED SHARES TO RECAPITALIZE ITSELF.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 712**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO DISTRIBUTE STATE SURPLUS PROPERTY TO FURBISHERS OF COMPUTERS FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE.

The bill passes its second reading (48-0).

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Senator Hunt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 20.

#### **APPOINTMENT OF ADDITIONAL CONFEREE**

**S.B. 287** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Basnight, seconded by Senator Brunstetter, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Monday, April 20, at 7:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 459** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

Referred to the **State & Local Government Committee**.

**H.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

Referred to the **State & Local Government Committee**.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Referred to the **Judiciary II Committee**.

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**H.B. 573** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY.

Referred to the **Education/Higher Education Committee**.

**H.B. 659**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 676**, A BILL TO BE ENTITLED AN ACT TO INSTITUTE TRADITIONAL JURISDICTIONAL BOUNDARIES FOR LAW ENFORCEMENT AGENCIES IN IREDELL COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 686** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

Referred to the **Judiciary II Committee**.

**H.B. 759**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

**H.B. 951**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES.

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 12:03 P.M.

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### **FORTY-SEVENTH DAY**

Senate Chamber  
Monday, April 20, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Loving God, we do open this week's work in the Senate saddened and grieving the death of colleague and friend, Senator Vernon Malone. It just doesn't seem possible only a few days ago he walked among us, offering his gifts, affirming ours. Scripture describes another godly man's sudden departure this way. 'And Enoch walked with God.' Enoch, like Senator Malone, was vital and active, but suddenly, he was gone from all who cared about him. Our consolation is that on Saturday, in the blinking of an eye, Senator Malone left us, but was gladly welcomed into heaven by you, O God, and most probably by a welcoming committee made up of untold numbers of people whom he helped while on this earth. Raise up a person among us who will champion the causes that meant so much to Senator Vernon Malone. We are better for having known him. In your holy name we pray. Amen."

The Chair grants a leave of absence for today to Senator Garrou.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Timothy Beittel from Thomasville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sarah "Jane" Williams from Mebane, 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:

April 20, 2009

**H.J.R. 485**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 10)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 625**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS, with a favorable report.

**S.B. 669**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BANKING COMMISSION APPELLATE PROCEDURES, with a favorable report.

**S.B. 957**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, with a favorable report.

**S.B. 809**, A BILL TO BE ENTITLED AN ACT TO GRANT MEMBERS AND VETERANS OF THE MILITARY FREE ADMISSION TO STATE-OPERATED MUSEUMS AND STATE PARKS, TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS, AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55339, which changes the title to read **S.B. 809** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF A RESERVE COMPONENT OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS, AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY OUTSIDE OF THE UNITED STATES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

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By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 584**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES 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 85197, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 1082**, A BILL TO BE ENTITLED AN ACT ALLOWING PROBATION OFFICERS IN THE DIVISION OF COMMUNITY CORRECTIONS ACCESS TO THE JUVENILE RECORDS OF PERSONS SUBJECT TO PROBATION UNDER THEIR SUPERVISION FOR THE PURPOSE OF DETERMINING RISK ASSESSMENT FOR PROBATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35289, which changes the title to read **S.B. 1082** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) ALLOW PROBATION OFFICERS IN THE DIVISION OF COMMUNITY CORRECTIONS ACCESS TO THE JUVENILE RECORDS OF PERSONS SUBJECT TO PROBATION UNDER THEIR SUPERVISION FOR THE PURPOSE OF DETERMINING RISK ASSESSMENT FOR PROBATION; AND (2) ADD THE DIVISION OF COMMUNITY CORRECTIONS TO A LIST OF AGENCIES AUTHORIZED TO SHARE CERTAIN INFORMATION CONCERNING JUVENILES WITH ONE ANOTHER, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 706**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

**H.J.R. 637**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, referred to the **Rules and Operations of the Senate Committee** on April 13.

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.

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The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1087**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS A CONDITION OF PROBATION, TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, TO MITIGATE PUNISHMENTS FOR IMPAIRED DRIVING OFFENSES, AND TO ENSURE COMPLIANCE WITH CHILD CUSTODY AND VISITATION ORDERS, referred to the **Judiciary II Committee** on March 31.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

#### CALENDAR *(continued)*

**S.B. 618**, 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, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 21.

**S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF

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WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 851**, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR PROBLEM-SOLVING COURTS.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 712**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO DISTRIBUTE STATE SURPLUS PROPERTY TO FURBISHERS OF COMPUTERS FOR STUDENTS IN GRADES KINDERGARTEN THROUGH TWELVE.

The bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

**H.J.R. 637**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, placed earlier on tonight's Calendar.

The joint resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

#### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Bre Barnes, Raleigh; Kimba Barnes, Raleigh; Kayla Brooks, Raleigh; Antwan Bush, Lewiston; Max Cullen, Winston-Salem; Aaron Jack, Garner; Radhika Kshatriya, Chapel Hill; D.J. Lester, Timberlake; Noah McMichael, Raleigh; Stephen Moore, Raleigh; Tom Neas, Chapel Hill; Heather Newman, Greensboro; Lindsay Ann Nickens, Eden; Jacob Searcy, Rutherfordton and Callie Washburn, Pfafftown.

#### CHANGE OF SEQUENTIAL REFERRAL

**S.B. 368**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR A RETIRED STATE HIGHWAY PATROL SPECIAL REGISTRATION PLATE, TO PROVIDE FOR THE RECOVERY OF CIVIL PENALTIES ASSESSED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO REQUIRE THAT ALL MOTOR VEHICLES

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USED IN INTRASTATE COMMERCE WEIGHING MORE THAN TWENTY-SIX THOUSAND ONE POUNDS BE MARKED, TO MODIFY THE REQUIREMENTS FOR FLAGS AND LIGHTING, WHEN HEADLAMPS WOULD BE REQUIRED TO BE USED ON LOADS THAT ARE PROJECTING FROM THE END OR SIDES OF A COMMERCIAL MOTOR VEHICLE OR A MOTOR VEHICLE WEIGHING MORE THAN TEN THOUSAND POUNDS AND ENGAGED IN COMMERCE, TO REQUIRE SAFE TIRES ON COMMERCIAL MOTOR VEHICLES AS REQUIRED BY PART 393 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, TO MAKE A CHANGE TO THE WEIGHT AND SIZE PENALTY PROVISIONS TO ALLOW FOR THE ASSESSMENT OF A CIVIL PENALTY FOR ONLY THAT AMOUNT OF WEIGHT IN EXCESS OF THE PERMITTED AMOUNT, TO REQUIRE THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ASSESS CIVIL FINES FOR VIOLATIONS OF THE SPECIAL PERMIT REQUIREMENTS OF G.S. 20-119, AND TO PREVENT MOTOR CARRIERS FROM OPERATING VEHICLES THAT HAVE BEEN DECLARED "OUT-OF-SERVICE," TO REQUIRE BRAKES AS STANDARD EQUIPMENT FOR SEMITRAILERS BEING PULLED BY TRACTOR TRUCKS AND OTHER PULL UNITS, TO REQUIRE THAT OWNERS OF MOTORCYCLES MAINTAIN IN GOOD WORKING ORDER DIRECTIONAL SIGNALS INSTALLED BY THE MANUFACTURER, TO MODIFY THE SEAT BELT EXEMPTION PROVIDED FOR GARBAGE AND RECYCLING TRUCK OPERATORS AND PASSENGERS TO COMPLY WITH THE PROVISIONS OF FEDERAL REGULATION 49 C.F.R. 392.16, TO PROHIBIT THE OPERATION OF A DIGITAL VIDEO DISC PLAYER AT ANY POINT FORWARD OF THE BACK OF A DRIVER'S SEAT WHILE OPERATING A MOTOR VEHICLE, AND TO INCREASE THE CAP ON THE MAXIMUM ALLOWABLE SUPERVISORY PERSONNEL IN THE STATE HIGHWAY PATROL FROM TWENTY-ONE PERCENT TO TWENTY-THREE PERCENT, AS REQUESTED BY THE STATE HIGHWAY PATROL.

Senator Rand changes the sequential referral from the **Appropriations/Base Budget Committee** to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns in memory of Senator Vernon Malone and subject to receipt of messages from the House of Representatives, to meet Tuesday, April 21, at 2:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 9** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Judiciary II Committee**.

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**H.B. 67** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME.

Referred to the **Transportation Committee**.

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE.

Referred to the **Health Care Committee**.

**H.B. 218** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

Referred to the **Education/Higher Education Committee**.

**H.B. 309**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET.

Referred to the **Commerce Committee**.

**H.B. 411**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE COMMISSION.

Referred to the **State & Local Government Committee**.

**H.B. 613**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

Referred to the **State & Local Government Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:38 P.M.

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**FORTY-EIGHTH DAY**

Senate Chamber  
Tuesday, April 21, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, at a time when we still mourn the loss of Senator Malone, realizing that life is fragile and fleeting, it might also be a good time for some personal reflection. We know there is no darkness in you and we call ourselves children of light, but sometimes we act otherwise. Sometimes we love ourselves more than others. We work too hard to get our own way. We deceive ourselves when we pretend to be innocent. Shine your light into our dark places. Bring the truth to our lips. In your faithfulness, receive our confession, forgive us and help us to live better each day. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. John Wrenn from Greensboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Xiufen Huang from Hillsborough, 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. 637**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK. (Res. 11)

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 853**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF,

April 21, 2009

WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AND HAS NOTIFIED AND CONSULTED WITH OR HAS MADE A GOOD FAITH EFFORT TO NOTIFY AND CONSULT WITH BOTH THE ATTORNEY WHO INITIALLY PROSECUTED THE CASE AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION AND TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION, with a favorable report.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
April 20, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, and requests conferees.

Speaker Hackney appoints:

Rep. Holliman, Chair  
Rep. M. Alexander  
Rep. Blue  
Rep. Cole  
Rep. Crawford  
Rep. Michaux  
Rep. Ross  
Rep. Neumann, and  
Rep. Barnhart

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

April 21, 2009

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 452** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES, for concurrence in House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, April 22, for concurrence.

**H.B. 115** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RENAME THE NORTH CAROLINA COUNCIL FOR WOMEN/DOMESTIC VIOLENCE COMMISSION AND CLARIFY ITS ROLE AND RESPONSIBILITIES, TO EXPAND THE ROLE OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND DESIGNATE THE QUALIFICATIONS FOR MEMBERSHIP, TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 220** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN ELIGIBILITY STATUTE.

Referred to the **State & Local Government Committee**.

**H.B. 530** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

Referred to the **Commerce Committee**.

**H.B. 588**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL OF A SMALL CLAIMS ACTION MAY COMMENCE NOT SOONER THAN FIVE DAYS AFTER SERVICE OF THE MAGISTRATE SUMMONS ON THE DEFENDANT.

Referred to the **Judiciary II Committee**.

**H.B. 630** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTION PROCEEDING MAY COMMENCE NOT SOONER THAN TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT.

Referred to the **Judiciary II Committee**.

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

Referred to the **State & Local Government Committee**.

**H.B. 682** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO, TO ALLOW AUTOMATIC ADJUSTMENTS TO ACCOUNT FOR FUTURE CHANGES IN THE CONSUMER PRICE INDEX, AND TO PROVIDE A UNIFORM PROCEDURE FOR INFLATION INDEXING THAT OTHER PROVISIONS MAY INCORPORATE BY REFERENCE.

Referred to the **Commerce Committee**.

**H.B. 747**, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY FOR CONSTRUCTION OR REPAIR PROJECTS.

Referred to the **State & Local Government Committee**.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 117**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A MORATORIUM ON DEVELOPMENT APPROVALS FOR THE PURPOSE OF DEVELOPING AND ADOPTING A NEW OR REVISED DEVELOPMENT ORDINANCE, with a favorable report.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 625**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 669**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE BANKING COMMISSION APPELLATE PROCEDURES.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 957**, A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1082** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) ALLOW PROBATION OFFICERS IN THE DIVISION OF COMMUNITY CORRECTIONS ACCESS TO THE JUVENILE RECORDS OF PERSONS SUBJECT TO PROBATION UNDER THEIR SUPERVISION FOR THE PURPOSE OF DETERMINING RISK ASSESSMENT FOR PROBATION; AND (2) ADD THE DIVISION OF COMMUNITY CORRECTIONS TO A LIST OF AGENCIES AUTHORIZED TO SHARE CERTAIN INFORMATION CONCERNING JUVENILES WITH ONE ANOTHER.

Senator Snow offers Amendment No. 1 which is adopted (49-0), and changes the title to read **S.B. 1082** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) ALLOW PROBATION OFFICERS IN THE DIVISION OF COMMUNITY CORRECTIONS ACCESS TO THE JUVENILE RECORDS OF PERSONS SUBJECT TO PROBATION UNDER THEIR SUPERVISION FOR THE PURPOSE OF ASSESSING RISK RELATED TO SUPERVISION; AND (2) ADD THE DIVISION OF COMMUNITY CORRECTIONS TO A LIST OF AGENCIES AUTHORIZED TO SHARE CERTAIN INFORMATION CONCERNING JUVENILES WITH ONE ANOTHER.

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The Committee Substitute bill, as amended, passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

Senator Davis offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

#### **ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES**

Pursuant to a report received from the **Education/Higher Education Committee** on Thursday, April 16, the Committee places in nomination the names of Linwood Powell and James J. Woody, Jr. for a six-year term on the State Board of Community Colleges effective July 1, 2009, and ending June 30, 2015.

Senator Stevens 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. Powell.

Members voting for Mr. Powell are as follows: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein.

Those voting against Mr. Powell are as follows: None.

The President orders the Reading Clerk to call the roll and directs the Members to vote "aye" or "no" for Mr. Woody.

Members voting for Mr. Woody are as follows: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein.

Those voting against Mr. Woody are as follows: None.

In compliance with G.S. 115-2.1(b)(4)f, the election of Linwood Powell and James J. Woody, Jr. to the State Board of Community Colleges for a six-year term beginning July 1, 2009, and expiring June 30, 2015, is confirmed by an

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electronically recorded 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---49.

Voting in the negative: None.

The President declares Linwood Powell and James J. Woody, Jr. elected to the State Board of Community Colleges for a six-year term, effective July 1, 2009, and ending June 30, 2015.

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

**S.B. 479**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

**S.B. 653**, A BILL TO BE ENTITLED AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST, with a favorable report.

**S.B. 827**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE FERRY DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO THE MARINE DIVISION AND TO DEFINE THE MARINE DIVISION'S RESPONSIBILITIES, with a favorable report.

**H.B. 557** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FUTURE VOLUNTEER FIREFIGHTERS & RESCUE SQUAD MEMBERS ACT OF NORTH CAROLINA, with a favorable report.

**H.B. 613**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED, with a favorable report.

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**S.B. 352**, A BILL TO BE ENTITLED AN ACT TO ALLOW SICK LEAVE TRANSFERS FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT AND FOR 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 85199, which changes the title to read **S.B. 352** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 475**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES THAT PROHIBIT DEED RESTRICTIONS, COVENANTS, EQUITABLE SERVITUDES, OR ANY SIMILAR BINDING AGREEMENTS THAT WOULD PROHIBIT THE INSTALLATION OF SOLAR COLLECTORS, CLOTHESLINES, RAIN BARRELS, GARDEN FENCES, OR ANY OTHER DEVICES DESIGNED TO GENERATE OR CONSERVE ENERGY THROUGH THE USE OF RENEWABLE RESOURCES OR TO CAPTURE, STORE, OR REUSE WATER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35291, which changes the title to read **S.B. 475** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES, is adopted and engrossed.

**S.B. 650**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES TO REGULATE GOLF CARTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85198, which changes the title to read **S.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, is adopted and engrossed.

**S.B. 730**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN LOCAL GOVERNMENT OFFICIALS TO RECUSE THEMSELVES FROM VOTING IN CERTAIN INSTANCES, with an unfavorable report.

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Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns at 2:38 P.M. subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, April 22, at 3:00 P.M.

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### FORTY-NINTH DAY

Senate Chamber  
Wednesday, April 22, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, skillfully, professionally and without fanfare, they keep us on time. They fill the gaps of our forgetfulness. They know what we are thinking before we say it. They act as ambassadors for our best efforts. On this day we salute the Senate family's administrative professionals. Seldom seen in this Chamber, maybe listening in their offices now, we offer our gratitude for their able work that is so vital to what goes on here in the Senate. Also, on this Earth Day we voice the words of the great hymn, 'For the beauty of the earth, for the glory of the skies, for the love which from our birth, over and around us lies, Lord of all to thee we raise, this our hymn of grateful praise.' Make us good stewards of your glorious creation. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Richard Bruch from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Tracy D. Chapman and Tracy V. Cooper-Chapman from Morganton, North Carolina, who are serving the Senate as Nurses of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

April 22, 2009

**S.B. 368**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR A RETIRED STATE HIGHWAY PATROL SPECIAL REGISTRATION PLATE, TO PROVIDE FOR THE RECOVERY OF CIVIL PENALTIES ASSESSED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO REQUIRE THAT ALL MOTOR VEHICLES USED IN INTRASTATE COMMERCE WEIGHING MORE THAN TWENTY-SIX THOUSAND ONE POUNDS BE MARKED, TO MODIFY THE REQUIREMENTS FOR FLAGS AND LIGHTING, WHEN HEADLAMPS WOULD BE REQUIRED TO BE USED ON LOADS THAT ARE PROJECTING FROM THE END OR SIDES OF A COMMERCIAL MOTOR VEHICLE OR A MOTOR VEHICLE WEIGHING MORE THAN TEN THOUSAND POUNDS AND ENGAGED IN COMMERCE, TO REQUIRE SAFE TIRES ON COMMERCIAL MOTOR VEHICLES AS REQUIRED BY PART 393 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS, TO MAKE A CHANGE TO THE WEIGHT AND SIZE PENALTY PROVISIONS TO ALLOW FOR THE ASSESSMENT OF A CIVIL PENALTY FOR ONLY THAT AMOUNT OF WEIGHT IN EXCESS OF THE PERMITTED AMOUNT, TO REQUIRE THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ASSESS CIVIL FINES FOR VIOLATIONS OF THE SPECIAL PERMIT REQUIREMENTS OF G.S. 20-119, AND TO PREVENT MOTOR CARRIERS FROM OPERATING VEHICLES THAT HAVE BEEN DECLARED "OUT-OF-SERVICE," TO REQUIRE BRAKES AS STANDARD EQUIPMENT FOR SEMITRAILERS BEING PULLED BY TRACTOR TRUCKS AND OTHER PULL UNITS, TO REQUIRE THAT OWNERS OF MOTORCYCLES MAINTAIN IN GOOD WORKING ORDER DIRECTIONAL SIGNALS INSTALLED BY THE MANUFACTURER, TO MODIFY THE SEAT BELT EXEMPTION PROVIDED FOR GARBAGE AND RECYCLING TRUCK OPERATORS AND PASSENGERS TO COMPLY WITH THE PROVISIONS OF FEDERAL REGULATION 49 C.F.R. 392.16, TO PROHIBIT THE OPERATION OF A DIGITAL VIDEO DISC PLAYER AT ANY POINT FORWARD OF THE BACK OF A DRIVER'S SEAT WHILE OPERATING A MOTOR VEHICLE, AND TO INCREASE THE CAP ON THE MAXIMUM ALLOWABLE SUPERVISORY PERSONNEL IN THE STATE HIGHWAY PATROL FROM TWENTY-ONE PERCENT TO TWENTY-THREE PERCENT, AS REQUESTED BY THE STATE HIGHWAY PATROL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55344, which changes the title to read **S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR A RETIRED STATE HIGHWAY PATROL SPECIAL REGISTRATION PLATE; TO PROVIDE FOR THE RECOVERY OF CIVIL PENALTIES ASSESSED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO REQUIRE THAT ALL MOTOR VEHICLES USED IN INTRASTATE COMMERCE WEIGHING MORE THAN TEN THOUSAND POUNDS BE MARKED; TO MODIFY THE REQUIREMENTS FOR FLAGS AND

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LIGHTING AND WHEN HEADLAMPS WOULD BE REQUIRED TO BE USED ON LOADS THAT ARE PROJECTING FROM THE END OR SIDES OF A COMMERCIAL MOTOR VEHICLE OR A MOTOR VEHICLE WEIGHING MORE THAN TEN THOUSAND POUNDS AND ENGAGED IN COMMERCE; TO REQUIRE SAFE TIRES ON COMMERCIAL MOTOR VEHICLES AS REQUIRED BY PART 393 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; TO MAKE A CHANGE TO THE WEIGHT AND SIZE PENALTY PROVISIONS TO ALLOW FOR THE ASSESSMENT OF A CIVIL PENALTY FOR ONLY THAT AMOUNT OF WEIGHT IN EXCESS OF THE PERMITTED AMOUNT, TO REQUIRE THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ASSESS CIVIL FINES FOR VIOLATIONS OF THE SPECIAL PERMIT REQUIREMENTS OF G.S. 20-119, AND TO PREVENT MOTOR CARRIERS FROM OPERATING VEHICLES THAT HAVE BEEN DECLARED "OUT-OF-SERVICE"; TO REQUIRE BRAKES AS STANDARD EQUIPMENT FOR SEMITRAILERS BEING PULLED BY TRACTOR TRUCKS AND OTHER PULL UNITS; TO REQUIRE THAT OWNERS OF MOTORCYCLES MAINTAIN IN GOOD WORKING ORDER DIRECTIONAL SIGNALS INSTALLED BY THE MANUFACTURER; TO MODIFY THE SEAT BELT EXEMPTION PROVIDED FOR GARBAGE AND RECYCLING TRUCK OPERATORS AND PASSENGERS TO COMPLY WITH FEDERAL LAW; TO PROHIBIT THE OPERATION OF A DIGITAL VIDEO DISC PLAYER AT ANY POINT FORWARD OF THE BACK OF A DRIVER'S SEAT WHILE OPERATING A MOTOR VEHICLE; TO INCREASE THE CAP ON THE MAXIMUM ALLOWABLE SUPERVISORY PERSONNEL IN THE STATE HIGHWAY PATROL FROM TWENTY-ONE PERCENT TO TWENTY-THREE PERCENT; AND TO ENSURE THAT PROCEEDS FROM LEASE OF PROPERTY OWNED BY THE STATE HIGHWAY PATROL AS PART OF THE VIPER PROJECT BE USED TO CONSTRUCT, MAINTAIN, AND SUPPORT THE PROJECT, AS REQUESTED BY THE STATE HIGHWAY PATROL, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 458**, A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35292, which changes the title to read **S.B. 458** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION, is adopted and engrossed.

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Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

**S.B. 647**, A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15245, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

By Senator East for the **State & Local Government Committee**:

**S.B. 800**, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15246, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 863**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35290, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

By Senator Hoyle for the **Finance Committee**:

**H.B. 63** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, April 28.

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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 21, 2009

Mr. 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 **H.J.R. 485**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, the House of Representatives has elected and confirmed the following members to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2009.

K. Ray Bailey, and  
Samuel C. Powell

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. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

Referred to the **State & Local Government Committee**.

**H.B. 582** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION.

Referred to the **Education/Higher Education Committee**.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 475** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 117**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL GOVERNMENT MAY NOT IMPOSE A MORATORIUM ON DEVELOPMENT APPROVALS FOR THE PURPOSE OF DEVELOPING AND ADOPTING A NEW OR REVISED DEVELOPMENT ORDINANCE.

The bill passes its second reading (41-8) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 653**, A BILL TO BE ENTITLED AN ACT TO ALLOW A MEMBER OF THE GOVERNING BODY OF A MUNICIPALITY TO BE EXCUSED FROM VOTING WHEN THE MEMBER HAS A CONFLICT OF INTEREST.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**CONFERENCE REPORT**

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 287** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, submits for adoption the following report:

April 22, 2009

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 287, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, House Committee Substitute #2 Favorable 4/8/09 Sixth Edition Engrossed 4/14/09, submit the following report:

Delete the entire House Committee Substitute #2, Sixth Edition Engrossed and substitute the attached Proposed Conference Committee Substitute S287-PCCS35293-LN-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: April 22, 2009.

*Conferees for the Senate*

S/Tony Rand, Chair  
S/David W. Hoyle  
S/Linda Garrou  
S/William R. Purcell  
S/Doug Berger

*Conferees for the House of Representatives*

S/Hugh Holliman, Chair  
S/Martha B. Alexander  
S/Dan Blue  
S/Nelson Cole  
S/James W. Crawford, Jr.  
S/Henry M. Michaux, Jr.  
S/Deborah K. Ross  
Wil Neumann  
Jeff Barnhart

The text of the attached Proposed Conference Committee Substitute, S287-PCCS35293-LN-3 is as follows:

A BILL TO BE ENTITLED  
AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN  
FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER  
CHANGES RELATED TO THE STATE HEALTH PLAN.

Whereas, the General Assembly must act quickly and prudently to maintain a financially stable State Health Plan to ensure that all members of the Plan have affordable access to medically necessary health benefits and services within available resources; and

Whereas, in order to meet current fiscal obligations, the General Assembly must appropriate \$250,000,000 for the 2008-2009 fiscal year to cover the current year shortfall in funds; and

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Whereas, estimates indicate that a substantially larger appropriation will be necessary to maintain the fiscal integrity of the Plan in the next and ensuing fiscal periods; and

Whereas, in order to ensure continued access to medically necessary health care to Plan members, the Plan must implement measures to contain costs through premium increases, benefit changes, and healthy lifestyle programs that not only reduce costs but improve member health; and

Whereas, the Plan estimates that over 70,000 Plan members use tobacco, resulting in a cost to the Plan of \$2,000 per member per year more than the cost of providing coverage for nonusers of tobacco; and

Whereas, cessation of tobacco use has been demonstrated to result in improved member health and substantial savings in health care costs making it fiscally prudent to implement smoking cessation incentives and initiatives with mechanisms to verify member compliance with smoking cessation requirements; and

Whereas, over 60% of North Carolina adults are obese or overweight; and

Whereas, obesity is linked to an over 37% increase in health care spending at a cost of \$2,445 per member per year; and

Whereas, weight management and cessation of tobacco use have been demonstrated to result in improved member health and substantial savings in health care costs making it fiscally prudent to implement smoking cessation and weight management incentives and initiatives with mechanisms to verify member compliance with smoking cessation and weight management requirements; Now, therefore,

The General Assembly of North Carolina enacts:

**PART ONE: APPROPRIATIONS, DEFINITIONS, AND SCOPE.**

**SECTION 1.(a)** Appropriation for 2008-2009 Fiscal Year. – There is appropriated from the Savings Reserve Account established in G.S. 143C-4-2 to the Health Benefit Reserve Fund established in G.S. 135-44.5 the sum of two hundred fifty million dollars (\$250,000,000) for the 2008-2009 fiscal year. These funds shall be used to address the shortfall in funds available for the payment of health care and administrative costs under the State Health Plan for Teachers and State Employees ("Plan") for the 2008-2009 fiscal year.

**SECTION 1.(b)** General Fund Appropriation for 2009-2011 Fiscal Biennium. – Notwithstanding G.S. 143C-5-2, there is appropriated from the General Fund to the Reserve for the State Health Plan in the Office of State Budget and Management the sum of one hundred thirty-two million two hundred fourteen thousand seven hundred fifty-two dollars (\$132,214,752) for the 2009-2010 fiscal year and the sum of two hundred seventy-six million one hundred seventy-nine thousand seven hundred nine dollars (\$276,179,709) for the 2010-2011 fiscal year. These funds shall be used to cover health care and administrative costs to the Plan in the 2009-2011 fiscal biennium.

**SECTION 1.(c)** Highway Fund Appropriation for the 2009-2011 Fiscal Biennium. – Notwithstanding G.S. 143C-5-2, there is appropriated from the Highway Fund to the Reserve for the State Health Plan in the Office of State

Budget and Management the sum of six million one hundred seventy thousand twenty-two dollars (\$6,170,022) for the 2009-2010 fiscal year and the sum of twelve million eight hundred eighty-eight thousand three hundred eighty-six dollars (\$12,888,386) for the 2010-2011 fiscal year. These funds shall be used to cover health care and administrative costs to the Plan in the 2009-2011 fiscal biennium.

**SECTION 1.(d)** All other agency funds required to fund the premium increase enacted in this act, other than funds appropriated in subsections (b) and (c) of this section, are appropriated for the 2009-2011 fiscal biennium.

**SECTION 1.(e)** Definitions. – As used in this act unless the context clearly requires otherwise:

- (1) "Plan." – The State Health Plan for Teachers and State Employees.
- (2) "Basic Plan." – The Plan's PPO option providing for 70/30 in-network coverage after deductibles and co-payments.
- (3) "Smoking" or "Smoking cessation." – Includes cessation of the use of all tobacco products.
- (4) "Standard Plan." – The Plan's PPO option providing for 80/20 in-network coverage after deductibles and co-payments.

**SECTION 1.(f)** Scope. – In the event of a conflict between the provisions of this act and Article 3A of Chapter 135 of the General Statutes, this act prevails.

**PART TWO: HEALTH BENEFIT CHANGES.**

**SECTION 2.(a)** Eliminate PPO Plus Option. – Effective July 1, 2009, the PPO Plus option (90/10 in-network coverage) under the State Health Plan for Teachers and State Employees ("Plan") is eliminated. The Executive Administrator shall provide notice to all members of the Plan that this option will no longer be available as of July 1, 2009. Employees enrolled in the Plan's Plus option shall have the choice of enrolling in the Basic or Standard Plan options for the 2009-2010 benefit year.

**SECTION 2.(b)** Implement Comprehensive Wellness Initiative.

- (1) Program development. – The Plan shall develop a Comprehensive Wellness Initiative that includes a focus on smoking cessation and weight management and that is designed to be implemented effective July 1, 2010, for smoking cessation and July 1, 2011, for weight management. Benefit levels shall be determined by the Plan based upon tobacco use or the inability of the member to meet national, evidence-based healthy weight clinical guidelines. For purposes of the Comprehensive Wellness Initiative, "member" includes all State Health Plan primary subscribers and their covered dependents. The Plan shall develop a process whereby a Plan member

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may appeal the Plan's basis for action it takes due to the member's failure or refusal to comply with the Plan's smoking cessation or weight management requirements.

- (2) Smoking cessation. – Effective July 1, 2010, all members of the Plan who do not have Medicare as their primary coverage shall be enrolled in the Basic Plan under the Plan's PPO unless the subscriber can attest that the subscriber or any qualifying dependent does not smoke or otherwise use tobacco products. The Plan shall develop a mechanism for verifying that the member does not smoke or use other tobacco products. Tobacco use will be reassessed annually at the time of Plan enrollment. All subscribers who have attested that neither they nor their dependents use tobacco, or whose physician certifies in writing that the member is participating in a smoking cessation program, shall have the choice of remaining in the Basic Plan option or enrolling in the Standard Plan option. For purposes of the smoking cessation initiative, "member" includes all members covered under the Plan. As used in this section, "smoking cessation program" means active participation in a Plan-approved cessation program to include counseling or use of tobacco cessation medications.
- (3) Weight management. – Effective July 1, 2011, all members of the Plan who do not have Medicare as their primary coverage shall be enrolled in the Basic Plan under the Plan's PPO Plan unless the subscriber attests that the weight and height ratio of the member is within a range determined by the Plan based on evidence-based healthy weight clinical guidelines, or unless the member's physician certifies in writing that the member has a medical condition that prevents the attainment of the specified weight range or that the member is actively participating in a Plan-approved weight management program. In either case, the member shall have the option to enroll in the Basic or Standard Plan.

Not later than October 1, 2009, the Executive Administrator shall inform Plan members of the healthy lifestyle initiatives, requirements for compliance, and consequences of noncompliance. The Executive Administrator shall provide to members education and training to assist members in complying with healthy lifestyle initiatives. The Executive Administrator may implement incentive initiatives to further encourage member achievement in smoking cessation, weight management, and other integrated health management programs.

The Executive Administrator shall report to the Committee on Employee Hospital and Medical Benefits recommendations the Plan may have

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for additional sanctions that may be imposed when the Executive Administrator finds that a member intentionally makes a false statement on a Plan document.

**SECTION 2.(c)** Prescription Drug Co-Payments. – G.S. 135-45.6(b) reads as rewritten:

"(b) Prescription Drugs. – The Plan's allowable charges for prescription legend drugs to be used outside of a hospital or skilled nursing facility shall be as determined by the Plan's Executive Administrator and Board of Trustees, which determinations are not subject to appeal under Article 3 of Chapter 150B of the General Statutes. Co-payments and other allowable charges or coverage for prescription drugs shall be as follows:

- (1) The Plan will pay allowable charges for each outpatient prescription drug less a copayment to be paid by each covered individual equal to the following amounts: pharmacy charges up to ten dollars (\$10.00) for each generic prescription, ~~thirty dollars (\$30.00)~~ thirty-five dollars (\$35.00) for each preferred branded prescription without a generic equivalent, ~~and forty dollars (\$40.00)~~ for each preferred branded prescription with a generic equivalent drug, and fifty dollars (\$50.00) fifty-five dollars (\$55.00) for each nonpreferred branded ~~or generic~~ prescription. For each branded prescription drug with a generic equivalent drug, the member shall pay the generic co-payment plus the difference between the Plan's gross allowed cost for the generic prescription and the Plan's cost for the branded prescription drug.
- (2) The Plan shall provide coverage of nonacute specialty medications, excluding cancer medications, under the Plan's pharmacy benefit through a specialty pharmacy vendor under contract with the Plan. The Plan may transfer coverage of specified specialty disease medications covered under the Plan's medical benefit to the contracted specialty pharmacy vendor. Specialty medications are covered biotech medications and other medications designated and classified by the Plan as specialty medications that are significantly more expensive than alternative drugs or therapies. Medications classified by the Plan as specialty medications shall meet all of the following conditions:
  - a. Have unique uses for the treatment of complex diseases.
  - b. Require special dosing or administration.
  - c. Require special handling.
  - d. Are typically prescribed by a specialist provider.
  - e. Exceed four hundred dollars (\$400.00) cost to the Plan per prescription.The Plan shall impose a co-payment in the amount of

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twenty-five percent (25%) of the Plan's gross allowed cost of the specialty drug not to exceed one hundred dollars (\$100.00) per prescription per 30-day supply.

- (3) The Plan may exclude coverage of drugs that have therapeutic equivalents, as defined by the U.S. Food and Drug Administration, that are available over the counter. Before excluding coverage under this subdivision, the Plan shall consult with the Plan's Pharmacy and Therapeutics Committee.

~~These co-payments apply to all optional alternative plans available under the Plan.~~

- (4) Allowable charges shall not be greater than a pharmacy's usual and customary charge to the general public for a particular prescription. Prescriptions shall be for no more than a ~~34-day~~ 30-day supply for the purposes of the copayments paid by each covered individual. By accepting the copayments and any remaining allowable charges provided by this subsection, pharmacies shall not balance bill an individual covered by the Plan. A prescription legend drug is defined as an article the label of which, under the Federal Food, Drug, and Cosmetic Act, is required to bear the legend: "Caution: Federal Law Prohibits Dispensing Without Prescription." Such articles may not be sold to or purchased by the public without a prescription order. Benefits are provided for insulin even though a prescription is not required. ~~The Plan may use a pharmacy benefit manager to help manage the Plan's outpatient prescription drug coverage. In managing the Plan's outpatient prescription drug benefits, the Plan and its pharmacy benefit manager shall not provide coverage for sexual dysfunction, growth hormone, antiwrinkle, weight loss, and hair growth drugs unless such coverage is medically necessary to the health of the member. The Plan and its pharmacy benefit manager shall not provide coverage for growth hormone and weight loss drugs and antifungal drugs for the treatment of nail fungus and botulinum toxin without approval in advance by the pharmacy benefit manager. The Plan may adopt utilization management procedures for certain drugs, but in no event shall the Plan provide coverage for sexual dysfunction or hair growth drugs or nonmedically necessary drugs used for cosmetic purposes.~~ Any formulary used by the Plan's Executive Administrator and pharmacy benefit manager shall be an open formulary. Plan members shall not be assessed more than two thousand five hundred dollars (\$2,500) per person per

fiscal year in copayments required by this subsection. The Plan's Pharmacy Benefit Manager, or any pharmacy or vendor participating in the Plan shall charge the Plan for any prescription legend drug dispensed under the Plan's pharmacy benefit based upon the original National Drug Code (NDC) as established by the manufacturer of the prescription legend drug and published by the United States Food and Drug Administration.

Co-payments and other allowable charges under this subsection shall be the lesser of the Plan's discounted cost of the drug or the co-payment amount or allowable charge and apply to all optional alternative plans available under the Plan."

**SECTION 2.(d)** Routine Eye Examinations Not Covered. – Effective January 1, 2010, G.S. 135-45.8(13) reads as rewritten:

"§ 135-45.8. **General limitations and exclusions.**

The following shall in no event be considered covered expenses nor will benefits described in G.S. 135-45.6 through G.S. 135-45.11 be payable for:

- ...
- (13) Charges for routine eye examinations, eyeglasses or other corrective lenses (except for cataract lenses certified as medically necessary for aphakia persons) and hearing aids or examinations for the prescription or fitting thereof."

**SECTION 2.(e)** Deductible and Co-Payment Changes. – Effective July 1, 2009, the Executive Administrator shall make the following changes to deductibles, coinsurance maximums, and co-payments under the Basic and Standard PPO Plans:

- (1) Basic plan (70/30):
- a. Increase the in-network annual deductible to eight hundred dollars (\$800.00) for member-only coverage and to one thousand six hundred dollars (\$1,600) for the out-of-network annual deductible for member-only coverage.  
The aggregate maximum annual deductible for employee-child and employee-family coverage shall be three times the member-only annual deductibles.
  - b. Increase the in-network coinsurance maximum to three thousand two hundred fifty dollars (\$3,250) for member-only coverage and to six thousand five hundred dollars (\$6,500) for member-only out-of-network maximum coinsurance. The aggregate maximum coinsurance for employee-child and employee-family coverage shall be three times the member-only coinsurance maximums.
  - c. Increase the in-network primary care co-payment

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- d. to thirty dollars (\$30.00) per covered individual.  
Increase the in-network specialist co-payment to seventy dollars (\$70.00) per covered individual, except that for mental health and substance abuse services, chiropractic services, and physical therapy, occupational therapy, and speech therapy services, the in-network specialist co-payment shall be fifty-five dollars (\$55.00) per covered individual.
  - e. Increase the in-network and out-of-network inpatient co-payment to two hundred fifty dollars (\$250.00) per covered individual.
  - f. Increase prescription drug co-pays as required under G.S. 135-45.6(b) as enacted by this act.
  - g. Except as otherwise provided in this act, co-payments and coinsurance for coverage not otherwise listed in this subdivision shall remain as applicable in the 2008-2009 benefit year.
- (2) Standard Plan (80/20):
- a. Increase the in-network annual deductible to six hundred dollars (\$600.00) for member-only coverage and to one thousand two hundred dollars (\$1,200) for the member-only out-of-network annual deductible.  
The aggregate maximum annual deductible for employee-child and employee-family coverage shall be three times the member-only annual deductibles.
  - b. Increase the in-network coinsurance maximum to two thousand seven hundred fifty dollars (\$2,750) for member-only coverage and to five thousand five hundred dollars (\$5,500) for member-only out-of-network maximum coinsurance. The aggregate maximum coinsurance for employee-child and employee-family coverage shall be three times the member-only coinsurance maximums.
  - c. Increase the in-network urgent care co-payment to seventy-five dollars (\$75.00) per covered individual.
  - d. Increase the in-network primary care co-payment to twenty-five dollars (\$25.00) per covered individual.
  - e. Increase the in-network specialist co-payment to sixty dollars (\$60.00) per covered individual, except that for mental health and substance abuse

services, chiropractic services, and physical therapy, occupational therapy, and speech therapy services, the in-network specialist co-payment shall be forty-five dollars (\$45.00) per covered individual.

- f. Increase the in-network and out-of-network inpatient co-payment to two hundred dollars (\$200.00) per covered individual.
- g. Increase prescription drug co-pays as required under G.S. 135-45.6(b) as enacted by this act.
- h. Except as otherwise provided in this act, co-payments and coinsurance for coverage not otherwise listed in this subdivision shall remain as applicable in the 2008-2009 benefit year.

**SECTION 2.(f)** Limitation on Authority to Change Benefits. – G.S. 135-45(g) reads as rewritten:

"(g) The Executive Administrator and Board of Trustees shall not change the Plan's comprehensive health benefit coverage, co-payments, deductibles, out-of-pocket expenditures, and lifetime maximums in effect on ~~July 1, 2008~~, July 1, 2009, or a later act of the General Assembly, that would result in a net increased cost to the Plan or in a reduction in benefits to Plan members as a whole unless and until the proposed changes are directed to be made in an act of the General Assembly."

**SECTION 2.(g)** Premium Increases. – Premium rates for contributory coverage established in accordance with G.S. 135-44.6 shall be increased to eight and nine-tenths percent (8.9%) for contributory coverage for the 2009-2010 fiscal year and shall be increased by an additional eight and nine-tenths percent (8.9%) over the premium rate for contributory coverage for the 2010-2011 fiscal year.

**SECTION 2.(h)** Pharmacy Benefit Savings. – The Plan shall direct its pharmacy benefit manager (PBM), within the terms of the Plan's PBM contract, to achieve the sum of eighteen million dollars (\$18,000,000) in savings in pharmacy benefit costs in the 2009-2010 fiscal year, and the sum of twenty million dollars (\$20,000,000) in savings in pharmacy benefit costs in the 2010-2011 fiscal year through reduced reimbursements paid to pharmacies for prescription drugs. If the savings achieved in each six-month period of the fiscal year do not exceed one hundred five percent (105%) of the savings amount specified in this section for that fiscal year, there shall be no further adjustment to reimbursements paid to pharmacies for that six-month period. If the total savings achieved, by fiscal year, exceeds one hundred five percent (105%) of the specified savings amount in each six-month period of the fiscal year, the Plan shall adjust pharmacy reimbursement reductions accordingly. The Plan shall review savings achieved twice annually to ensure compliance with this section. The Plan shall calculate the savings to be achieved based on Plan enrollment and estimated cost and utilization trends incorporated in the Plan's Financial Projections as of March 20, 2009. The total savings by fiscal year achieved in

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this section may be increased or decreased without adjustment based on a change in total enrollment provided that the rate of savings achieved on a per-member per-month basis remains constant. Not later than 60 days immediately following each six-month period, the Plan shall report the amount of savings achieved and any adjustments made for that period to the Committee on Employee Hospital and Medical Benefits.

**PART THREE: ELIGIBILITY CLARIFICATION.**

**SECTION 3.(a)** Dependent Child Clarifications. – G.S. 135-45.1(10) reads as rewritten:

"(10) Dependent child. – A natural, legally adopted, or foster child or children of the employee and or spouse, unmarried, up to the first of the month following his or her 19th birthday, whether or not the child is living with the employee, as long as the employee is legally responsible for such child's maintenance and support. Dependent child also includes a stepchild of the member who is married to the stepchild's natural parent. To be eligible, the stepchild must have his or her primary residence with the member. Dependent child shall also include any child under age 19 who has reached his or her 18th birthday, provided the employee was legally responsible for such child's maintenance and support on his or her 18th birthday. Dependent children of firefighters, rescue squad workers, and members of the national guard are subject to the same terms and conditions as are other dependent children covered by this subdivision. Eligibility of dependent children is subject to the requirements of G.S. 135-45.2(d). The Plan may require documentation from the member confirming a child's eligibility to be covered as the member's dependent."

**SECTION 3.(b)** Eligibility of Full-Time Students. – G.S. 135-45.2(d) reads as rewritten:

"(d) A foster child is covered as a dependent child (i) if living in a regular parent-child relationship with the expectation that the employee will continue to rear the child into adulthood, (ii) if at the time of enrollment, or at the time a foster child relationship is established, whichever occurs first, the employee applies for coverage for such child and submits evidence of a bona fide foster child relationship, identifying the foster child by name and setting forth all relevant aspects of the relationship, (iii) if the claims processor accepts the foster child as a participant through a separate written document identifying the foster child by name and specifically recognizing the foster child relationship, and (iv) if at the time a claim is incurred, the foster child relationship, as identified by the employee, continues to exist. Children placed in a home by a welfare agency which obtains control of, and provides for maintenance of the child, are not eligible participants.

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Coverage of a dependent child may be extended beyond the 19th birthday under the following conditions:

- (1) If the dependent is a full-time student, ~~aged 19 years and one month~~ through the end of the month following the student's 26th ~~birthday~~, birthday. As used in this section, a full-time student is a student who is pursuing a course of study that represents at least the normal workload of a full-time student at a school or college accredited by the state of jurisdiction. In accordance with applicable federal law, coverage of a full-time student that loses full-time status due to illness may be extended for one year from the effective date of the loss of full-time status provided that the student was enrolled at the time of the onset of the illness.
- (2) The dependent is physically or mentally incapacitated to the extent that he or she is incapable of earning a living and (i) such handicap developed or began to develop before the dependent's 19th birthday, or (ii) such handicap developed or began to develop before the dependent's 26th birthday if the dependent was covered by the Plan in accordance with G.S. 135-45.2(5)a."

**SECTION 3.(c)** Waiting Periods Subject to Federal Law. – G.S. 135-45.3(b) reads as rewritten:

"(b) ~~Newly~~ Except as otherwise required by applicable federal law, newly acquired dependents (spouse/child) enrolled within 30 days of becoming an eligible dependent will not be subject to the 12-month waiting period for preexisting conditions. A dependent can become qualified due to marriage, adoption, entering a foster child relationship, due to the divorce of a dependent child or the death of the spouse of a dependent child, and at the beginning of each legislative session (applies only to enrolled legislators). Effective date for newly acquired dependents if application was made within the 30 days can be the first day of the following month. Effective date for an adopted child can be date of adoption, or date of placement in the adoptive parents' home, or the first of the month following the date of adoption or placement. Firefighters, rescue squad workers, and members of the national guard, and their eligible dependents, are subject to the same terms and conditions as are new employees and their dependents covered by this subdivision. Enrollments in these circumstances must occur within 30 days of eligibility to enroll."

**SECTION 3.(d)** G.S. 135-45.4(b)(5) reads as rewritten:

- "(5) To administer the 12-month waiting period for preexisting conditions under this that Article, the Plan must give credit against the 12-month period for the time a person was covered under a previous plan if the previous plan's coverage was continuous to a date not more than 63 days before the effective date of coverage. As used in this subdivision, a "previous plan" means any policy,

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certificate, contract, or any other arrangement provided by any accident and health insurer, any hospital or medical service corporation, any health maintenance organization, any preferred provider organization, any multiple employer welfare arrangement, any self-insured health benefit arrangement, any governmental health benefit or health care plan or program, or any other health benefit arrangement. Waiting periods for preexisting conditions administered under this Article are subject to applicable federal law."

**SECTION 3.(e)** Eligibility Audit. – The Executive Administrator shall provide for an audit of dependent eligibility under the Plan. The audit shall be designed to determine whether all dependents currently covered under the Plan are eligible for coverage under current law. Upon identification of an individual who is enrolled as a dependent but not eligible, the Plan shall disenroll the ineligible dependent effective within 10 days of sending written termination notice to the employee. The notice shall state the date upon which disenrollment will become effective and the basis on which the determination of dependent ineligibility is made. Notwithstanding any other provision of law, the Executive Administrator may waive requirements to collect from the member reimbursement for claims paid for the ineligible covered individual.

**SECTION 3.(f)** Cessation of Coverage of Ineligible Individuals. – G.S. 135-45.12 is amended by adding the following new subdivision to read:

"(8) The last day of the month in which a covered individual is found to be ineligible for coverage."

**SECTION 3.(g)** Documentation of Dependent Eligibility. – G.S. 135-45.3 is amended by adding the following new subsection to read:

"(c) When an eligible or enrolled member applies to enroll the member's eligible dependent child or spouse, the member shall provide the documentation required by the Plan to verify the dependent's eligibility for coverage."

#### **PART FOUR: NC HEALTH CHOICE CHANGES.**

**SECTION 4.(a)** Over-the-Counter Medications. – Coverage of over-the-counter medication authorized under G.S. 108A-70.21(d) for the NC Health Choice Program shall become effective on the later of July 1, 2010, or the date upon which the Department of Health and Human Services assumes full responsibility for administration and processing of claims under the NC Health Choice Program.

**SECTION 4.(b)** Subrogation. – For the period authorized under subsection (a) of this section, the right of subrogation under G.S. 108A-57 applies to the State Health Plan for payments made by the Plan under the NC Health Choice Program. This subsection expires on the later of July 1, 2010, or the date upon which the Department of Health and Human Services assumes full responsibility for administration, processing, and payment of claims under the NC Health Choice Program.

**SECTION 4.(c)** DHHS Subrogation Under NC Health Choice. – G.S. 108A-57 is amended by adding the following new subsection to read:

"(c) This section applies to the administration of and claims payments made by the Department of Health and Human Services under the NC Health Choice Program established under Part 8 of this Article."

**SECTION 4.(d)** G.S. 108A-70.21(g) reads as rewritten:

"(g) Purchase of Extended Coverage. – An enrollee in the Program who loses eligibility due to an increase in family income above two hundred ~~fifty percent (250%)~~ percent (200%) of the federal poverty level and up to and including two hundred ~~seventy five percent (275%)~~ twenty-five percent (225%) of the federal poverty level may purchase at full premium cost continued coverage under the Program for a period not to exceed one year beginning on the date the enrollee becomes ineligible under the income requirements for the Program. The benefits, copayments, and other conditions of enrollment under the Program applicable to extended coverage purchased under this subsection shall be the same as those applicable to an NC Kids' Care enrollee whose family income equals two hundred ~~fifty percent (250%)~~ percent (200%) of the federal poverty level."

**PART FIVE: OTHER CHANGES.**

**SECTION 5.(a)** G.S. 135-45.4(b)(2) reads as rewritten:

"(2) Employees not enrolling or not adding dependents when first eligible may enroll later on the first of any following month, but will be subject to a twelve-month waiting period for preexisting conditions except as provided in subdivision (a)(3) of this section. The waiting period under this subdivision is subject to applicable federal law."

**SECTION 5.(b)** Powers and Duties of Executive Administrator. – G.S. 135-44.4 is amended by adding the following new subdivisions to read:

"(13a) The Plan and its pharmacy benefit manager may implement and administer pharmacy and medical utilization management programs and programs to detect and address utilization abuse of benefits.

...

(29) For transplant and bariatric medical procedures, the Plan may restrict coverage to certain in-network providers that are designated by the Plan's Claims Processing Contractor.

(30) The Executive Administrator shall ensure provisions in contracts between the Plan and the Plan's Claims Processing Contractor that call for the Plan to contract with an independent auditor, selected by the Plan, to review the Claims Processing Contractor's administrative costs and services to the Plan by the Claim's Processing Contractor.

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- (31) The Plan shall conduct a monthly review of Plan costs as compared to the same month in the immediately preceding year and a comparison of projected costs and savings to actual costs and savings. The Plan shall report the results of the review to the Committee on Employee Hospital and Medical Benefits and the State Health Plan Blue Ribbon Task Force at least semiannually."

**SECTION 5.(c)** G.S. 135-44.1(b) reads as rewritten:

"(b) ~~Six~~ A majority of the members of the Board of Trustees in office shall constitute a quorum. Decisions of the Board of Trustees shall be made by a majority vote of the Trustees present, except as otherwise provided in this Part."

**SECTION 5.(d)** G.S. 135-45.9(b) reads as rewritten:

"(b) Notwithstanding any other provision of this Part, the following necessary services for the care and treatment of chemical dependency and mental illness shall be covered as provided in this section: allowable institutional and professional charges for inpatient care, outpatient care, intensive outpatient program services, partial hospitalization treatment, and residential care and treatment:

- (1) For mental illness treatment:
  - a. Licensed psychiatric ~~hospitals;~~  
hospitals or State psychiatric hospitals accredited by the Joint Commission on the Accreditation of Healthcare Organizations;
  - b. Licensed psychiatric beds in licensed general hospitals;
  - c. Licensed residential treatment facilities that have 24-hour on-site care provided by a registered nurse who is physically located at the facility at all times and that hold current accreditation by a national accrediting body approved by the Plan's mental health case manager;
  - d. Area Mental Health, Developmental Disabilities, and Substance Abuse Authorities or County Programs in accordance with G.S. 122C-141;
  - e. Licensed intensive outpatient treatment programs; and
  - f. Licensed partial hospitalization programs.
- (2) For chemical dependency treatment:
  - a. Licensed chemical dependency units in licensed psychiatric ~~hospitals;~~ hospitals or in State psychiatric hospitals accredited by the Joint Commission on the Accreditation of Healthcare Organizations;
  - b. Licensed chemical dependency hospitals;
  - c. Licensed chemical dependency treatment facilities;

- d. Area Mental Health, Developmental Disabilities, and Substance Abuse Authorities or County Programs in accordance with G.S. 122C-141;
- e. Licensed intensive outpatient treatment programs;
- f. Licensed partial hospitalization programs; and
- g. Medical detoxification facilities or units."

**SECTION 5.(e)** Section 28.22A(k) of S.L. 2007-323 reads as rewritten:

"**SECTION 28.22A.(k)** Subsection (j) of this section expires ~~June 30, 2009~~ June 30, 2011."

**SECTION 5.(f)** G.S. 135-43(b) reads as rewritten:

"(b) Notwithstanding the provisions of this Article, the Executive Administrator and Board of Trustees of the State Health Plan for Teachers and State Employees may contract with providers of institutional and professional medical care and services to establish preferred provider networks.

~~The terms pertaining to reimbursement rates or other terms of consideration of any contract between hospitals, hospital authorities, doctors, or other medical providers, or a pharmacy benefit manager and the Plan, or contracts pertaining to the provision of any medical benefit offered under the Plan, including its optional alternative comprehensive benefit plans, and programs available under the optional alternative plans, shall not be a public record under Chapter 132 of the General Statutes for a period of 30 months after the date of the expiration of the contract. The terms of a contract between the Plan and its third party administrator or between the Plan and its pharmacy benefit manager are a public record except that the terms in those contracts that contain trade secrets or proprietary or competitive information are not a public record under Chapter 132 of the General Statutes, and any such proprietary or competitive information and trade secrets contained in the contract shall be redacted by the Plan prior to making it available to the public. Provided, however, nothing in this subsection shall be deemed to~~ This subsection shall not be construed to prevent or restrict the release of any information made not a public record under this subsection to the State Auditor, the Attorney General, the Director of the State Budget, the Plan's Executive Administrator, ~~the Department of Health and Human Services solely for the purpose of implementing the transition of NC Health Choice from the Plan to the Department of Health and Human Services,~~ and the Committee on Employee Hospital and Medical Benefits solely and exclusively for their use in the furtherance of their duties and ~~responsibilities.~~ responsibilities, and to the Department of Health and Human Services solely for the purpose of implementing the transition of NC Health Choice from the Plan to the Department of Health and Human Services. The design, adoption, and implementation of the preferred provider contracts, networks, and optional alternative comprehensive health benefit plans, and programs available under the optional alternative plans, as authorized under G.S. 135-45 are not subject to the requirements of Article 3 of Chapter 143 of the General Statutes. The Executive Administrator and Board of Trustees shall make reports as requested

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to the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Committee on Employee Hospital and Medical Benefits."

**SECTION 5.(g)** The Executive Administrator of the Plan shall include in the development of its Request for Proposal (RFP) for an independent audit of the Plan, an audit of claims paid by the State Health Plan for Teachers and State Employees. One purpose of the audit is to determine whether savings to the Plan and to Plan members could be achieved if claims payments and processing were more efficiently and effectively administered. The audit shall encompass Plan years beginning in 2005, or earlier, through 2008 and shall look at claims administration and payment under the former Indemnity Plan as compared to the present PPO Plan. In developing the RFP, the Executive Administrator shall consult with the Fiscal Research Division staff and the Director of the Program Evaluation Division of the General Assembly to ensure that all of the following are addressed by the independent audit.

- (1) Estimated or actual savings that could be achieved if changes recommended by the independent auditor were enacted by the General Assembly, and how those savings should be allocated to the benefit of Plan members.
- (2) The governance structure of the Plan and whether it should be under the supervision and oversight of the Governor or a State agency.
- (3) The extent to which the failure or inability to share confidential or otherwise protected information with the Board of Directors and the General Assembly contributes to financial weaknesses in the Plan, and how such data sharing should be strengthened.
- (4) The role of the Board of Directors of the Plan and whether the role should be strengthened or otherwise changed.
- (5) Past, present, and potential areas of overpayments, overutilization, underutilization, or abuse that contributes to increasing costs of Plan benefits, including deductibles, co-payments, dependent premiums, and co-insurance maximums.
- (6) Safeguards to ensure the prompt reporting of claims data and trends to the actuaries under contract with the Plan and the General Assembly.
- (7) Any other matters the Executive Administrator, Fiscal Research Division Staff, the Director of the Program Evaluation Division, or the contracting entity believe would be useful in helping to strengthen the financial integrity of the Plan and Plan benefits.

It is the intent of the General Assembly that savings identified by the independent audit and realized through enactment by the General Assembly, and overpayments identified by the audit or by the Plan, will be allocated by the

General Assembly to minimize benefit reductions and maintain affordable contributions, deductibles, and co-payments by Plan members and to maintain the fiscal integrity of the Plan itself.

The Executive Administrator shall provide the RFP developed in accordance with this section to the Division of Purchase and Contract not later than July 1, 2009. A copy of the audit report submitted to the Plan by the contracting entity shall be provided to the Committee on Employee Hospital and Medical Benefits.

**SECTION 5.(h)** G.S. 135-45(d) reads as rewritten:

"(d) The Plan benefits shall be provided under contracts between the Plan and the claims processors selected by the Plan. The Executive Administrator may contract with a pharmacy benefits manager to administer pharmacy benefits under the Plan. Such contracts shall include the applicable provisions of G.S. 135-45.1 through G.S. 135-45.15 and the description of the Plan in the request for proposal, and shall be administered by the respective claims processor or Pharmacy Benefits Manager, which will determine benefits and other questions arising thereunder. The contracts necessarily will conform to applicable State law. If any of the provisions of G.S. 135-45.1 through G.S. 135-45.15 and the request for proposals must be modified for inclusion in the contract because of State law, such modification shall be made. The Executive Administrator shall ensure that the terms of the contract between the Plan and the Plan's Claims Processing Contractor, the Pharmacy Benefit Manager, and the Disease Management Contractor require the contractor to provide the following:

- (1) Detailed billing by each entity showing itemized cost information, including individual administrative services provided;
- (2) Transactional data; and
- (3) The cost to the Plan for each administrative function performed by the contractor."

#### **PART SIX: SALARY-RELATED CONTRIBUTIONS.**

**SECTION 6.(a)** Effective for the 2009-2011 fiscal biennium, required employer salary-related contributions for employees whose salaries are paid from department, office, institution, or agency receipts shall be paid from the same source as the source of the employees' salary. If an employee's salary is paid in part from the General Fund or Highway Fund and in part from department, office, institution, or agency receipts, required employer salary-related contributions may be paid from the General Fund or Highway Fund only to the extent of the proportionate part paid from the General Fund or Highway Fund in support of the salary of the employee, and the remainder of the employer's requirements shall be paid from the source that supplies the remainder of the employee's salary. The requirements of this section as to source of payment are also applicable to payments on behalf of the employee for hospital-medical benefits, longevity pay, unemployment compensation, accumulated leave, workers' compensation, severance pay, separation allowances, and applicable disability income benefits.

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Notwithstanding any other provision of law, an employing unit that is subject to Part 3A of Article 3A of Chapter 135 of the General Statutes and that hires or has hired as an employee a retiree that is in receipt of monthly retirement benefits from any retirement system supported in whole or in part by contributions of the State shall enroll the retiree in the active group and pay the cost for the hospital-medical benefits if that retiree is employed in a position that would require the employer to pay hospital-medical benefits if the individual had not been retired.

**SECTION 6.(b)** Effective July 1, 2009, the State's employer contribution rates budgeted for retirement and related benefits as percentage of covered salaries for the 2009-2010 fiscal year are: (i) eight and fifty-four hundredths percent (8.54%) – Teachers and State Employees; (ii) thirteen and fifty-four hundredths percent (13.54%) – State Law Enforcement Officers; (iii) eleven and eighty-six hundredths percent (11.86%) – University Employees' Optional Retirement System; (iv) eleven and eighty-six hundredths percent (11.86%) – Community College Optional Retirement Program; (v) seventeen and seventy-one hundredths percent (17.71%) – Consolidated Judicial Retirement System; and (vi) four and fifty hundredths percent (4.50%) – Legislative Retirement System. Each of the foregoing contribution rates includes four and fifty hundredths percent (4.50%) for hospital and medical benefits. The rate for Teachers and State Employees, State Law Enforcement Officers, Community College Optional Retirement Program, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan. The rates for Teachers and State Employees and State Law Enforcement Officers include sixteen-hundredths percent (0.16%) for the Death Benefits Plan. The rate for State Law Enforcement Officers includes five percent (5%) for Supplemental Retirement Income.

**SECTION 6.(c)** Effective July 1, 2010, the State's employer contribution rates budgeted for retirement and related benefits as percentage of covered salaries for the 2010-2011 fiscal year are: (i) eight and ninety-four hundredths percent (8.94%) – Teachers and State Employees; (ii) thirteen and ninety-four hundredths percent (13.94%) – State Law Enforcement Officers; (iii) twelve and twenty-six hundredths percent (12.26%) – University Employees' Optional Retirement System; (iv) twelve and twenty-six hundredths percent (12.26%) – Community College Optional Retirement Program; (v) eighteen and eleven hundredths percent (18.11%) – Consolidated Judicial Retirement System; and (vi) four and ninety hundredths percent (4.90%) – Legislative Retirement System. Each of the foregoing contribution rates includes four and ninety hundredths percent (4.90%) for hospital and medical benefits. The rate for Teachers and State Employees, State Law Enforcement Officers, Community College Optional Retirement Program, and for the University Employees' Optional Retirement Program includes fifty-two hundredths percent (0.52%) for the Disability Income Plan. The rates for Teachers and State Employees and State Law Enforcement Officers include sixteen-hundredths percent (0.16%) for the Death Benefits Plan. The rate for State Law Enforcement Officers includes five percent (5%) for Supplemental Retirement Income.

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**SECTION 6.(d)** Effective July 1, 2009, the maximum annual employer contributions, payable monthly, by the State for each covered employee or retiree for the 2009-2010 fiscal year to the State Health Plan for Teachers and State Employees are: (i) Medicare-eligible employees and retirees – three thousand four hundred forty-seven dollars (\$3,447) and (ii) non-Medicare-eligible employees and retirees – four thousand five hundred twenty-seven dollars (\$4,527).

**SECTION 6.(e)** Effective July 1, 2010, the maximum annual employer contributions, payable monthly, by the State for each covered employee or retiree for the 2010-2011 fiscal year to the State Health Plan for Teachers and State Employees are: (i) Medicare-eligible employees and retirees – three thousand seven hundred fifty-three dollars (\$3,753) and (ii) non-Medicare-eligible employees and retirees – four thousand nine hundred twenty-nine dollars (\$4,929).

**PART SEVEN: STATE HEALTH PLAN BLUE RIBBON TASK FORCE.**

**SECTION 7.(a)** State Health Plan Blue Ribbon Task Force. – There is established the Blue Ribbon Task Force on the State Health Plan for Teachers and State Employees (Task Force). The purpose of the Task Force is to review the governance of the State Health Plan for Teachers and State Employees (Plan) and to make recommendations for changes that will ensure the ongoing financial stability of the Plan, increase and maintain high participation rates for dependent coverage under the Plan, study and compare coverage and costs of the Plan to coverage and costs of other State health plans in the region, and address issues of cost, quality, and access to health care coverage under the Plan. In conducting its review of the Plan the Task Force shall consider all of the following:

- (1) The feasibility of transferring the ongoing day-to-day oversight of the Plan to an independent board or to a State agency.
- (2) Tiered premium rates for member-only coverage for employees and future retirees based on income or ability to pay.
- (3) Ways to increase participation in dependent coverage including supplements from the State or other methods for reducing dependent premiums.
- (4) The benefits of implementing a closed prescription drug formulary.
- (5) Whether it is advisable to move the Plan to a calendar year, the costs involved in the move, and the benefits that accrue to the Plan and the members as a result of moving to a calendar year.
- (6) Any other matters the Task Force considers relevant to its purpose.

**SECTION 7.(b)** The Task Force shall consist of 15 members, appointed as follows:

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- (1) Six members by the General Assembly upon the recommendation of the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives, one shall be a public schoolteacher, one shall be a State or covered local government retiree other than a retired public schoolteacher, and one at-large. Of the three legislators appointed to the Task Force, one shall be a member of the minority party.
- (2) Six members by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, three of whom shall be members of the Senate, one shall be a State employee who is not a public schoolteacher, one shall be a retired State public school employee, and one at-large. Of the three legislators appointed to the Task Force, one shall be a member of the minority party.
- (3) One member by the Governor with expertise in the business of health insurance or in administering health care services other than an insurance company or third-party administrator or contractor of the Plan.
- (4) The chair of the Board of Directors of the State Health Plan.
- (5) The Commissioner of Insurance or the Commissioner's designee.

**SECTION 7.(c)** The cochairs of the Task Force shall convene the first meeting as soon as possible after appointments have been made. The Task Force may engage the services of a consultant to provide independent analysis of Plan costs and recommendations on how to strengthen the Plan's financial stability, benefit structure and coverage, and the most effective and efficient location for Plan administration.

**SECTION 7.(d)** Upon the convening of each session of the General Assembly, the Task Force shall report its findings and recommendations to the General Assembly, the Governor, and the Committee on Employee Hospital and Medical Benefits.

**SECTION 7.(e)** A majority of the Task Force members shall constitute a quorum for the transaction of business. The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall each appoint one Task Force member as chair. Appointments shall be made as soon as possible after this act becomes law. Task Force members shall receive no compensation for their service but shall be paid per diem, subsistence, and travel expenses in accordance with G.S. 120-3.1, G.S. 138-5, and G.S. 138-6, as applicable.

**SECTION 7.(f)** The Legislative Services Officer shall allocate from a portion of the funds appropriated to the General Assembly for each fiscal year for expenses of the Task Force.

**PART EIGHT: EFFECTIVE DATE.**

**SECTION 8.** Sections 1(b), 1(c), 1(d), 2(c), 2(f), 2(h) of this act become effective July 1, 2009. Section 4(d) of this act applies to applications for the purchase of extended coverage made on and after July 1, 2008. The remainder of 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 adoption.

**CALENDAR** *(continued)*

**S.B. 827**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE FERRY DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO THE MARINE DIVISION AND TO DEFINE THE MARINE DIVISION'S RESPONSIBILITIES.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 853**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AND HAS NOTIFIED AND CONSULTED WITH OR HAS MADE A GOOD FAITH EFFORT TO NOTIFY AND CONSULT WITH BOTH THE ATTORNEY WHO INITIALLY PROSECUTED THE CASE AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION AND TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 557** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FUTURE VOLUNTEER FIREFIGHTERS & RESCUE SQUAD MEMBERS ACT OF NORTH CAROLINA.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 613**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

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The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 452** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 287** (Conference Report), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN, placed earlier on today's Calendar.

Upon motion of Senator Rand, the Senate adopts the Conference Report (29-19).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
April 22, 2009

Mr. 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. 287** (Conference Committee Substitute), AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

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Pursuant to the Senate having adopted the Conference Report for S.B. 287 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

#### WITHDRAWAL FROM CALENDAR

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES, placed on the Calendar for Thursday, April 23.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Thursday, April 23, and placed on the Calendar for Tuesday, April 28.

The Chair orders the bill withdrawn from the Calendar for Thursday, April 23, and placed on the Calendar for Tuesday, April 28.

Upon motion of Senator Basnight, seconded by Senator Davis, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Thursday, April 23, at 10:00 A.M.

#### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**S.B. 287**, AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:25 P.M.

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#### FIFTIETH DAY

Senate Chamber  
Thursday, April 23, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, you have been available to us this week healing our wounds of sorrow, helping us complete important tasks, giving us energy and vision for

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what lies ahead. We give you thanks. Now, Senator Kinnaird, the poet, W. H. Auden, wrote, 'Lovelier would this look, if my love were with me.' This Sunday when you say your vows of marriage, that saying will be fulfilled. Remember that there is always something young about love, young and innocent and beautiful. The Senate family offers our best wishes to you and Godspeed in your marriage. We know the enthusiasm and vitality you exhibit around here. Therefore, we pray for an extra measure of strength for your husband. Amen."

The Chair grants leaves of absence for today to Senator Brown and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, April 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Mary Lane from Lumberton, North Carolina, who is serving the Senate as Doctor of the Day, and to Angela Kabbe from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.*

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1097**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BEAUFORT ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, April 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 Thursday, April 30.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

**S.B. 354**, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 23, 2009

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35188, is adopted and engrossed.

Upon motion of Senator Garrou, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 452**, AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES.

**H.B. 557**, AN ACT TO ENACT THE FUTURE VOLUNTEER FIREFIGHTERS & RESCUE SQUAD MEMBERS ACT OF NORTH CAROLINA.

**H.B. 613**, AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 750**, A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15247, which changes the title to read **S.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA AND TO ENABLE THE TURNPIKE AUTHORITY TO ISSUE REFUNDING BONDS THAT ENABLE THE RESTRUCTURING AND EXTENSION OF BONDED INDEBTEDNESS, is adopted and engrossed.

April 23, 2009

Upon motion of Senator Jenkins, the Committee Substitute bill is placed on the Calendar for Tuesday, April 28.

Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns in memory of Senator Vernon Malone at 10:14 A.M. to meet Monday, April 27, at 7:00 P.M.

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### FIFTY-FIRST DAY

Senate Chamber  
Monday, April 27, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"All knowing God, a homeless person that I know came by the church today and asked for ten dollars for a prescription. I admit I hesitated before offering the money. Advocates for causes and programs ask the members here for millions of dollars to help fund their particular programs. In both of these kinds of conversations we admit that we want to discover, to hear, and to speak the truth. It seems like there is such a scarcity of truth in our culture nowadays. We ask that you forgive our cynicism and remind us of your promise that we shall know the truth and the truth shall set us free. Help us this week to let truth-telling begin with each of us. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham, Senator Bingham, Senator Davis, Senator Goodall, Senator Jenkins, Senator Rouzer, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Warner Hall, Jr. from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Lanelle Hunter from Cary, North Carolina, who is serving the Senate as Nurse of the Day.*

April 27, 2009

**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. 287**, AN ACT TO APPROPRIATE FUNDS FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO MAKE OTHER CHANGES RELATED TO THE STATE HEALTH PLAN. (Became law upon approval of the Governor, April 23, 2009 - S.L. 2009-16.)

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Stevens for the **Education/Higher Education Committee**:

**S.B. 678**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NEED-BASED PHYSICIAN ASSISTANT SCHOLARSHIPS, with a favorable report.

Pursuant to Rule 43, the bill is re-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. 148** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

Referred to the **Finance Committee**.

**H.B. 312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A

April 27, 2009

SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED PROVISIONS.

Referred to the **Judiciary II Committee**.

**H.B. 461**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 632**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS.

Referred to the **State & Local Government Committee**.

**H.B. 743**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

Referred to the **Finance Committee**.

**H.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE OR RECYCLABLE MATERIAL.

Referred to the **Commerce Committee**.

**H.B. 1014**, A BILL TO BE ENTITLED AN ACT ESTABLISHING ORGAN DONATION AWARENESS MONTH.

Referred to the **Health Care Committee**.

#### **RECALL FROM THE HOUSE OF REPRESENTATIVES**

**S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION, passed second and third readings on April 20.

Senator Rand offers a motion that S.B. 833 be recalled from the House of Representatives for further consideration by the Senate which motion prevails.

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**SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Brandon Crady, Winston-Salem; Brianna Crady, Winston-Salem; Kevin Ellis, Raleigh; Reem Hadi, Garner; Renae Hester, Manteo; Michael Horton, Fayetteville; Arrington Moore, Nashville; Caleb Pletcher, Hickory; Bethany Riddick, Manteo; Amanda Risher, Waxhaw; Olena Serpukhovitina, Mooresboro; and Tahirah Smith, Enfield.

Upon motion of Senator Basnight, seconded by Senator Apodaca, the Senate adjourns at 7:18 P.M. subject to receipt of messages from the House of Representatives, to meet Tuesday, April 28, at 3:00 P.M.

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**FIFTY-SECOND DAY**

Senate Chamber  
Tuesday, April 28, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, as children, our growth was often measured by our parents who notched our progress as we stood against a doorpost in our homes. Year after year, the marks went higher and higher. It's no wonder, as adults, that we measure success in vertical terms...upward mobility...climbing the ladder of success, while we all would aspire to the most excellent way. Remind us that it is in the more horizontal position, bowing humbly in your presence and asking forgiveness that we realize our shortcomings. Only then shall we attain true stature in your sight, O God. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, April 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

April 28, 2009

**S.B. 636**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE WATER RESOURCES DEVELOPMENT PROGRAM MAY AWARD GRANTS TO LOCAL GOVERNMENTS TO RELOCATE IMMINENTLY THREATENED STRUCTURES OR DEMOLISH CONDEMNED STRUCTURES LOCATED IN THE OCEAN OR INLET HAZARD AREAS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35299, which changes the title to read **S.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WATER RESOURCES DEVELOPMENT PROGRAM MAY BE AWARDED TO A LOCAL GOVERNMENT FOR NUISANCE ABATEMENT COSTS THAT THE LOCAL GOVERNMENT CANNOT RECOVER FROM THE OWNER OF THE NUISANCE STRUCTURE AND TO PROVIDE FOR A STUDY OF MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED STRUCTURES ON THE PUBLIC BEACH, is adopted and engrossed.

By Senator Jenkins for the **Finance Committee**:

**S.B. 691**, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER, with a favorable report.

**S.B. 871**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE MEDICAID SWAP HOLD HARMLESS, with a favorable report.

**S.B. 703**, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

By Senator Soles for the **Commerce Committee**:

**S.B. 761**, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35297, is adopted and engrossed.

**S.B. 780**, A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS

INVOLVING PERSONAL INJURY OR ILLNESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15249, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 5.

### WITHDRAWAL FROM COMMITTEE

**S.J.R. 376**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JIM LONG, FORMER COMMISSIONER OF INSURANCE AND MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on March 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, May 21, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, May 21.

### WITHDRAWAL FROM THE TABLE

**S.B. 730**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN LOCAL GOVERNMENT OFFICIALS TO RECUSE THEMSELVES FROM VOTING IN CERTAIN INSTANCES, reported by the State & Local Government Committee on April 27 with an unfavorable report and, pursuant to Senate Rule 46(a), lies upon the table.

Senator Rand offers a motion that S.B. 730 be removed from the table which motion prevails (47-0).

The bill is re-referred to the **State & Local Government Committee**.

### CALENDAR *(continued)*

**H.B. 63** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY.

April 28, 2009

The Committee Substitute bill No. 2 passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA AND TO ENABLE THE TURNPIKE AUTHORITY TO ISSUE REFUNDING BONDS THAT ENABLE THE RESTRUCTURING AND EXTENSION OF BONDED INDEBTEDNESS, upon second reading.

The Committee Substitute bill passes its second 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, Brock, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Purcell, Queen, Rouzer, Rucho, Shaw, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: Senators Brown, Nesbitt, Preston and Snow---4.

The Committee Substitute bill remains on the Calendar for Wednesday, April 29, upon third reading.

**S.B. 354** (Committee Substitute), 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.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 759**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS AND CREATING GROUNDS FOR SUPPRESSION AND DISMISSAL OF IMPAIRED DRIVING CASES BASED ON THE OPERATION OF CHECKING STATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 28, 2009

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15248, which changes the title to read **S.B. 759** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS, is adopted and engrossed.

**S.B. 953**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE PURCHASER OF FORECLOSED PROPERTY SHALL NOT DISPOSSESS OR EVICT A TENANT WHO RECEIVES SECTION 8 ASSISTANCE PRIOR TO THE EXPIRATION OF THE TENANT'S LEASE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35298, which changes the title to read **S.B. 953** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE TIME PERIOD TENANTS OF RESIDENTIAL PROPERTY SOLD UNDER POWER OF SALE MUST BE GIVEN NOTICE PRIOR TO AN ORDER FOR POSSESSION, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 458** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION.

Senator Goodall offers Amendment No. 1 which fails of adoption (14-34).

Senator Rand offers Amendment No. 2 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its second reading (41-7).

Senator Dannelly objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 29, upon third reading.

**S.B. 647** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES.

The Committee Substitute bill passes its second reading (49-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, April 29, upon third reading.

**S.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT

April 28, 2009

OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 30.

**S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### 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 11**, Establishing and Implementing a Flexible Furlough Plan for the 2008-09 Fiscal Year.

### MESSAGE FROM THE GOVERNOR

Beverly Eaves Perdue  
Governor

April 28, 2009

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 § 62-10(g), I hereby reappoint Lorinzo Joyner and Bryan Beatty to serve as members of the North Carolina Utilities Commission and submit their names for confirmation by the North Carolina General Assembly. Mrs. Joyner's and Mr. Beatty's term shall begin upon confirmation and will expire June 30, 2017.

April 28, 2009

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

Sincerely,  
S/Bev Perdue

BP: as

cc: The Honorable Marc Basnight  
The Honorable Joe Hackney  
The Honorable Walter Dalton  
Ms. Denise Weeks

Referred to the **Commerce Committee**.

### MESSAGE FROM THE GOVERNOR

Beverly Eaves Perdue  
Governor

April 28, 2009

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 § 62-10(g), I hereby appoint Tonola D. Brown-Bland to serve as a member of the North Carolina Utilities Commission and submit her name for confirmation by the North Carolina General Assembly. Mrs. Brown-Bland's term shall begin upon her taking the oath of office as required by General Statute § 62-11, and, upon confirmation, will expire June 30, 2009. Upon the expiration of her current term, I hereby reappoint Mrs. Brown-Bland to an eight-year term that will begin July 1, 2009 and will expire June 30, 2017.

Mrs. Brown-Bland will fill the seat formally held by Howard W. Lee.

Enclosed is biographical information on this appointee. Please feel free to call on her or members of my staff if you need additional information.

April 28, 2009

With kindest regards, I remain

Sincerely,  
S/Bev Perdue

BP: as

cc: The Honorable Marc Basnight  
The Honorable Joe Hackney  
The Honorable Walter Dalton  
Ms. Denise Weeks

Referred to the **Commerce Committee**.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
April 27, 2009

Mr. President:

Pursuant to your message requesting the return of **S.B. 833**, A BILL TO BE ENTITLED AN ACT TO DELINEATE THE BOUNDARIES OF THE RIVER BASINS OF NORTH CAROLINA FOR THE PURPOSE OF ALIGNING THE RIVER BASIN PLANNING PROGRAMS OF THE DIVISION OF WATER RESOURCES AND THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE 2008 REPORT OF THE WATER ALLOCATION STUDY TO THE ENVIRONMENTAL REVIEW COMMISSION, the House respectfully herewith complies.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 280**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT.

Referred to the **Finance Committee**.

April 28, 2009

**H.B. 384**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS.

Referred to the **Finance Committee**.

**H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

Referred to the **Education/Higher Education Committee**.

**H.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS.

Referred to the **State & Local Government Committee**.

**H.B. 888** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY AND TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 1164**, A BILL TO BE ENTITLED AN ACT REQUESTED BY THE COMMISSIONER OF INSURANCE TO ELIMINATE OBSOLETE DATA COLLECTION REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS.

Referred to the **Commerce Committee**.

**H.B. 1183** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING HEALTH INSURANCE AND MANAGED CARE; TO CHANGE CERTAIN HEALTH INSURANCE LAWS TO COMPORT WITH RECENT CONGRESSIONAL ENACTMENTS; TO MAKE A TECHNICAL CORRECTION IN A CREDIT INSURANCE LAW; TO CONFORM MOTOR VEHICLE INSPECTION COMPLIANCE REQUIREMENT WITH DISCONTINUATION OF STICKERS; AND TO REPEAL THE EXPIRATION DATE OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT ACT.

Referred to the **Commerce Committee**.

April 28, 2009

**H.B. 1508**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008.

Referred to the **Finance Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 386**, A BILL TO BE ENTITLED AN ACT TO MAKE THE BEST USE OF STATE RESOURCES DURING THE CURRENT ECONOMIC DOWNTURN BY TEMPORARILY RETAINING ALL STATE CORPORATE INCOME TAX REVENUE FOR SUPPORT OF GENERAL FUND OBLIGATIONS, referred to the **Appropriations/Base Budget Committee** on March 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 **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**.

#### ADDITIONAL SPONSOR

Senator Rouzer requests to be added as a sponsor of previously introduced legislation:

**S.B. 494**, A BILL TO BE ENTITLED AN ACT TO AMEND THE ANNEXATION LAWS TO REQUIRE MEANINGFUL SERVICES AND MEANINGFUL OVERSIGHT.

**S.B. 866**, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

**S.B. 912**, A BILL TO BE ENTITLED AN ACT TO STIMULATE CERTAIN HOME PURCHASES.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to introduction of bills and resolutions, to meet Wednesday, April 29, at 12:30 P.M.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Joint resolutions are filed for introduction today, the rules are suspended and they are read the first time, and disposed of, as follows:

April 28, 2009

By Senator Jones:

**S.J.R. 1099**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HERTFORD COUNTY ON THE OCCASION OF THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Rand; and Hoyle:

**S.J.R. 1100**, A JOINT RESOLUTION DECLARING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM A NORTH CAROLINA INSTITUTION AND CONGRATULATING THEM ON SIGNIFICANT ACCOMPLISHMENTS RESULTING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP.

The joint resolution is placed on the Calendar for Wednesday, April 29.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:01 P.M.

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### FIFTY-THIRD DAY

Senate Chamber  
Wednesday, April 29, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, in *Pilgrim's Progress*, John Bunyan wrote: 'A man there was, tho' some did count him mad, the more he cast away the more he had.' It is a spiritual paradox, O God, that when we give to others what you have given to us, it is we who receive the blessing. Our generosity may be measured simply in an act of kindness, attentive listening, a word of affirmation. Lord, we don't want to hunker down and hoard what you have given to us. May others know you because they see your love expressed generously through us this day. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, April 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

April 29, 2009

*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 Jennifer Warren from Kernersville, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 832**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55346, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 925**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING WATER THAT IS OFFERED FOR SALE BY A BUSINESS IS AN UNFAIR TRADE PRACTICE, with a favorable report.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC, with a favorable report.

**S.B. 138**, A BILL TO BE ENTITLED AN ACT TO CLASSIFY SALVIA DIVINORUM AS A SCHEDULE I CONTROLLED SUBSTANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55345, which changes the title to read **S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE, DELIVERY, OR POSSESSION OF SALVIA DIVINORUM, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

April 29, 2009

By Senator Soles for the **Commerce Committee**:

**S.B. 68**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN 1,000 FEET OF A PUBLIC SCHOOL OR A NONPUBLIC SCHOOL AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C 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 55349, which changes the title to read **S.B. 68** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES, is adopted and engrossed. Upon adoption of the Committee Substitute, the bill becomes a local bill.

### CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

**S.B. 871**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE MEDICAID SWAP HOLD HARMLESS.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 30.

### APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Dannelly, Deputy President *Pro Tempore*, who announces the appointment of Senator Atwater; Senator Berger of Franklin; Senator Dannelly; Senator Foriest; Senator Forrester; Senator Hartsell; Senator Garrou; Senator Kinnaird; Senator Nesbitt; Senator Purcell; Senator Stevens and Senator Vaughan as the Committee to escort the University of North Carolina Men's Basketball Team, coaches, and staff to the Well of the Senate.

### CALENDAR *(continued)*

**S.J.R. 1100**, A JOINT RESOLUTION DECLARING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM A NORTH CAROLINA INSTITUTION AND CONGRATULATING THEM ON SIGNIFICANT ACCOMPLISHMENTS RESULTING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP.

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.

April 29, 2009

Upon motion of Senator Rand, the joint resolution is read in its entirety.

The joint resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

The Chair extends the privileges of the floor to the University of North Carolina Men's Basketball Team players, coaches, and staff, who introduce themselves as follows: Tyler Hansbrough; Danny Green; Bobby Frasier; Michael Copeland; Marcus Ginyard; William Graves; Marc Campbell; Tywon Lawson; Wayne Ellington; Deon Thompson; Patrick Moody; JB Tanner; Jack Wooten; Tyler Zeller; Justin Watts; Ed Davis; Larry Drew II; Roy Williams, Head Coach; Steve Robinson, Assistant Coach; CB McGrath, Assistant Coach; Brandon Rhodes, Manager; Ryan Riedel, Manager; Zac Lagod, Manager; Molly Brenner, Manager; Sean Stout, Manager; Chris Hirth, Trainer; Dick Baddour, Athletic Director and Jonas Sahratian, Strength Coach.

The President recognizes the Committee to escort the guests from the Chamber.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 327**, AN ACT AMENDING THE CHARTER OF THE TOWN OF GATESVILLE TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

**H.B. 63**, AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 632**, A BILL TO BE ENTITLED AN ACT TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15250, is adopted and engrossed.

April 29, 2009

**S.B. 754**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF FEDERAL ECONOMIC STIMULUS LEGISLATION ALSO KNOWN AS THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRTA), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55347, which changes the title to read **S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), is adopted and engrossed.

**S.B. 405** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS BY REQUIRING A REPORT OF SALES INFORMATION WHEN REAL PROPERTY IS TRANSFERRED, 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, 75240, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 750** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA AND TO ENABLE THE TURNPIKE AUTHORITY TO ISSUE REFUNDING BONDS THAT ENABLE THE RESTRUCTURING AND EXTENSION OF BONDED INDEBTEDNESS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brunstetter, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, McKissick, Purcell, Queen, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: Senators Berger of Rockingham, Brown, Jacumin, Kinnaird, Nesbitt and Preston---6.

The Committee Substitute bill is ordered sent to the House of Representatives.

April 29, 2009

**S.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FUNDS IN THE WATER RESOURCES DEVELOPMENT PROGRAM MAY BE AWARDED TO A LOCAL GOVERNMENT FOR NUISANCE ABATEMENT COSTS THAT THE LOCAL GOVERNMENT CANNOT RECOVER FROM THE OWNER OF THE NUISANCE STRUCTURE AND TO PROVIDE FOR A STUDY OF MEASURES TO MITIGATE THE IMPACT OF EROSION-THREATENED STRUCTURES ON THE PUBLIC BEACH.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 691**, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 703**, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER.

The bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 759** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS.

The Committee Substitute bill passes its second reading (40-7).

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, April 30.

**S.B. 761** (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.

The Committee Substitute bill passes its second reading (44-3).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, April 30, upon third reading.

**S.B. 780** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY

ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 953** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE TIME PERIOD TENANTS OF RESIDENTIAL PROPERTY SOLD UNDER POWER OF SALE MUST BE GIVEN NOTICE PRIOR TO AN ORDER FOR POSSESSION.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 458** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION, as amended on second reading on April 28.

The Committee Substitute bill, as amended, passes its third reading (41-5) and is ordered engrossed and sent to the House of Representatives.

**S.B. 647** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES.

The Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE, referred to the **Health Care Committee** on April 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Health Care Committee** and re-referred to the **Mental Health & Youth Services Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Health Care Committee** and re-refers the measure to the **Mental Health & Youth Services Committee**.

April 29, 2009

**S.B. 526**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT, referred to the **Education/Higher Education Committee** on March 12.

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 **Mental Health & Youth Services 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 **Mental Health & Youth Services Committee**.

**S.J.R. 1098**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE EDWARD BROWN, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on April 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, April 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 Thursday, April 30.

Upon motion of Senator Dannelly, seconded by Senator Brown, the Senate adjourns subject to receipt of committee reports, to meet Thursday, April 30, at 11:00 A.M.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**H.B. 2** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT, 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 10896, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 3:32 P.M.

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April 29, 2009

**FIFTY-FOURTH DAY**

Senate Chamber  
Thursday, April 30, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Lord, it's not always easy to follow you. You take us places we would never have gone on our own. You lead us down paths that are tough to walk sometimes. So we ask that you strengthen us by your grace to follow you, despite the cost; to walk with you wherever you lead; to obey you whatever your command. We also ask that you grant traveling mercies now to the members as they return to their homes later today and tomorrow. Amen."

The Chair grants a leave of absence for today to Senator Shaw.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, April 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Preecha Bhotiwihok from Kinston, North Carolina, who is serving the Senate as Doctor of the Day, and to Kristie King from Asheville, North Carolina, who is serving the Senate as Nurse of the Day.*

**CHAPTERED BILLS**

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 327**, AN ACT AMENDING THE CHARTER OF THE TOWN OF GATESVILLE TO EXTEND THE TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS. (Became law upon ratification, April 29, 2009 - S.L. 2009-17.)

**H.B. 63**, AN ACT TO MODIFY THE OPTIONS FOR DISTRIBUTION OF THE LOCAL SALES TAXES IN ONSLOW COUNTY. (Became law upon ratification, April 29, 2009 - S.L. 2009-18.)

April 30, 2009

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 97**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE, with a favorable report.

By Senator East for the **State & Local Government Committee**:

**S.B. 521**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN LINCOLN 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 85202, which changes the title to read **S.B. 521** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN LINCOLN AND WAYNE COUNTIES, is adopted and engrossed.

**S.B. 528**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF KINGS MOUNTAIN 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 55348, which changes the title to read **S.B. 528** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF FOREST CITY AND LAKE LURE TO ALLOCATE GENERAL FUND PROCEEDS DISTRIBUTED TO THE TOWN FROM A LOCAL ABC BOARD TO SCHOOLS WITHIN THE MUNICIPALITY, is adopted and engrossed.

**S.B. 968**, A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN 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 75239, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

April 30, 2009

By Senator Graham for the **Mental Health & Youth Services Committee:**

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE, with a favorable report.

**S.B. 526**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE 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 15254, which changes the title to read **S.B. 526** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT, is adopted and engrossed.

### CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

April 30, 2009

**S.J.R. 1097**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BEAUFORT ON THE TOWN'S THREE 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.

Upon motion of Senator Preston, the joint resolution is read in its entirety.

The joint resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading 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 The Honorable Richard Stanley, Mayor of Beaufort, and his wife, Lucia; Hunter Chadwick, Tom Steepy, and Ann Carter, former Mayors of Beaufort; John Hagle, Marianna Hollinshed and her husband Joe, town commissioners; Charles McDonald, town board member; Janet Grainge, public relations; Graydon Paul and Paul Pulley.

**S.J.R. 1098**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE EDWARD BROWN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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 (48-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Goss the Chair extends the courtesies of the gallery to the family of Mr. Brown, Sarah Otey, his daughter; Glenn Johnston, his grandson; and Grayson Johnston, his great grandson.

The Senate recesses at 11:25 A.M. to reconvene at 11:45 A.M. subject to receipt of messages from the House of Representatives.

### RECESS

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 205** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT.

Referred to the **Finance Committee**.

April 30, 2009

**H.B. 616** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS.

Referred to the **Judiciary II Committee**.

**H.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS.

Referred to the **State & Local Government Committee**.

**H.B. 937**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS.

Referred to the **Judiciary I Committee**.

**H.B. 1037**, A BILL TO BE ENTITLED AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES.

Referred to the **Judiciary II Committee**.

**H.B. 1039** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO REVISE THE "TRANSCRIPT OF PLEA" FORM PROVIDED TO A DEFENDANT WHO ENTERS A PLEA OF GUILTY OR NO CONTEST TO MORE CLEARLY ADDRESS THE RIGHT OF APPEAL LIMITATIONS AND SHORTER BIOLOGICAL EVIDENCE PRESERVATION TIME FRAME THAT MAY APPLY AS A RESULT OF THE PLEA.

Referred to the **Judiciary II Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

#### **CALENDAR** *(continued)*

**S.B. 68** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES.

April 30, 2009

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

**S.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 5.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 5.

**H.B. 2** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 6.

**S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 4, upon third reading.

April 30, 2009

**S.B. 405** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS BY REQUIRING A REPORT OF SALES INFORMATION WHEN REAL PROPERTY IS TRANSFERRED.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 632** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 710**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR THE OFFENSE OF OBTAINING PROPERTY BY FALSE PRETENSES WHEN THE MONEY OR PROPERTY OBTAINED IS VALUED BETWEEN FIVE THOUSAND DOLLARS AND ONE HUNDRED THOUSAND DOLLARS, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

### CALENDAR *(continued)*

**S.B. 832** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COASTAL RESOURCES COMMISSION MAY AUTHORIZE THE CONSTRUCTION OF A TERMINAL GROIN BY VARIANCE IF CERTAIN CRITERIA ARE MET.

April 30, 2009

*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 reading (37-10) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 871**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CALCULATION OF THE MEDICAID SWAP HOLD HARMLESS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 925**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DECEPTIVE MISREPRESENTATION OF NORTH CAROLINA NATURAL SPRING WATER THAT IS OFFERED FOR SALE BY A BUSINESS IS AN UNFAIR TRADE PRACTICE.

The bill passes its second reading (39-9) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 759** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LAW ENFORCEMENT AGENCIES TO DESIGNATE PATTERNS IN WRITING FOR STOPPING VEHICLES AT CHECKING STATIONS.

The Committee Substitute bill passes its third reading (37-11) and is ordered sent to the House of Representatives.

**S.B. 761** (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.

The Committee Substitute bill passes its third reading (44-4) and is ordered sent to the House of Representatives.

#### **WITHDRAWAL FROM COMMITTEE**

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE, re-referred to the **Appropriations/Base Budget Committee** on April 30.

April 30, 2009

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, May 5, 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, May 5.

Upon motion of Senator Basnight, seconded by Senator Goss, the Senate adjourns at 12:35 P.M. subject to receipt of messages from the House of Representatives, to meet Monday, May 4, at 7:00 P.M.

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### FIFTY-FIFTH DAY

Senate Chamber  
Monday, May 4, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, even at the beginning of a week in the relative quiet of a Monday evening session, prayer, at times, may be hard work. Our minds wander. We can't seem to focus on our real concern. Are our efforts getting beyond the ceiling? Maybe this is not doing any good. Such thoughts reflect our struggle with becoming open to you, O God. They are the price of admission to the mystery of your hiddenness and the sweat that comes with the exercise of our prayer each day. So help us to work hard and pray hard this week. You'll make yourself known amidst our good effort. Amen."

The Chair grants a leave of absence for tonight to Senator Nesbitt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, April 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor 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 joint resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

May 4, 2009

**S.J.R. 1097**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF BEAUFORT ON THE TOWN'S THREE HUNDREDTH ANNIVERSARY. (Res. 12)

**S.J.R. 1098**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WADE EDWARD BROWN, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 13)

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 452**, AN ACT TO MAKE STATEWIDE A LOCAL ACT AUTHORIZING MUNICIPALITIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF ITS OVERGROWN VEGETATION ORDINANCES. (Became law upon approval of the Governor, April 30, 2009 - S.L. 2009-19.)

**H.B. 613**, AN ACT PROVIDING THAT CONSENT OF THE STATE IS NOT GRANTED TO THE UNITED STATES FOR ACQUISITION OF LAND FOR AN OUTLYING LANDING FIELD IN A COUNTY OR COUNTIES WHICH HAVE NO EXISTING MILITARY BASE AT WHICH AIRCRAFT SQUADRONS ARE STATIONED. (Became law upon approval of the Governor, April 30, 2009 - S.L. 2009-20.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 760**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ASSESSMENT OF A CIVIL PENALTY PRIOR TO THE RESTORATION OF THE LAND FOR CONTINUING VIOLATIONS UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 AND, FOR VIOLATORS WHO FAIL TO CONTEST THE AMOUNT OF THE PENALTY FOR CONTINUING VIOLATIONS WITHIN THIRTY DAYS AFTER THE PENALTY IS DUE, TO BAR SUBSEQUENT CHALLENGES OF THE AMOUNT OF THE PENALTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75243, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

May 4, 2009

**S.B. 778**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY 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 75241, is adopted and engrossed.

**S.B. 881**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75244, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 998**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON BEACH MANAGEMENT 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 75242, which changes the title to read **S.B. 998** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY EXISTING LAWS AND POLICIES RELATED TO THE USE OF TEMPORARY EROSION CONTROL STRUCTURES TO PROTECT IMMINENTLY THREATENED ROADS AND BUILDINGS, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**S.B. 43**, A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85205, is adopted and engrossed.

May 4, 2009

**S.B. 448**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE 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 85206, is adopted and engrossed.

**S.B. 460**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE COMMERCIAL BREEDING OF DOGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75248, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 1029**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE 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 75247, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

**S.B. 97**, A BILL TO BE ENTITLED AN ACT TO ALLOW PARKS AND RECREATION AS AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85204, which changes the title to read **S.B. 97** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING, CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, AND EXEMPT PRIVATE ENTITIES THAT IMPLEMENT PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS, is adopted and engrossed.

**S.B. 967** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN DAVIDSON, MONTGOMERY, ROWAN, AND STANLY COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF

BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC 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, 15253, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 709**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35303, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 521** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN LINCOLN AND WAYNE COUNTIES.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 528** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF FOREST CITY AND LAKE LURE TO ALLOCATE GENERAL FUND PROCEEDS DISTRIBUTED TO THE TOWN FROM A LOCAL ABC BOARD TO SCHOOLS WITHIN THE MUNICIPALITY.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is re-referred to the **Mental Health & Youth Services Committee**.

May 4, 2009

**WITHDRAWAL FROM COMMITTEE**

**S.B. 1018**, A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC BAG USE IN NORTH CAROLINA, referred to the **Agriculture/Environment/Natural Resources Committee** on March 26.

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 **State & Local Government 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 **State & Local Government Committee**.

**CALENDAR** (*continued*)

**S.B. 754** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 526** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE,

May 4, 2009

OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 5.

**H.B. 97**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### **SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Marlie Baker, Cary; Chassity Bobbitt, Raleigh; Lauren Deville, Waxhaw; Katelyn Garbarino, Waxhaw; Trey Govan, Manteo; Tirzah Hansen, Manteo; Gizelle Harris, Wendell; Sarah Hinnant, Wendell; Ivan Howard, Manteo; Emma Jones, Smithfield; Gaired Jordan, Kernersville; Jared Knecht, Wilmington; Caroline Lowcher, Nags Head; Candace McMurrin, Manteo; Seth Riggins, Garner and Adam Welch, Four Oaks.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

May 4, 2009

**H.J.R. 343**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROSCOE JACOBS, SR., FORMER CHIEF OF THE WACCAMAW SIOUAN TRIBE.

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 (43-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

Upon motion of Senator Soles, the Chair extends the courtesies of the gallery to the family and friends of Roscoe Jacobs: Sammie and Jean Jacobs, Elton and Ellen Jacobs, Chris and Joy Rector, Sandon and Brandi Jacobs, Kaylee Jacobs, Reah Jacobs, Christy Young, Tucker and Baily Rector, Brenda Moore, Leslie Jones, Charles Wittermore, Greg Richardson and Bruce Jones.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 877**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS TO CONTAIN CERTAIN TERMS AND CONDITIONS, referred to the **Commerce Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Health Care Committee**.

**S.B. 324**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS, re-referred to the **Appropriations/Base Budget Committee** on March 11.

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 Wednesday, May 6, 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 Wednesday, May 6.

#### ADDITIONAL SPONSOR

Senator Davis requests to be added as a sponsor of previously introduced legislation:

May 4, 2009

**S.B. 375**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS.

**S.B. 521**, A BILL TO BE ENTITLED AN ACT EXPANDING PERMITTED USES OF 911 FUNDS IN LINCOLN COUNTY.

Upon motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns subject to receipt of messages from the House of Representatives and messages from the Governor, to meet Tuesday, May 5, at 3:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to the **Finance Committee**.

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT.

Referred to the **Finance Committee**.

**H.J.R. 690** (Committee Substitute), A JOINT RESOLUTION HONORING FALLEN MEMBERS OF THE SALISBURY FIRE DEPARTMENT.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 760**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 766** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

Referred to the **Rules and Operations of the Senate Committee**.

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**H.B. 799** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INTERESTS IN A JOINT TENANCY WITH A RIGHT OF SURVIVORSHIP MAY BE HELD IN UNEQUAL SHARES.

Referred to the **Judiciary II Committee**.

**H.B. 870**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MEMBER OF THE BOARD OF COMMISSIONERS OF STANLY COUNTY WHO SERVES AS A MEMBER OF THE STANLY COUNTY AIRPORT AUTHORITY SERVES AT THE PLEASURE OF THE BOARD OF COMMISSIONERS, TO PROVIDE THE SAME FOR THE CHAIRMAN OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION, AND TO ALLOW THE STANLY COUNTY BOARD OF COMMISSIONERS TO DESIGNATE AN ALTERNATE FOR BOTH THOSE POSITIONS.

Referred to the **State & Local Government Committee**.

**H.B. 896**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CANCER COMPENDIA STATUTE TO REFLECT NEW COMPENDIA THAT ARE AVAILABLE.

Referred to the **Health Care Committee**.

**H.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION AMONG AGENCIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ORDER TO CONDUCT QUALITY ASSESSMENT AND IMPROVEMENT ACTIVITIES AND COORDINATE APPROPRIATE AND EFFECTIVE CARE, TREATMENT, OR HABILITATION OF DHHS CLIENTS.

Referred to the **Health Care Committee**.

**H.B. 1000**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE COUNTIES OF ALLEGHANY AND SURRY MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

Referred to the **Finance Committee**.

**H.B. 1010**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF GREENSBORO REGARDING APPOINTMENT OF THE CITY ATTORNEY.

Referred to the **State & Local Government Committee**.

**H.B. 1034** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE.

Referred to the **Commerce Committee**.

**H.B. 1221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL, DEPARTMENT OF PUBLIC INSTRUCTION, NORTH CAROLINA COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AN EMPLOYEE BENEFITS STATEMENT THAT REFLECTS THE CURRENT VALUE OF EMPLOYEE BENEFITS PROVIDED TO STATE, PUBLIC SCHOOL, AND COMMUNITY COLLEGE EMPLOYEES.

Referred to the **Pensions & Retirement and Aging Committee**.

**H.B. 1314**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE INSURANCE COMMISSIONER'S ABILITY TO MONITOR THE FINANCIAL CONDITION OF INSURERS.

Referred to the **Commerce Committee**.

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY.

Referred to the **Education/Higher Education Committee**.

**H.J.R. 1517**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP.

Referred to the **Rules and Operations of the Senate Committee**.

#### MESSAGE FROM THE GOVERNOR

#### STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR

20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

The Honorable Walter Dalton  
Lt. Governor  
310 N. Blount Street  
Raleigh, NC 27601

The Honorable Joe Hackney  
Speaker - NC House of Representatives  
2007 Legislative Building  
Raleigh, NC 27601

The Honorable Marc Basnight  
President Pro Tempore - NC Senate  
2007 Legislative Building  
Raleigh, NC 27601

Ms. Linda Coleman  
Director of State Personnel  
1331 Mail Service Center  
Raleigh, NC 27699-1331

Dear Lt. Governor Dalton, Speaker Hackney, Senator Basnight and Ms. Coleman:

May 4, 2009

Please find enclosed two lists of positions that I am exempting from the State Personnel Act pursuant to the authority granted to me by N.C. G. S. 126-5(d) (1). Attachment A includes those positions being designated as exempt policy-making, and Attachment B includes those positions being designated as exempt managerial.

Please feel free to contact me if you have any questions.

Sincerely  
S/Bev Perdue

/srn

Cc: NC House Principal Clerk Denise Weeks  
NC Senate Principal Clerk Janet Pruitt

Enclosures

**Attachment A**

Positions exempt as policy-making per G.S. 126-5(d) (1):

Department of Administration

1. Executive Director, NC Council For Women and Domestic Violence Commission
2. Engineering Director
3. Senior Deputy Secretary for Governmental Operations
4. Public Safety Director
5. Deputy Secretary for Advocacy and Internal Services
6. Energy Division Director
7. State Purchase and Contract Director
8. Assistant to the Secretary for HUB Outreach
9. Real Property Officer
10. Director, Human Relations Council

Department of Commerce (excluding ESC)

1. Director Business Retention/Expansion
2. Deputy Secretary
3. Assistant Secretary for Community Development
4. General Counsel and Chief Legislative Liaison
5. Assistant Secretary for Administration
6. Assistant Secretary for Tourism, Marketing and Global Branding
7. Arc Manager
8. Director of Industrial Recruiting
9. Administrator, Industrial Commission

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Employment Security Commission

1. Assistant Chairman for Organizational Effectiveness
2. Deputy Chairman and Chief Operating Officer
3. Assistant Chairman for Finance and Administration

Department of Correction

1. Federal Legislative Analyst
2. Deputy Secretary
3. Assistant Secretary for Legal Affairs
4. Deputy Secretary
5. Deputy Secretary
6. Deputy Director for Substance Abuse Services
7. Director, Community Corrections
8. Director of Prisons
9. Director, Correction Enterprise

Department of Crime Control & Public Safety

1. ALE Director
2. Director, Emergency Management
3. Executive Director, GCC
4. Assistant Secretary for Administration
5. General Counsel
6. Deputy Division Director, NC National Guard
7. Commander, NC Highway Patrol
8. Special Assistant to the Secretary
9. Deputy Secretary

Department of Cultural Resources

1. Deputy Secretary
2. Director, State Historic Sites
3. Director, State Library
4. Executive Director, NC Arts Council

Department Environment, Health and Natural Resources

1. Assistant Secretary of Natural Resources
2. Director, Soil and Water
3. Director, Forest and Resources
4. Legislative Liaison
5. General Counsel/Assistant Secretary for Information Systems
6. Assistant Secretary for Environment
7. Director of Water Quality
8. Director, Coastal Management
9. Director, Water Resources

Department of Health and Human Services

1. Director, Office of Legal Affairs
2. Deputy Secretary for Long Term Care and Family Services

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3. Director, Office of Intergovernmental Relations
4. Assistant Secretary, Finance and Business Operations
5. Senior Advisor
6. Director, Division of Aging and Adult Services
7. Director, Division of Child Development Services
8. Director, Office of Education Services
9. State Health Director
10. Director, Division of Social Services
11. Director, Division of Medical Assistance
12. Senior Deputy Director for Clinical Affairs
13. Deputy Director for Budget and Finance
14. Deputy Director for Clinical Operations
15. Legal Health Policy Advisor
16. Assistant Director, Clinical Policies and Programs
17. Director, Division of Service for the Blind
18. Director, Division of Service for the Deaf/Hard of Hearing
19. Director, Division of Mental Health/Development Disabilities/ Substance Abuse
20. Co-Director, Division of Mental Health/Development Disabilities/ Substance Abuse
21. Physician Director III-C
22. Chief, State Operated Services
23. Chief, Community Policy Management
24. Chief, Advocacy and Customer Service
25. Director, Division of Health Service Regulation Services

Department of Juvenile Justice and Delinquency Prevention

1. Deputy Secretary of Administrative Services
2. Deputy Secretary for Facility Program Services
3. Deputy Secretary for Community Programs
4. Deputy Secretary for Court Services
5. Deputy Secretary for Facility Operations

Department of Revenue

1. Director, Information Technology
2. Deputy Secretary for Tax Administration
3. Deputy Secretary for Tax Compliance
4. Deputy Secretary for Business Systems

Department of Transportation

1. Deputy Secretary for Administration
2. Deputy Secretary for Transit
3. Deputy Secretary for Intergovernmental Affairs and Budget Coordination
4. Legislative Affairs Program Manager
5. DMV/DOT Legislative Liaison
6. Chief Information Officer

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7. Chief Financial Officer
8. Governor's Highway Safety Program Director
9. State Highway Administrator
10. Chief Engineer, Operations
11. Special Counsel to the Secretary
12. Deputy Secretary for Internal and External Affairs
13. Director of Technical Services
14. Assistant Commissioner, DMV
15. Coordinator of Strategic Initiatives
16. Department Policy Officer

**Attachment B** Positions exempt as managerial per G.S. 126-5(d) (1):

Department of Administration

1. Management Engineer II
2. Facility Maintenance Director
3. Director, Motor Fleet Management
4. Director, Commission on Indian Affairs
5. Human Resources Director
6. Assistant Secretary, Veterans Affairs
7. Accounting Director
8. Information Technology Manager

Department of Commerce (excluding ESC)

1. Community Relations Manager
2. Director, Human Resources
3. Chief Financial Officer
4. Assistant Secretary, Policy, Research and Strategy
5. Director, Tourism Programs
6. Director, Film Industry Development
7. Director, International Trade
8. Director, Commerce Finance Center
9. Director, Community Assistance
10. Chief Information Officer
11. Executive Director, Policy and Employment

Employment Security Commission

1. Chief Appeals Referee
2. Unemployment Insurance Director
3. Director of Finance and Budget
4. Information Systems Director
5. Employment Services Deputy Director
6. Unemployment Insurance Deputy Director
7. Employment Services Director
8. Deputy Commissioner and Attorney Supervisor
9. Director of Public Affairs

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10. Director of Support Services
11. Director of Labor Market Information
12. Personnel Director
13. Organizational Effectiveness Director
14. Information Systems Deputy Director

Department of Correction

1. Correction Training Director
2. Accounting Manager
3. Information Systems Director
4. Victim Services Director
5. Senior Special Assistant
6. Agency Controller
7. Parole Commission and Pardon Analyst
8. Parole Commission Administrator
9. Human Resources Director
10. Facility Engineering Director
11. Correctional Research and Planning Manager
12. Program Development Coordinator
13. Program Development Coordinator
14. Assistant Director, Division of Community Correction
15. Judicial Division Administrator
16. Correctional Administrator II
17. Division of Community Correction Executive Officer
18. Judicial Administrator
19. Judicial Administrator
20. Judicial Administrator
21. Division of Prisons Correctional Administrator II
22. Division of Prisons Correctional District Manager
23. Division of Prisons Correctional Administrator II
24. Division of Prisons Prison Warden
25. Division of Prisons Correctional Administrator II
26. Division of Prisons Correctional Administrator II
27. Division of Prisons Prison Warden
28. Division of Prisons Correctional Administrator II
29. Division of Prisons Correctional Administrator II
30. Division of Prisons Correctional Administrator II

Department of Crime Control & Public Safety

1. ALE Assistant Director for Professional Standards
2. ALE Assistant Director for Training
3. ALE Deputy Director for Administration
4. ALE Deputy Director for Operations
5. Butner Public Safety Director
6. Civil Air Patrol Administrator
7. Assistant Secretary, Criminal Justice Information Technology

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8. Controller
9. Human Resources Director
10. Information Technology Director
11. Law Enforcement Support Services, Program Development Coordinator
12. Victims Compensation Services, Program Development Coordinator
13. Highway Patrol Major
14. Highway Patrol Major
15. Highway Patrol Major
16. Highway Patrol Major
17. Highway Patrol Major
18. Highway Patrol Major
19. Highway Patrol Lieutenant Colonel, Director of Field Operations
20. Highway Patrol Deputy Commander

Department of Cultural Resources

1. Director, Develop/Grant Writing
2. IT Manager
3. Engineering/Architectural Support
4. Human Resources
5. Business Officer
6. Internal Auditor
7. Program Development Coordinator
8. Director, Historical Resources
9. Director of Internal Operations

Department Environment, Health and Natural Resources

1. Director, Marine Fisheries
2. Director, Parks and Recreation
3. Director, Ecosystem Enhancement Program
4. Director, Land Resources
5. Director, Waste Management
6. Director, Air Quality
7. Director, Environment/Health
8. Director, Zoological Park
9. Director, Museum of Natural Sciences
10. Director of Aquariums
11. Director, Environment Education
12. Director, Purchases and Services
13. Director, Center for Geographic Information Analysis
14. Director, Budget, Planning & Analysis
15. Director, Controller's Office
16. Director, Human Resources
17. Director of Customer Service
18. Regional Office Administrator
19. Director of Pollution Prevention & Environmental Assistance

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Department of Health and Human Services

1. Director, R.J. Blackley ADATC
2. Assistant Director, State Operated Services, MH/DD/SS
3. Director, ADATC
4. Director, ADATC
5. Director, Longleaf NMT Center
6. Director, Black Mountain NMT Center
7. Controller
8. Director, Division of Budget & Analysis
9. Director, Division of Property & Construction
10. Director, Office of Citizen Services
11. Director, Office of Economic Opportunity
12. Director, Division of Information Resources Management
13. Director, Office of RH & Community Care
14. Director, Western School for the Deaf
15. Director, Eastern School for the Deaf
16. Director, Governor Morehead School
17. Medical Director, DMA
18. Dental Director, DMA
19. Business Officer, DMA
20. Assistant Director for the Budget, DMA
21. Director, Wright School
22. Director, CRH - Raleigh Campus
23. Director, Broughton Hospital
24. Director, Cherry Hospital
25. Director, John Umstead Hospital
26. Director, J. Iverson Riddle Development Center
27. Director, O'Berry NMT Center
28. Director, Murdoch Developmental Center
29. Director, Caswell Developmental Center

Department of Juvenile Justice and Delinquency Prevention

1. Human Resources Director
2. Legislative Affairs Program Manager
3. Budget Manager
4. Information Systems Director
5. Director of Education Services
6. Accounting Manager/Controller
7. Area Administrator/Eastern
8. Area Administrator/Central
9. Area Administrator/Piedmont
10. Area Administrator/Western
11. Youth Development Center Director
12. Youth Development Center Director
13. Youth Development Center Director
14. Youth Development Center Director

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15. Youth Development Center Director
16. Youth Development Center Director
17. Director of Detention Services

Department of Revenue

1. Tax Administrator, Motor Fuels
2. Human Resources Director
3. Tax Administrator, Policy Analysis and Statistics
4. Tax Administrator, Personal Taxes
5. Tax Administrator, Property Tax
6. Tax Administrator, Sales and Use Tax
7. Tax Administrator, Taxpayer Assistance
8. Tax Administrator, Collections
9. Tax Administrator, Examinations
10. Tax Administrator, Financial Services
11. Tax Administrator, Documents and Payment Processing
12. Tax Administrator, Corporate, Excise and Insurance Tax

Department of Transportation

1. Governance Office Director
2. Director of Preconstruction
3. Human Resources Director
4. Director of Aviation
5. Highway Division Engineer
6. Highway Division Engineer
7. Highway Division Engineer
8. Highway Division Engineer
9. Highway Division Engineer
10. Highway Division Engineer
11. Highway Division Engineer
12. Highway Division Engineer
13. Highway Division Engineer
14. Highway Division Engineer
15. Highway Division Engineer
16. Highway Division Engineer
17. Highway Division Engineer
18. Highway Division Engineer
19. Director of Field Operations
20. Director of Asset Management
21. Director of Construction
22. State Design Engineer
23. State Traffic Engineer
24. DOT Right of Way Branch Manager
25. Manager of Program Development
26. Director, Rail Division
27. Director, Ferry Division

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28. Director License & Theft Bureau
29. Director, Driver License
30. Director, Public Transportation

Referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:57 P.M.

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## FIFTY-SIXTH DAY

Senate Chamber  
Tuesday, May 5, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, some days everything about our relationship and journey with you seems to go just as you and we would like. We're authentic in our dealings with others, non-judging, humble, compassionate. Other days, it's a struggle. We feel like a child who prays, 'God I'm doing the best I can.' On those days we find ourselves saying one thing with our words and doing another with our actions. We criticize others for that which we allow in ourselves. The next time we throw our hands up in exasperation and say, 'We're doing the best we can,' what we mean is, 'We want to do better.' That's our prayer today. Help us to do better. Amen."

The Chair grants a leave of absence for today to Senator Blake.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Ericka Everly from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

## ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

May 5, 2009

**H.B. 97**, AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE.

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. 499**, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGECOMBE COUNTY.

**H.J.R. 343**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROSCOE JACOBS, SR., FORMER CHIEF OF THE WACCAMAW SIOUAN TRIBE. (Res. 14)

#### 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. 557**, AN ACT TO ENACT THE FUTURE VOLUNTEER FIREFIGHTERS & RESCUE SQUAD MEMBERS ACT OF NORTH CAROLINA. (Became law upon approval of the Governor, May 4, 2009 - S.L. 2009-21.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

**S.B. 99**, A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, AND TO IMPOSE A PRIVILEGE LICENSE TAX ON GROSS RECEIPTS RECEIVED TO THE EXTENT THEY EXCEED FACE VALUE OF THE TICKET, with a favorable report.

**S.B. 809** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF A RESERVE COMPONENT OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS, AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY OUTSIDE OF THE UNITED STATES, with a favorable report.

May 5, 2009

**S.B. 1008**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS, with a favorable report.

**S.B. 1009**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL EVENTS, with a favorable report.

By Senator Soles for the **Commerce Committee**:

**S.B. 567**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO 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 55358, is adopted and engrossed.

**S.B. 981**, A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO ALLOW A MORTGAGE GUARANTY INSURER TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15259, which changes the title to read **S.B. 981** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 94**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO ASSAULT OR OTHERWISE ENDANGER A PROBATION OR PAROLE OFFICER, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, with a favorable report.

**S.B. 1076**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM, with a favorable report.

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**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS, with a favorable report.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 1010**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS, with a favorable report.

**S.B. 755**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF PRIVATE COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35304, which changes the title to read **S.B. 755** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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**WITHDRAWAL FROM CALENDAR**

**H.B. 2** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT, placed earlier on the Calendar for Wednesday, May 6.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Wednesday, May 6, and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Wednesday, May 6, and re-refers the measure to the **Health Care Committee**.

**WITHDRAWAL FROM COMMITTEE**

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE, referred to the **Mental Health & Youth Services Committee** on April 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Mental Health & Youth Services Committee** and placed on the Calendar for Wednesday, May 6, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Mental Health & Youth Services Committee** and places it on the Calendar for Wednesday, May 6.

**S.B. 222**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, 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 **State & Local Government Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **State & Local Government Committee**.

**CALENDAR** (*continued*)

**S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY ACT.

Upon motion of Senator Soles, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 6.

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**S.B. 97** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING, CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, AND EXEMPT PRIVATE ENTITIES THAT IMPLEMENT PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, May 6, upon third reading.

**S.B. 967** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN DAVIDSON, MONTGOMERY, ROWAN, AND STANLY COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC FACILITIES, upon second reading.

The Committee Substitute bill No. 2 passes its second 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, Boseman, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--44.

Voting in the negative: Senators Brock, Clary, Hunt and Rouzer---4.

The Committee Substitute bill No. 2 remains on the Calendar for Wednesday, May 6, upon third reading.

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**S.B. 43** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

The Committee Substitute bill passes its second reading (37-10) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 448** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 526** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE

May 5, 2009

CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

Senator Berger of Rockingham offers Amendment No. 1.

Senator Boseman offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Substitute Amendment No. 2 is adopted (26-22).

Senator Goodall offers Amendment No. 3.

Senator Rand offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Clodfelter, which motion prevails (26-22).

Senator Rand announces a pair vote. If Senator Blake were present, he would vote "no"; Senator Rand votes "aye".

The Committee Substitute bill, as amended, passes its second reading (25-22).

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, May 6, upon third reading.

**S.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT EMPLOYEES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE PLACED ON INVESTIGATORY SUSPENSION WITHOUT PAY AND WITHOUT WARNING.

Senator Davis offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (35-13) and, without objection, is read a third time and passes its third reading and is ordered engrossed and 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. 777**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCOPE OF TOBACCO PRODUCT MANUFACTURERS AND WHOLESALER DEFINITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55361, which changes the title to read **S.B. 777** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, is adopted and engrossed.

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**S.B. 922**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85211, which changes the title to read **S.B. 922** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE RESEARCH THAT CANNOT BE CONDUCTED WITHIN THE STATE FROM ELIGIBILITY CALCULATIONS FOR GRANTS FROM THE ONE NORTH CAROLINA SMALL BUSINESS PROGRAM, is adopted and engrossed.

By Senator Jones for the **State & Local Government Committee**:

**S.B. 254**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

**S.B. 252**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55352, is adopted and engrossed.

**S.B. 253**, A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15255, which changes the title to read **S.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STATUTORILY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, is adopted and engrossed.

**S.B. 255**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION

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PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55359, is adopted and engrossed.

**S.B. 257**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35306, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LITTLE TENNESSEE RIVER BASIN 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 85207, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 882**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75246, is adopted and engrossed.

**S.B. 724**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING, with a favorable report.

**S.B. 510**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXPANSION OF STATE-REIMBURSED INTERPRETING SERVICES TO ENCOMPASS ALL COURT PROCEEDINGS IN WHICH AN INTERPRETER IS NECESSARY TO ASSIST THE COURT IN THE EFFICIENT TRANSACTION OF BUSINESS, 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 85208, which changes the title to read **S.B. 510** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND TO FULLY FUND INTERPRETER NEEDS IN THE COURTS, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 514**, A BILL TO BE ENTITLED AN ACT TO PROVIDE MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55357, which changes the title to read **S.B. 514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE, is adopted and engrossed.

**S.B. 605**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEPOSIT OF ASSETS OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING 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 15258, which changes the title to read **S.B. 605** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEPOSIT OF MONEY OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES, is adopted and engrossed.

**S.B. 606**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55355, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 998** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY EXISTING

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LAWS AND POLICIES RELATED TO THE USE OF TEMPORARY EROSION CONTROL STRUCTURES TO PROTECT IMMINENTLY THREATENED ROADS AND BUILDINGS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1029** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

The bill passes its second reading (28-20).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, May 6, upon third reading.

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### CHANGES TO 2009 SENATE COMMITTEES

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the following committee changes:

Senator Foriest is removed from the **Appropriations on Natural and Economic Resources Committee**.

Senator Foriest is appointed as Co-Chair of the **Appropriations on Education/Higher Education Committee**.

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Senator Foriest is appointed as Co-Chair of the **Education/Higher Education Committee**.

Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, May 6, at 3:00 P.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 81** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS UNDER THE OPEN MEETINGS ACT.

Referred to the **Judiciary I Committee**.

**H.B. 316** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

Referred to the **Education/Higher Education Committee**.

**H.B. 381** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **State & Local Government Committee**.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON.

Referred to the **Finance Committee**.

**H.B. 748**, A BILL TO BE ENTITLED AN ACT TO FORBID COUNTY BOARDS OF ELECTIONS FROM DESIGNATING EARLY VOTING SITES IN NONPUBLIC BUILDINGS THAT DO NOT ALLOW ELECTIONEERING, EXCEPT THAT ELECTIONEERING MAY BE RESTRICTED TO ONE OR MORE LOCATIONS ON THE PROPERTY.

Referred to the **Judiciary I Committee**.

**H.B. 758**, AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX.

Referred to the **Finance Committee**.

**H.B. 900** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW NUTRITION STANDARDS FOR FOODS AND BEVERAGES

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ADMINISTERED BY THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL YEAR.

Referred to the **Education/Higher Education Committee**.

**H.B. 908** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; AND TO COMPLETE THE BURDEN OF PROOF PROVISIONS IN THE CANDIDATE-CHALLENGE STATUTE.

Referred to the **Judiciary I Committee**.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE.

Referred to the **Finance Committee**.

**H.B. 991**, A BILL TO BE ENTITLED AN ACT RELATING TO THE AUTHORITY OF MONTGOMERY COUNTY TO COLLECT MONEY OWED TO THE COUNTY FOR WATER SYSTEM FEES.

Referred to the **Finance Committee**.

**H.B. 1048**, A BILL TO BE ENTITLED AN ACT TO EXEMPT REFERENCES TO UNOPPOSED CANDIDATES AND OTHER COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; AND TO MAKE TECHNICAL CHANGES TO THE LAWS CONCERNING ELECTIONEERING COMMUNICATIONS AND CANDIDATE-SPECIFIC COMMUNICATIONS.

Referred to the **Judiciary I Committee**.

**H.B. 1079** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE.

Referred to the **Commerce Committee**.

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**H.B. 1091**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.

Referred to the **Judiciary II Committee**.

**H.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1171**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAW STUDENT EXTERNS AT THE GENERAL ASSEMBLY ARE SUBJECT TO LEGISLATIVE CONFIDENTIALITY.

Referred to the **Judiciary I Committee**.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 600**, A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT AND TO REQUIRE ADDITIONAL COMPENSATION TO HOLDERS OF CONDEMNED CONSERVATION EASEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55356, which changes the title to read **S.B. 600** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, is adopted and engrossed.

**S.B. 1011**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75250, is adopted and engrossed.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:47 P.M.

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**FIFTY-SEVENTH DAY**

Senate Chamber  
Wednesday, May 6, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we pray today for the people in Wilson, Johnston, and Nash Counties who lost homes and other property as a result of yesterday's terrible tornadoes. We pray that no more tornadoes develop today. We are grateful for helping organizations like the Red Cross and for disaster relief teams, for friends and neighbors who represent your hands of help and your words of encouragement to these good folks who have lost so much. Today, we also pray for Senator Blake's Barbara who has been hospitalized for a few weeks and is quite ill. Senator Blake's caregiving is a great comfort to his wife and offers emotional peace and healing. We ask that you guide her doctors to a treatment that might offer physical healing. We pray this prayer in your holy name. Amen."

The Chair grants a leave of absence for today to Senator Blake.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Lynn Macksey from Holly Springs, 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. 214, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER.**

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 909**, A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVER-COLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE, with a favorable report.

**S.B. 495**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

**S.B. 200**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS FINANCE LAW 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 85213, which changes the title to read **S.B. 200** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MINIMUM MOTOR FUELS TAX RATE FOR TWO YEARS, is adopted and engrossed.

**S.B. 575**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION OF THE JOB DEVELOPMENT INVESTMENT GRANT 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 55362, which changes the title to read **S.B. 575** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE, is adopted and engrossed.

**S.B. 1006**, A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55363, is adopted and engrossed.

**S.B. 755** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES

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GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, 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, 35309, is adopted and engrossed.

By Senator Shaw for the **Transportation Committee**:

**S.B. 203**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD, FREE OF CHARGE, TO INDIVIDUALS THAT HAVE A VALID DRIVERS LICENSE THAT IS REVOKED BASED ON AN ADMINISTRATIVE DECISION REGARDING MEDICAL DISQUALIFICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55365, which changes the title to read **S.B. 203** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO INDIVIDUALS WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION, is adopted and engrossed.

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

**S.B. 721**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND ALTERNATE STAFFING REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES DURING CLIENT SLEEP HOURS, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 44**, 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 35307, is adopted and engrossed.

**S.B. 969**, A BILL TO BE ENTITLED AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF

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CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85209, is adopted and engrossed.

**S.B. 1062**, A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35305, is adopted and engrossed.

By Senator Stevens for the **Education/Higher Education Committee**:

**S.B. 406**, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS, with a favorable report.

**S.B. 1019**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, with a favorable report.

**S.B. 386**, A BILL TO BE ENTITLED AN ACT TO MAKE THE BEST USE OF STATE RESOURCES DURING THE CURRENT ECONOMIC DOWNTURN BY TEMPORARILY RETAINING ALL STATE CORPORATE INCOME TAX REVENUE FOR SUPPORT OF GENERAL FUND OBLIGATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35294, which changes the title to read **S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE FISCAL PLANNING BY REQUIRING COUNTIES AND LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT ANTICIPATED EXPENDITURES OF THE PUBLIC SCHOOL BUILDING CAPITAL FUND, is adopted and engrossed.

**S.B. 738**, A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES, 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 55366, is adopted and engrossed.

**S.B. 1030**, A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55364, is adopted and engrossed.

**S.B. 1069**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOBS 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 35308, which changes the title to read **S.B. 1069** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS) COMMISSION, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

**S.B. 1022**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMPARATIVE EFFECTIVENESS TASK FORCE TO IMPROVE HEALTH CARE QUALITY AND CONTAIN HEALTH CARE COSTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15256, is adopted and engrossed.

**H.B. 2** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT, 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 80406, which changes the title to read **H.B. 2** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT, is adopted and engrossed.

Senator Rand offers a motion to suspend the rules and place H.B. 2 at the end of today's Calendar.

Pursuant to an objection to the motion by Senator Brock, the bill is placed on the Calendar for Thursday, May 7.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 1076**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Soles:

**S.J.R. 1101**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF LORINZO JOYNER, BRYAN BEATTY, AND TONOLA D. BROWN-BLAND TO THE UTILITIES COMMISSION.

Referred to the **Commerce 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 12**, Governor's Streetsafe Task Force to Stop Repeat Offenders.

**CALENDAR** (*continued*)

**S.B. 97** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING, CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, AND EXEMPT PRIVATE ENTITIES THAT

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IMPLEMENT PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS, 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, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

Upon motion of Senator Snow, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 11.

**S.B. 967** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE YADKIN RIVER TRUST IN ORDER TO: (1) DEVELOP THE YADKIN RIVER IN DAVIDSON, MONTGOMERY, ROWAN, AND STANLY COUNTIES AS AN INSTRUMENTALITY OF INTRASTATE, INTERSTATE, AND FOREIGN COMMERCE AND NAVIGATION; (2) ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY, AND TO AUTHORIZE ISSUANCE OF BONDS AND NOTES BY THE TRUST FOR THAT PURPOSE; AND (3) PRODUCE, DISTRIBUTE, AND SELL HYDROELECTRIC POWER FROM EXISTING OR NEW HYDROELECTRIC FACILITIES, upon third reading.

The Committee Substitute bill No. 2 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, Boseman, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--44.

Voting in the negative: Senators Brock, Clary, Preston and Rouzer---4.

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The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 68** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES, re-referred to the **Commerce Committee** on April 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and placed on the Calendar for Tuesday, May 12, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and places it on the Calendar for Tuesday, May 12.

**S.B. 447**, 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 **State & Local Government Committee** on April 9.

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 **Finance 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 **Finance Committee**.

**S.B. 678**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NEED-BASED PHYSICIAN ASSISTANT SCHOLARSHIPS, re-referred to the **Appropriations/Base Budget Committee** on April 27.

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, May 12, 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, May 12.

#### CALENDAR *(continued)*

**S.B. 99**, A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, AND TO IMPOSE A PRIVILEGE LICENSE TAX ON GROSS RECEIPTS RECEIVED TO THE EXTENT THEY EXCEED FACE VALUE OF THE TICKET, upon second reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.*

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The 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, Boseman, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: Senator Forrester---1.

The bill remains on the Calendar for Thursday, May 7, upon third reading.

**S.B. 600** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Thursday, May 7, upon third reading.

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Mental Health & Youth Services Committee**.

**S.B. 777** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, upon second reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.*

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 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, Boseman, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Thursday, May 7, upon third reading.

**S.B. 252** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 253** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STATUTORILY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 254**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM CALENDAR

**S.B. 1069** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS) COMMISSION, placed on the Calendar for Thursday, May 7.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Thursday, May 7, and placed on the Calendar for Tuesday, May 12, which motion prevails.

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The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, May 7, and placed on the Calendar for Tuesday, May 12.

**CALENDAR** (*continued*)

**S.B. 255** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 324**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 567** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO STANDARDS.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 605** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DEPOSIT OF MONEY OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 606** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

Senator Swindell offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 724**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 778** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE THAT MAJOR DEVELOPMENTS SUBJECT TO PERMITTING UNDER THE COASTAL AREA MANAGEMENT ACT ARE EXEMPT FROM THE ENVIRONMENTAL POLICY ACT.

*Without objection, Senator Jenkins requests to be excused from voting on the bill due to a conflict of interest.*

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 809** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF A RESERVE COMPONENT OF THE ARMED FORCES TO RENEW A DRIVERS

LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS, AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY OUTSIDE OF THE UNITED STATES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 882** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 7.

**S.B. 922** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE RESEARCH THAT CANNOT BE CONDUCTED WITHIN THE STATE FROM ELIGIBILITY CALCULATIONS FOR GRANTS FROM THE ONE NORTH CAROLINA SMALL BUSINESS PROGRAM.

Senator Rand offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 981** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1008**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS.

The bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1009**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL EVENTS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1010**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON

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STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

Senator Rand requests that the Journal reflect that he votes aye on third reading.

**S.B. 1011** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 526** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT, as amended on second reading.

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The Committee Substitute bill, as amended, passes its third reading (26-22) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Thursday, May 7, at 11:00 A.M.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 765**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT EMERGENCY DEPARTMENT DATA AND AMBULATORY SURGICAL DATA ARE INCLUDED IN THE PATIENT DATA SUBMISSION REQUIREMENTS OF THE MEDICAL CARE DATA ACT, with a favorable report.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES.

Referred to the **Education/Higher Education Committee**.

**H.B. 889** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

Referred to the **Commerce Committee**.

**H.B. 1106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO ADOPTION.

Referred to the **Judiciary I Committee**.

**H.B. 1111** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW AND TO DEFINE AND PROVIDE FOR DISCLOSURE OF FUNDING FOR "CANDIDACY EXPLORATION"; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY

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CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; AND TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT.

Referred to the **Judiciary I Committee**.

**H.B. 1115**, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF AUGUST AS PSORIASIS AWARENESS MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 457**, A BILL TO BE ENTITLED AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75252, which changes the title to read **S.B. 457** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS AND TO MAKE A CONFORMING CHANGE TO THE ALTERNATIVE FUEL REVOLVING FUND, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:15 P.M.

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### FIFTY-EIGHTH DAY

Senate Chamber  
Thursday, May 7, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Dr. Michael G. Cogdill, Dean, Campbell University Divinity School, Buies Creek, North Carolina as follows:

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"O God, maker of all things, we praise you today for the world you have made and for the opportunity we have to be wise stewards of your creation. As you called the first morning good, so we believe you call each morning good in hopes that your plans for creation can be fulfilled. Thank you for sharing with us the power to make your will happen on earth. Hear our thanksgiving for these legislators who care so greatly about our State and her people. Bless their deliberations in this Chamber today. Provide these leaders with the wisdom, discernment, and strength to guide our citizens in these challenging times. May your loving care be abundantly present for them and for their families as well. Thank you, O God, for every opportunity to serve our neighbors and to serve you, to whom now we ascribe glory, praise, and honor, through Christ our Lord. Amen."

The Chair grants leaves of absence for today to Senator Dorsett and Senator Graham.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, May 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Charles H. Mann from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Katherine Kulenic from Durham, North Carolina, who is serving the Senate as Nurse of the Day.*

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 499**, AN ACT TO PROHIBIT HUNTING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN EDGEcombe COUNTY. (Became law upon ratification, May 5, 2009 - S.L. 2009-22.)

**S.B. 214**, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF EASTOVER. (Became law upon ratification, May 6, 2009 - S.L. 2009-23.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 917**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF

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PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 133**, A BILL TO BE ENTITLED AN ACT TO ADJUST THE LIMIT ON THE MONTHLY PENSION AMOUNT PAYABLE FROM THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55351, is adopted and engrossed.

**S.B. 645**, 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 JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85203, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 986**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL 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 85212, which changes the title to read **S.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**S.B. 465**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT, with a favorable report.

**S.B. 634**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL

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PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY, with a favorable report.

**S.B. 648**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER, with a favorable report.

**S.B. 686**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ELECTRONIC FILING OF ABANDONED PROPERTY REPORTS, with a favorable report.

**S.B. 931**, A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCITY TO COMMERCIAL DRIVERS LICENSE HOLDERS FROM MEXICO, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER, with a favorable report.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 406**, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 12.

**S.B. 495**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE.

Upon motion of Senator Berger of Rockingham, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 11.

**S.B. 99**, A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, AND TO IMPOSE A PRIVILEGE LICENSE TAX ON GROSS RECEIPTS RECEIVED TO THE EXTENT THEY EXCEED FACE VALUE OF THE TICKET, upon third reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.*

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The bill passes its third reading, by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senator Forrester---1.

The bill is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 215**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State & 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. 600** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: Senator Berger of Rockingham---1.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 777** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, upon third reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.*

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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, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 200** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MINIMUM MOTOR FUELS TAX RATE FOR TWO YEARS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 34, noes 12, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Berger of Franklin, Bingham, Blake, Boseman, Clodfelter, Dannelly, Davis, Foriest, Garrou, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Preston, Rucho and Tillman---12.

The Committee Substitute bill remains on the Calendar for Monday, May 11, upon third reading.

**S.B. 575** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goss, Hartsell, Hoyle, Hunt, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: Senators Apodaca, Berger of Rockingham, East, Goodall, Jacumin, Kinnaird and Rucho---7.

The Committee Substitute bill remains on the Calendar for Monday, May 11, upon third reading.

*The Chair grants a leave of absence for the remainder of today's session to Senator Blake.*

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**S.J.R. 1096**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHRISTOPHER DUFFY COLLINS.

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 Foriest, the joint resolution is read in its entirety.

The joint resolution passes its second reading (44-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives.

Upon motion of Senator Foriest, the Chair extends the courtesies of the gallery to family and friends of Duffy Collins: Mary Jo and Bruce Collins, parents; Judy Perry, aunt; Sherri Odom, Tara Larson, Beth Hathaway Proctor, Emily Hathaway, Mike Buckner, Meredith Buckner, Jenny Buckner, cousins; Pat Biddix; Melanie McCorkle; Melissa Jones; Terry W. Dodson; Sandra L. Wood; Sienna R. Dodson; Emerson C. Hunt and the Reverend Bob Stephenson.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 622**, 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, with a favorable report.

**S.B. 716**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN FINANCE LAWS, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 143**, 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 COMMUNITY COLLEGE OR COLLEGE OR UNIVERSITY, with a favorable report.

**S.B. 220**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION, with a favorable report.

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**S.B. 1076**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE 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 55360, is adopted and engrossed.

**S.B. 1077**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85210, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 836**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, with a favorable report.

**S.B. 838**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, with a favorable report.

**H.B. 588**, A BILL TO BE ENTITLED AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50654, which changes the title upon concurrence to read **H.B. 588** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL IRISH POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

**S.B. 331**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO NATIONAL ACCREDITATION BENCHMARK REQUIREMENTS FOR CERTAIN MEDICAID ENROLLED FACILITIES, 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 15241, which changes the title to read **S.B. 331** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FIVE COUNTY MENTAL HEALTH AUTHORITY, A LOCAL MANAGEMENT ENTITY, TO ENROLL ITS EMPLOYEES AND RETIREES IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is re-referred to the **Select Committee on Employee Hospital and Medical Benefits**.

#### CALENDAR *(continued)*

**S.B. 1006** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN), upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--44.

Voting in the negative: Senators East and Shaw--2.

The Committee Substitute bill remains on the Calendar for Monday, May 11, upon third reading.

**S.B. 44** (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.

Upon motion of Senator Kinnaird, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 203** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO INDIVIDUALS WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 357**, A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND COOPERATIVELY OWNED ORGANIZATIONS TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS, AND AUTHORIZING THE NORTH CAROLINA UTILITIES COMMISSION TO CONSIDER AND ARBITRATE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15261, which changes the title to read **S.B. 357** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE, is adopted and engrossed.

**S.B. 810**, A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENTS BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35312, which changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS, is adopted and engrossed.

**S.B. 1004**, A BILL TO BE ENTITLED AN ACT TO REGULATE COMPETITION BETWEEN LOCAL GOVERNMENT AND PRIVATE BUSINESS BY REQUIRING CITIES THAT PROVIDE COMMUNICATIONS SERVICES TO THE PUBLIC TO COMPLY WITH LAWS APPLICABLE TO PRIVATE PROVIDERS, TO ESTABLISH SEPARATE ENTERPRISE FUNDS, TO NOT CROSS-SUBSIDIZE COMMUNICATIONS SERVICE WITH OTHER GOVERNMENTAL FUNDS, TO IMPUTE THE COSTS THAT WOULD BE INCURRED BY

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PRIVATE PROVIDERS, TO ANNUALLY REMIT TO THE CITY'S GENERAL FUND THE COSTS THAT WOULD BE INCURRED BY PRIVATE PROVIDERS, AND TO PREPARE AN ANNUAL AUDIT OF COMPETITIVE ACTIVITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55370, which changes the title to read **S.B. 1004** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE REVENUE LAWS STUDY COMMITTEE TO STUDY LOCAL GOVERNMENT OWNED AND OPERATED COMMUNICATION SERVICES, is adopted and engrossed.

**CALENDAR** (*continued*)

**S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE FISCAL PLANNING BY REQUIRING COUNTIES AND LOCAL SCHOOL ADMINISTRATIVE UNITS TO REPORT ANTICIPATED EXPENDITURES OF THE PUBLIC SCHOOL BUILDING CAPITAL FUND.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 44** (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, temporarily displaced earlier today.

Senator Allran offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 457** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS AND TO MAKE A CONFORMING CHANGE TO THE ALTERNATIVE FUEL REVOLVING FUND.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 721**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND ALTERNATE STAFFING REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITIES DURING CLIENT SLEEP HOURS.

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The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 738** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 755** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 765**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT EMERGENCY DEPARTMENT DATA AND AMBULATORY SURGICAL DATA ARE INCLUDED IN THE PATIENT DATA SUBMISSION REQUIREMENTS OF THE MEDICAL CARE DATA ACT.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 882** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

Senator Hartsell offers Amendment No. 1.

*Without objection, Senator Clodfelter requests to be excused from voting on Amendment No. 1 and the Committee Substitute bill due to a conflict of interest.*

Amendment No. 1 is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (43-2).

Senator Goodall objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 11, upon third reading.

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**S.B. 909**, A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVER-COLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 969** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1019**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

Senator Stein offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 1022** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMPARATIVE EFFECTIVENESS TASK FORCE TO IMPROVE HEALTH CARE QUALITY AND CONTAIN HEALTH CARE COSTS.

The Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1030** (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.

*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 (44-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 1062** (Committee Substitute), A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS.

Upon motion of Senator Boseman, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, May 11.

**H.B. 2** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT.

Senator Jacumin offers Amendment No. 1 which fails of adoption (20-26).

Senator Brunstetter offers Amendment No. 2 which is adopted (46-0).

Senator Brock announces a pair vote. If Senator Dorsett were present, she would vote "aye"; Senator Brock votes "no".

Senator Goodall announces a pair vote. If Senator Graham were present, he would vote "aye"; Senator Goodall votes "no".

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (26-18).

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 11, upon third reading.

#### **ADDITIONAL SPONSOR**

Senator Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Monday, May 11, at 6:00 P.M.

#### **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 ALLOW THE ISSUANCE OF DRIVERS LICENSES TO PERSONS USING BIOPTIC TELESCOPIC LENSES PROVIDED THEY MEET OTHER LICENSING REQUIREMENTS.

Referred to the **Commerce Committee**.

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**H.B. 191**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

**H.B. 323** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.

Referred to the **Judiciary I Committee**.

**H.B. 455**, A BILL TO BE ENTITLED AN ACT DESIGNATING KIDNEY MONTH IN NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 666**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT DWI TREATMENT COURTS ARE A TYPE OF DRUG TREATMENT COURT UNDER THE DRUG TREATMENT COURT ACT.

Referred to the **Judiciary I Committee**.

**H.B. 804**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

Referred to the **Education/Higher Education Committee**.

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE.

Referred to the **State & Local Government Committee**.

**H.B. 901** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP OR IDENTIFY ACADEMICALLY RIGOROUS HONORS-LEVEL COURSES IN HEALTHFUL LIVING EDUCATION THAT CAN BE OFFERED AT THE HIGH SCHOOL LEVEL.

Referred to the **Education/Higher Education Committee**.

**H.B. 927** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE.

Referred to the **State & Local Government Committee**.

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**H.B. 945** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY HOW THE TRADITIONAL NATIVE AMERICAN CULTURE, CUSTOMS, AND TRADITIONS OF STATE INDIAN TRIBE CHILDREN CAN BE PROTECTED WHEN THE CHILDREN ARE INVOLVED IN CUSTODY, ADOPTION, AND OTHER PROCEEDINGS IN STATE COURTS.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1161** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATED TO THE FINANCIAL CONDITIONS OF INSURANCE COMPANIES, INCLUDING REINSURANCE INTERMEDIARIES, RECEIVERSHIP, THIRD-PARTY ADMINISTRATORS AND AUDITS OF WORKERS' COMPENSATION SELF-INSURERS, AND FOREIGN INSURERS.

Referred to the **Commerce Committee**.

**H.B. 1272**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUVENILE CODE.

Referred to the **Judiciary II Committee**.

**H.B. 1392** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO NEGOTIATE RATES FOR SERVICES PROVIDED TO PERSONS COVERED UNDER THE POOL BY OUT-OF-STATE PROVIDERS.

Referred to the **Commerce Committee**.

**H.B. 1398**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT.

Referred to the **Judiciary I Committee**.

**H.B. 1463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES AND TO ALLOW AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING SERVICES.

Referred to the **Judiciary II Committee**.

**H.B. 1470**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO STUDY THE LENGTH OF THE SCHOOL LUNCH PERIOD ACROSS THE STATE TO DETERMINE WHETHER STUDENTS HAVE ADEQUATE TIME FOR MEALS.

Referred to the **Education/Higher Education Committee**.

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 295**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15264, is adopted and engrossed.

**S.B. 749**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35311, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

**S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENTS FOR A RETIRED STATE HIGHWAY PATROL SPECIAL REGISTRATION PLATE; TO PROVIDE FOR THE RECOVERY OF CIVIL PENALTIES ASSESSED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO REQUIRE THAT ALL MOTOR VEHICLES USED IN INTRASTATE COMMERCE WEIGHING MORE THAN TEN THOUSAND POUNDS BE MARKED; TO MODIFY THE REQUIREMENTS FOR FLAGS AND LIGHTING AND WHEN HEADLAMPS WOULD BE REQUIRED TO BE USED ON LOADS THAT ARE PROJECTING FROM THE END OR SIDES OF A COMMERCIAL MOTOR VEHICLE OR A MOTOR VEHICLE WEIGHING MORE THAN TEN THOUSAND POUNDS AND ENGAGED IN COMMERCE; TO REQUIRE SAFE TIRES ON COMMERCIAL MOTOR VEHICLES AS REQUIRED BY PART 393 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS; TO MAKE A CHANGE TO THE WEIGHT AND SIZE PENALTY PROVISIONS TO ALLOW FOR THE ASSESSMENT OF A CIVIL PENALTY FOR ONLY THAT AMOUNT OF WEIGHT IN EXCESS OF THE PERMITTED AMOUNT, TO REQUIRE THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO ASSESS CIVIL FINES FOR VIOLATIONS OF THE SPECIAL PERMIT REQUIREMENTS OF G.S. 20-119, AND TO PREVENT MOTOR CARRIERS FROM OPERATING VEHICLES THAT HAVE BEEN DECLARED "OUT-OF-SERVICE"; TO

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REQUIRE BRAKES AS STANDARD EQUIPMENT FOR SEMITRAILERS BEING PULLED BY TRACTOR TRUCKS AND OTHER PULL UNITS; TO REQUIRE THAT OWNERS OF MOTORCYCLES MAINTAIN IN GOOD WORKING ORDER DIRECTIONAL SIGNALS INSTALLED BY THE MANUFACTURER; TO MODIFY THE SEAT BELT EXEMPTION PROVIDED FOR GARBAGE AND RECYCLING TRUCK OPERATORS AND PASSENGERS TO COMPLY WITH FEDERAL LAW; TO PROHIBIT THE OPERATION OF A DIGITAL VIDEO DISC PLAYER AT ANY POINT FORWARD OF THE BACK OF A DRIVER'S SEAT WHILE OPERATING A MOTOR VEHICLE; TO INCREASE THE CAP ON THE MAXIMUM ALLOWABLE SUPERVISORY PERSONNEL IN THE STATE HIGHWAY PATROL FROM TWENTY-ONE PERCENT TO TWENTY-THREE PERCENT; AND TO ENSURE THAT PROCEEDS FROM LEASE OF PROPERTY OWNED BY THE STATE HIGHWAY PATROL AS PART OF THE VIPER PROJECT BE USED TO CONSTRUCT, MAINTAIN, AND SUPPORT THE PROJECT, AS REQUESTED BY THE STATE HIGHWAY PATROL, 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, 35310, which changes the title to read **S.B. 368** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAW AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, is adopted and engrossed.

**S.B. 834** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO 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, 55368, which changes the title to read **S.B. 834** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 105**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO STRENGTHEN ENFORCEMENT OF CERTAIN LAWS RELATED TO MARINE RESOURCES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 15263, which changes the title to read **S.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, is adopted and engrossed.

**S.B. 107**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35313, is adopted and engrossed.

**S.B. 467**, A BILL TO BE ENTITLED AN ACT TO EXPAND APPLICATION OF THE LAW CONCERNING THE HOLDING AND DISPOSAL OF UNCLAIMED ANIMALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85216, which changes the title to read **S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS, is adopted and engrossed.

**S.B. 719**, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; AND (4) TO REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85217, which changes the title to read **S.B. 719** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS

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AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) EXTEND BY TWO YEARS THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; AND (6) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 886**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FISHERY MANAGEMENT PLANS MUST MEET A STANDARD OF AT LEAST FIFTY PERCENT PROBABILITY OF ACHIEVING THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55375, which changes the title to read **S.B. 886** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EACH FISHERY MANAGEMENT PLAN MUST INCLUDE A STANDARD TO ENSURE THAT THE PLAN ACHIEVES THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 167**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS AND TO MAKE IT A FELONY TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55372, which changes the title to read **S.B. 167** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION, is adopted and engrossed.

**S.B. 713**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15262, is adopted and engrossed.

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**S.B. 764**, A BILL TO BE ENTITLED AN ACT AMENDING THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85220, is adopted and engrossed.

**S.B. 797**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDGE'S DISQUALIFICATION FROM A CASE SHALL BE IN WRITING AND SHALL SPECIFY THE REASON FOR THE DISQUALIFICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55373, which changes the title to read **S.B. 797** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUSTICE'S OR A JUDGE'S DISQUALIFICATION FROM A CASE SHALL BE IN WRITING AND SHALL SPECIFY THE REASON FOR THE DISQUALIFICATION, is adopted and engrossed.

**S.B. 870**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVISOR OF STATUTES TO MAKE THE GENERAL STATUTES GENDER NEUTRAL AND TO RECOMMEND OTHER STATUTORY AND CONSTITUTIONAL CHANGES TO THAT END, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85218, which changes the title to read **S.B. 870** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL STATUTES COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ANY CHANGES NEEDED TO MAKE THE GENERAL STATUTES AND CONSTITUTION GENDER NEUTRAL, is adopted and engrossed.

**S.B. 984**, A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO AND USE OF JUVENILE COURT RECORDS WHEN THE INDIVIDUAL IS LATER CHARGED AS AN ADULT IN A CRIMINAL PROCEEDING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55374, is adopted and engrossed.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

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**H.B. 944** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DISCLOSURE OF CAMPAIGN CONTRIBUTION ACTIVITY BY APPOINTEES TO POSITIONS IN STATE GOVERNMENT.

Referred to the **Judiciary I Committee**.

**H.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE HISTORY AND GEOGRAPHY CURRICULA IN THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

**H.B. 1476**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A CLAIMANT AGAINST AN ENTITY PROTECTED BY GOVERNMENTAL IMMUNITY HAS AN ADEQUATE REMEDY AT LAW.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:51 P.M.

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#### FIFTY-NINTH DAY

Senate Chamber  
Monday, May 11, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Art Ross, White Memorial Presbyterian Church, Raleigh, North Carolina as follows:

"Eternal and ever loving God, you have created us so that our hearts and minds are restless until they find true rest in your wisdom and your will. We bring our restless hearts and minds before you as we bow in prayer. Quiet every voice within us; calm every desire for power. By the power of your Holy Spirit, open us to know your will and to receive your wisdom. We give you thanks for our Nation and our State. I thank you for this Senate and for those who have been willing to open themselves to public scrutiny of their motives and their ideas by seeking a high elected office. Grant unto those who gather here to govern our State humble spirits, kind hearts, and wise minds. May the decisions they make further the cause of justice and prosperity for all who live in this State. Hear us, O God, for we pray in ways sacred to each of us, and I pray in the name of Jesus whom I call the Christ. Amen."

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The Chair grants a leave of absence for tonight to Senator Blake.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Gary N. Greenberg from Durham, 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.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 884**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15266, is adopted and engrossed.

**S.B. 929**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55371, which changes the title to read **S.B. 929** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) AMEND REQUIREMENTS APPLICABLE TO AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH MOTIONS TO SET ASIDE FORFEITURES; AND (2) PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED, is adopted and engrossed.

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**S.B. 1007**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE 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 35315, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Soles for the **Commerce Committee**:

**S.B. 425**, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55369, is adopted and engrossed.

**S.B. 828**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND TO CLARIFY THE APPLICATION OF THIS 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 55376, which changes the title to read **S.B. 828** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE, is adopted and engrossed.

**S.B. 831**, A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55383, is adopted and engrossed.

May 11, 2009

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 56**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE RIGHT OF VOTERS TO RECEIVE 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 75251, which changes the title to read **S.B. 56** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13, is adopted and engrossed.

**S.B. 718**, 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 55380, is adopted and engrossed.

**S.B. 763**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR NONPROFIT CORPORATIONS TO RENDER LEGAL 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 55379, which changes the title to read **S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES, is adopted and engrossed.

**S.B. 955**, A BILL TO BE ENTITLED AN ACT TO REQUIRE BICYCLES TO HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE WHEN OPERATED AT NIGHT ON A 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 15265, which changes the title to read **S.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BICYCLES HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE WHEN OPERATED AT NIGHT ON A STREET, HIGHWAY, OR PUBLIC VEHICULAR AREA, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 1062** (Committee Substitute), A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS.

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Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

**S.B. 882** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 12.

### 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

Beverley Eaves Perdue  
Governor

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 Reggie Kenan, Patricia Willoughby, and Wayne McDevitt to eight-year terms on the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms shall begin upon confirmation and will expire as listed below.

Reggie Kenan through 3/31/3017, 2nd Educational District Representative  
Wayne McDevitt through 3/31/2017, 8th Educational District Representative  
Patricia Willoughby through 3/31/2017, At-Large seat

In addition, I have appointed Chris Greene to fill the unexpired term in the 5th Educational District created by the resignation of Howard Lee. Mrs. Greene's term ends March 31, 2013. Under GS § 115C-10, appointments to fill unexpired terms are not subject to confirmation.

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Enclosed is biographical information on these appointees. Please feel free to call my staff if you need additional information.

With kindest regards, I remain

Sincerely,  
S/Bev Perdue

BP: JHK

cc: The Honorable Marc Basnight  
The Honorable Joe Hackney  
The Honorable Beverly Perdue  
Ms. Denise Weeks

Referred to the **Education/Higher Education 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 13**, Support for Historically Underutilized Businesses.

**Executive Order Number 14**, Equal Employment Opportunity.

### CALENDAR *(continued)*

**S.B. 1006** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN).

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 12.

**S.B. 495**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 200** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MINIMUM MOTOR FUELS TAX RATE FOR TWO YEARS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 28, noes 19, as follows:

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Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Clodfelter, Dannelly, Dorsett, Foriest, Garrou, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Rand, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---28.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, Clary, Davis, East, Forrester, Goodall, Goss, Hunt, Jacumin, Preston, Queen, Rouzer, Rucho and Tillman---19.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 575** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 10, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---36.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, East, Forrester, Goodall, Jacumin, Kinnaird, Rucho and Tillman---10.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

**S.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE MARINE FISHERIES COMMISSION TO STUDY ISSUES AND ADOPT RULES RELATED TO THE SUSPENSION, REVOCATION, AND REISSUANCE OF LICENSES AND TO MAKE CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### WITHDRAWAL FROM CALENDAR

**S.B. 1069** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS) COMMISSION, placed on the Calendar for Tuesday, May 12.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Tuesday, May 12, and placed on the Calendar for Wednesday, May 13, which motion prevails.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Tuesday, May 12, and places it on the Calendar for Wednesday, May 13.

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**WITHDRAWAL FROM COMMITTEE**

**S.B. 12**, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE OR ACCESSING ADDITIONAL TECHNOLOGY UNLAWFUL WHILE OPERATING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, referred to the **Commerce Committee** on January 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Judiciary II Committee**.

**S.B. 307** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES, re-referred to the **Appropriations/Base Budget Committee** on March 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, May 13, which motion prevails.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, May 13.

**CALENDAR** (*continued*)

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION.

Upon motion of Senator Snow, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, May 13.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 595**, A BILL TO BE ENTITLED AN ACT TO REQUEST THAT THE LEGISLATIVE RESEARCH COMMISSION STUDY THE ISSUE OF INTEGRATING A LIVING WILL, OR OTHER ADVANCED HEALTH CARE DIRECTIVE, WITH THE DRIVERS LICENSE PROCESS, SIMILAR TO ORGAN DONATION, WITH A STANDARDIZED LIVING WILL OR OTHER HEALTH CARE DIRECTIVE, referred to the **Rules and Operations of the Senate Committee** on March 16.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Health Care Committee**.

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**CALENDAR** *(continued)*

**S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 133** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE LIMIT ON THE MONTHLY PENSION AMOUNT PAYABLE FROM THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 143**, 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 COMMUNITY COLLEGE OR COLLEGE OR UNIVERSITY.

The bill passes its second reading (37-11) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 167** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, AND TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION.

The Committee Substitute bill passes its second reading (40-8) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 220**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second reading (48-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 12, upon third reading.

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**S.B. 295** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 357** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 368** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAW AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

Upon motion of Senator Jenkins, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, May 12.

**S.B. 465**, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

Upon motion of Senator McKissick, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, May 12.

**S.B. 622**, 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.

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The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 954**, A BILL TO BE ENTITLED AN ACT TO ENACT CONSUMER PROTECTIONS AGAINST ABUSIVE DEBT BUYERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85219, which changes the title to read **S.B. 954** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT CONSUMER PROTECTIONS AGAINST ABUSIVE DEBT BUYERS, AND TO INCREASE THE CIVIL LIABILITY OF COLLECTION AGENCIES AND DEBT COLLECTORS WHO VIOLATE THE PROVISIONS OF STATE LAW RELATING TO PROHIBITED ACTS OF COLLECTION AGENCIES AND DEBT COLLECTORS, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 634**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 648**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER.

The bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 686**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ELECTRONIC FILING OF ABANDONED PROPERTY REPORTS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 713** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 716**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CAMPAIGN FINANCE LAWS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 764** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 797** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUSTICE'S OR A JUDGE'S DISQUALIFICATION FROM A CASE SHALL BE IN WRITING AND SHALL SPECIFY THE REASON FOR THE DISQUALIFICATION.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS.

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The Committee Substitute bill passes its second reading (46-2).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 12, upon third reading.

**S.B. 834** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 836**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 838**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 870** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL STATUTES COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ANY CHANGES NEEDED TO MAKE THE GENERAL STATUTES AND CONSTITUTION GENDER NEUTRAL.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 886** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT EACH FISHERY MANAGEMENT PLAN MUST INCLUDE A STANDARD TO ENSURE THAT THE PLAN ACHIEVES THE TARGET MORTALITY RATE FOR THE FISHERY OR FISHERIES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 931**, A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCITY TO COMMERCIAL DRIVERS LICENSE HOLDERS FROM MEXICO, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-

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OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER.

The bill passes its second reading (43-5) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 984** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO AND USE OF JUVENILE COURT RECORDS WHEN THE INDIVIDUAL IS LATER CHARGED AS AN ADULT IN A CRIMINAL PROCEEDING.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1004** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE REVENUE LAWS STUDY COMMITTEE TO STUDY LOCAL GOVERNMENT OWNED AND OPERATED COMMUNICATION SERVICES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1076** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1077** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY DELEGATED TO PROBATION OFFICERS IN ORDER TO MAKE INTERMEDIATE SANCTIONS AVAILABLE FOR AN OFFENDER SENTENCED TO COMMUNITY PUNISHMENT IF THE RISK ASSESSMENT JUSTIFIES THOSE SANCTIONS.

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The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 588** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL IRISH POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

The Senate Committee Substitute bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**S.B. 1078**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATIONER WHO IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY SHALL BE TEMPORARILY DETAINED WITHOUT BOND UNTIL THE COURT HAS SUFFICIENT INFORMATION TO DETERMINE WHETHER THE PROBATIONER'S RELEASE POSES A DANGER TO THE PUBLIC.

The bill passes its third reading (47-1) and is ordered sent to the House of Representatives.

**H.B. 2** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT, as amended on second reading.

Senator Berger of Rockingham offers Amendment No. 3 which fails of adoption (23-25).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (30-18) and is ordered engrossed and sent to the House of Representatives.

#### REMOVAL OF BILL CO-SPONSORS

Senator Davis requests that he be removed as a sponsor of previously introduced legislation:

**S.B. 996**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

Senator Vaughan requests that he be removed as a sponsor of previously introduced legislation:

**S.B. 916**, A BILL TO BE ENTITLED AN ACT PROVING THAT LANDLORDS SHALL DEPOSIT ALL TENANT SECURITY DEPOSITS IN AN INTEREST-BEARING TRUST ACCOUNT AND THE INTEREST SHALL BE REMITTED TO THE NORTH CAROLINA HOUSING TRUST FUND.

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Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Tuesday, May 12, at 3:30 P.M.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 25** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCESS FOR APPOINTMENTS TO THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE.

Referred to the **State & Local Government Committee**.

**H.B. 143**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF HEALTH SERVICE REGULATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO REVIEW RECOMMENDATIONS FROM THE DISABILITY AND ELDERLY EMERGENCY MANAGEMENT (DEEM) TASK FORCE AND TO TAKE APPROPRIATE ACTION TO STRENGTHEN DISASTER PLANNING AND DISASTER PREPAREDNESS FOR LONG-TERM CARE FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

**H.B. 275**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

Referred to the **Judiciary I Committee**.

**H.B. 374**, A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 543**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PENALTY FOR COMMUNITY COLLEGE AUDIT EXCEPTIONS.

Referred to the **Education/Higher Education Committee**.

**H.B. 614** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS.

Referred to the **Judiciary I Committee**.

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**H.B. 698**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO PERMIT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE TO PROPERLY TAKE ADVANTAGE OF CERTAIN INNOVATIVE TECHNOLOGIES.

Referred to the **Education/Higher Education Committee**.

**H.B. 702** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS.

Referred to the **State & Local Government Committee**.

**H.B. 721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP.

Referred to the **State & Local Government Committee**.

**H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES.

Referred to the **Commerce Committee**.

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO PROVIDE APPLICANTS WHO REGISTER MOTOR VEHICLES AT THE FARMER RATE TO CHOOSE BETWEEN A STAGGERED REGISTRATION YEAR OR AN ANNUAL REGISTRATION YEAR.

Referred to the **Finance Committee**.

**H.B. 838** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE.

Referred to the **Commerce Committee**.

**H.B. 866** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL MUNICIPALITIES THE AUTHORITY TO ADOPT AN ORDINANCE DECLARING RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS TO BE UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS.

Referred to the **State & Local Government Committee**.

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**H.B. 867** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN ALL MUNICIPALITIES.

Referred to the **State & Local Government Committee**.

**H.B. 917** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE EFFECT OF EXECUTIVE ORDER NUMBER ELEVEN APPLICABLE TO THE LEGISLATIVE AND JUDICIAL BRANCHES AND TO PROTECT STATE EMPLOYEES UNDER THAT ORDER.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 970** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 996**, A BILL TO BE ENTITLED AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY.

Referred to the **Commerce Committee**.

**H.B. 1027**, A BILL TO BE ENTITLED AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE.

Referred to the **Commerce Committee**.

**H.B. 1172** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ALLOWING STATE GOVERNMENT EMPLOYEES AND PUBLIC SCHOOL PERSONNEL TO TAKE VOLUNTARY FURLOUGHS TO EFFECT NECESSARY ECONOMIES IN STATE EXPENDITURES, THEREBY REDUCING THE NEED FOR REDUCTIONS IN FORCE AND MANDATORY FURLOUGHS DURING THE CURRENT AND ANY FUTURE ECONOMIC CRISIS.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 1271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING AGENCIES.

Referred to the **Health Care Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:13 P.M.

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May 11, 2009

**SIXTIETH DAY**

Senate Chamber  
Tuesday, May 12, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Rabbi Fred Guttman, Temple Emmanuel, Greensboro, North Carolina as follows:

Almighty God, we stand here today reaffirming your sovereignty and our belief that you are the parent of us all. In your wisdom, you have granted to us the faculty of appreciating the value of representative government. We ask your guidance for those of the North Carolina Senate who are charged with the awesome responsibility of directing the affairs of this State. Help them, God, to understand that virtually every issue which they will deal with in their deliberations today and in the future has a spiritual component. Our task as a nation and as a state is to live according to the highest ethical and religious values of our tradition. Help us to appreciate our diversity and the fact that our State functions best when we acknowledge that all who live here have their own particular contribution to make, their own spiritual melody to play. May the spirit of compromise fill this body. Help the members of the Senate to understand that their task is to raise the welfare of all of the citizens, not to help some up while pushing others down. God, let us recognize that you are truly on our side when we direct our attention to issues such as the betterment of education and the eradication of poverty. We ask with all of our hearts that you will grant wisdom and insight to our State Senators. Help them, God, to see and to understand that when it comes to the welfare and education of our children, their decisions are not only political ones, but are also religious ones. Let them and all of us commit ourselves out of a respect for your teaching to the future of the children of this State. We ask that you bless our leaders with such wisdom, courage, and strength needed to respect all children as created equal and equally cherished by God. Bless, O God, this State and its leaders. Bring us together with bonds of friendship and fellowship and may the love of you be in the hearts of us all. May the biblical ideals of freedom, justice and equality, enshrined in the constitution of this State and that of our nation, become the heritage of all. Amen."

The Chair grants a leave of absence for today to Senator Blake.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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*The Chair extends privileges of the floor to Sonda Oppewal 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 bill duly ratified for presentation to the Governor:

**S.B. 668**, AN ACT TO ALLOW A BANK TO PAY DIVIDENDS ON CERTAIN PREFERRED SHARES ISSUED TO THE UNITED STATES TREASURY AND TO ISSUE AND PAY DIVIDENDS ON PREFERRED SHARES TO RECAPITALIZE ITSELF.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jones for the **State & Local Government Committee**:

**S.B. 1018**, A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC BAG USE 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 85223, which changes the title to read **S.B. 1018** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 612**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, AND TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE, with a favorable report.

**S.B. 978**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, with a favorable report.

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**S.B. 928**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, TO PROVIDE THAT A PERSON WHO IS IN A PLACE WHERE THE PERSON HAS A RIGHT TO BE HAS NO DUTY TO RETREAT, AND TO PROVIDE THAT A PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH 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 75245, which changes the title to read **S.B. 928** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, AND TO PROVIDE THAT A PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 1062** (Committee Substitute), A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS, 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, 55389, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

**S.B. 877**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS TO CONTAIN CERTAIN TERMS AND 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 75257, which changes the title to read **S.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS, is adopted and engrossed.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 68** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE LOCATION OF A NEW ABC LICENSED ESTABLISHMENT WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1006** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN).

Senator Hoyle 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, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

**S.B. 406**, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

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. 56** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 368** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAW AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 866**, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS, with a favorable report.

**S.B. 1020**, A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDITS TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN AFTER JANUARY 1, 2009, AND BEFORE PERMANENT RULES ARE ADOPTED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35325, which changes the title to read **S.B. 1020** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED, is adopted and engrossed.

**S.B. 1067**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AS A STATEWIDE GOAL THAT TEN PERCENT OF THE FOOD PRODUCTS THAT ARE CONSUMED IN NORTH CAROLINA BE SUSTAINABLY AND LOCALLY PRODUCED IN NORTH CAROLINA BY THE YEAR 2020 AND TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY AND PROGRAMMATIC

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CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY 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 85215, which changes the title to read **S.B. 1067** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 36**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE IREDELL COUNTY CRIME LABORATORY AS AN ADDITIONAL CONTROLLED SUBSTANCE CHEMICAL ANALYSIS SITE, with a favorable report.

**S.B. 817**, A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35322, is adopted and engrossed.

**S.B. 1021**, A BILL TO BE ENTITLED AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15271, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 425** (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.

Senator Kinnaird offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 425** (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.

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The Committee Substitute bill, as amended, passes its second reading (33-15) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

Senator Goodall offers Amendment No. 1 which is adopted (48-0).

As Co-Chair of the Finance Committee, Senator Jenkins requests a fiscal note and the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 678**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NEED-BASED PHYSICIAN ASSISTANT SCHOLARSHIPS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 649**, A BILL TO BE ENTITLED AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE LOCATION OF WORK ZONE SIGNAGE, with a favorable report.

**S.B. 687**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS, with a favorable report.

**S.B. 476**, A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, MODIFIED VEHICLES, AND CUSTOM-BUILT VEHICLES; TO REQUIRE AN ADDITIONAL THIRTY-DOLLAR REGISTRATION FEE TO SUPPORT THE DIVISION OF MOTOR VEHICLES LICENSE AND THEFT BUREAU MOTOR VEHICLE EXAMINATION PROGRAM; TO ALLOW ANTIQUE CAR OWNERS TO OBTAIN SPECIALTY PLATES; AND TO MAKE CORRESPONDING CHANGES, 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 35330, which changes the title to read **S.B. 476** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, MODIFIED VEHICLES, AND CUSTOM-BUILT VEHICLES, AND TO MAKE CORRESPONDING CHANGES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 660**, A BILL TO BE ENTITLED AN ACT TO REQUIRE COVERAGE FOR DIMINUTION IN VALUE AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE PROPERTY COVERAGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55393, which changes the title to read **S.B. 660** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, is adopted and engrossed.

**S.B. 811**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY, OR AN ABNORMAL MARKET DISRUPTION, 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, is adopted and engrossed.

**S.B. 982**, A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55394, which changes the title to read **S.B. 982** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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**RECALL FROM ENGROSSING**

**H.B. 2** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT, as amended and ordered engrossed and sent to the House of Representatives on May 11.

Having voted with the majority on third reading, Senator Shaw offers a motion that the Senate Committee Substitute bill No. 2, as amended, be recalled from the Engrossing Office for further consideration by the Senate.

The Senate recesses at 4:21 P.M. to reconvene at 4:30 P.M. with the motion by Senator Shaw to reconsider third reading on H.B. 2 pending.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

**RECONSIDERATION**

**H.B. 2** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT, as amended and ordered engrossed and sent to the House of Representatives on May 11, with a motion to reconsider third reading pending.

Senator Shaw withdraws his motion to reconsider third reading.

**CALENDAR** (*continued*)

**S.B. 718** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ELECTION LAWS.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 982** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, re-referred to the **Appropriations/Base Budget Committee** earlier today.

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 13, 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 13.

**S.B. 1007** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT, re-referred to the **Appropriations/Base Budget Committee** on May 11.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

#### CALENDAR *(continued)*

**S.B. 763** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES.

Senator Stein offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 828** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE.

Senator Jenkins 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 Wednesday, May 13, upon third reading.

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**S.B. 831** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jones for the **State & Local Government Committee**:

**S.B. 215**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND 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 35323, which changes the title to read **S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, is adopted and engrossed.

**S.B. 222**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15269, is adopted and engrossed.

**S.B. 430**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE WILMINGTON CIVIL SERVICE 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 15267, which changes the title to read **S.B. 430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT, is adopted and engrossed.

**S.B. 540**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO ALLOW FOR

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THE ELECTION OF THE MAYOR BY THE QUALIFIED VOTERS OF 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 15268, which changes the title to read **S.B. 540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO CHANGE THE STAGGERING OF TERMS OF THE TOWN COUNCIL, is adopted and engrossed.

**S.B. 556**, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75258, is adopted and engrossed.

**S.B. 560**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS AND TO REDUCE THE TERMS OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS FROM FIVE YEARS TO THREE YEARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75259, which changes the title to read **S.B. 560** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS, is adopted and engrossed.

**S.B. 976**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA OFFICE OF MANAGEMENT INNOVATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85226, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 1027**, A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF ABUTTING PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15273, which changes the title to read **S.B. 1027** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT, is adopted and engrossed.

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**S.B. 1086**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CORRECTIONAL AND PROBATION OFFICER EDUCATION AND TRAINING STANDARDS 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 15272, which changes the title to read **S.B. 1086** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENTS OF CORRECTION AND JUSTICE TO STUDY THE ESTABLISHMENT OF A NORTH CAROLINA CORRECTIONAL AND PROBATION OFFICER EDUCATION AND TRAINING STANDARDS COMMISSION, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**CALENDAR** (*continued*)

**S.B. 884** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 929** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) AMEND REQUIREMENTS APPLICABLE TO AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH MOTIONS TO SET ASIDE FORFEITURES; AND (2) PROVIDE THAT A COURT MAY REFUSE TO SET ASIDE A BOND FORFEITURE ONLY IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 954** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT CONSUMER PROTECTIONS AGAINST ABUSIVE DEBT BUYERS, AND TO INCREASE THE CIVIL LIABILITY OF COLLECTION AGENCIES AND DEBT COLLECTORS WHO VIOLATE THE PROVISIONS OF STATE LAW RELATING TO PROHIBITED ACTS OF COLLECTION AGENCIES AND DEBT COLLECTORS.

The Committee Substitute bill 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, May 13, upon third reading.

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**S.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BICYCLES HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE WHEN OPERATED AT NIGHT ON A STREET, HIGHWAY, OR PUBLIC VEHICULAR AREA.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT BICYCLES HAVE VISIBLE LIGHTS ON THE FRONT AND REAR OF THE BICYCLE WHEN OPERATED DURING THE PERIOD FROM SUNSET TO SUNRISE ON A STREET, HIGHWAY, OR PUBLIC VEHICULAR AREA.

The Committee Substitute bill, as amended, passes its second reading (31-17) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

John Barnes-Smith, Wendell; Cadet Ian Billingsley, Raleigh; Cadet James Black III, Greensboro; Cadet Will Carter, High Point; Cadet Kris Cooper, Greensboro; Cadet Danielle Crawford, Winston-Salem; Cadet Ethan Culberson, Belews Creek; Cadet Steven Dace, Oak Ridge; Cadet Ryan Greaney, Jacksonville; Cadet Cody Harrelson, Conover; Cadet Kayla Hutchins, Rural Hall; Cadet Dakota Jacobi, Greensboro; Cadet Lucia Karnes, Oak Ridge; Rachel Parker, Pinnacle; Nicholas Revels, Selma and Aaron Summerville, Snow Hill.

(Cadets from Oak Ridge Military Academy.)

### CALENDAR *(continued)*

**S.B. 220**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION.

The bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

**S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS.

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. 882** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

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Senator Hartsell offers Amendment No. 2.

*Without objection, Senator Clodfelter requests to be excused from voting on Amendment No. 2 and the Committee Substitute bill due to a conflict of interest.*

Amendment No. 2 is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (45-2) and is ordered engrossed and sent to the House of Representatives.

#### WITHDRAWAL FROM CALENDAR

**S.B. 828** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE, as amended on second reading and placed on the Calendar for Wednesday, May 13, pursuant to objection to third reading by Senator Berger of Rockingham.

Senator Berger of Rockingham withdraws his objection to third reading and the Committee Substitute bill, as amended, is withdrawn from the Calendar for Wednesday, May 13, and placed on today's Calendar.

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

#### CALENDAR *(continued)*

**S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS, temporarily displaced earlier today pursuant to a request for a fiscal note from Senator Jenkins, Co-Chair of the Finance Committee.

Upon motion of Senator McKissick, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 13.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 11**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 85227, is adopted and engrossed.

**S.B. 440**, A BILL TO BE ENTITLED AN ACT ESTABLISHING LAWS PERTAINING TO GESTATIONAL SURROGACY AGREEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55390, is adopted and engrossed.

**S.B. 920**, A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55392, is adopted and engrossed.

**S.B. 966**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE VOTER-OWNED ELECTIONS ACT TO COVER ADDITIONAL COUNCIL OF STATE POSITIONS AND TO MAKE TECHNICAL CHANGES TO THE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55391, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

#### **CROSSOVER AGREEMENT**

NORTH CAROLINA GENERAL ASSEMBLY  
STATE LEGISLATIVE BUILDING  
RALEIGH 27601

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**AGREEMENT TO COVER BILLS AND RESOLUTIONS PASSED FOLLOWING ADJOURNMENT OF EITHER CHAMBER PRIOR TO THE OTHER ON MAY 14, 2009, CROSSOVER DEADLINE.**

It is agreed that all bills and resolutions passed by the House of Representatives

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or the Senate on May 14, 2009, 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(e) and Senate Rule 41.

S/Joe Hackney  
*Speaker of the House*

S/Marc Basnight  
*Senate President Pro Tempore*

Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, May 13, at 10:00 A.M.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 372**, A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35329, which changes the title to read **S.B. 372** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED AND TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS PURSUANT TO CHAPTER 19 OF THE GENERAL STATUTES, is adopted and engrossed.

By Senator Jenkins for the **Finance Committee**:

**S.B. 388**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL METHODS OF COLLECTING FINES AND FEES OWED BY OFFENDERS AND TO ALLOW COUNTIES TO RETAIN COLLECTION ASSISTANCE 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 55396, which changes the title to read **S.B. 388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COLLECTION OF OFFENDER FINES AND FEES, is adopted and engrossed.

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**S.B. 262** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO BOTH CIVIL LIABILITY AND TO A CIVIL PENALTY FOR FAILURE TO CARRY OUT ITS DUTY, 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, 15275, which changes the title to read **S.B. 262** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**S.B. 545**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A TITLE BE PROVIDED BY A SELLER FOR A TRANSACTION WITH A SECONDARY METALS RECYCLER OR A SALVAGE YARD AND TO AMEND A TITLE FOR A MOTOR VEHICLE IN HAND BEFORE THE VEHICLE MAY BE SOLD TO A SECONDARY METALS RECYCLER OR A SALVAGE YARD, with a favorable report.

**S.B. 894**, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO

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DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, with a favorable report.

**S.B. 1000**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO RESTRICT THE OVERALL LENGTH OF VEHICLES TRANSPORTING POLES FOR EMERGENCY REPAIR TO FIFTY-THREE FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED, with a favorable report.

**S.B. 6**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A TEMPORARY STAY ON INCREASED SURCHARGES AND DEDUCTIBLES FOR CERTAIN POLICIES UNDER THE BEACH PLAN AND ON PROPERTY INSURANCE RATE INCREASES FOR CERTAIN HOMEOWNER'S POLICIES ACROSS 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 35326, which changes the title to read **S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS, is adopted and engrossed.

**S.B. 18**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CEMETERY ACT BY MODIFYING THE MEMBERSHIP OF THE CEMETERY COMMISSION, CHANGING THE INVESTMENTS OPTIONS FOR PERPETUAL CARE TRUST FUNDS, AND ELIMINATING THE ABILITY TO POST BONDS IN LIEU OF DEPOSITS TO TRUST ACCOUNTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35331, which changes the title to read **S.B. 18** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CEMETERY ACT BY REQUIRING PROOF OF A SUFFICIENT TRUST FUND OR SURETY BOND PRIOR TO APPROVING A CHANGE OF CONTROL OF A CEMETERY COMPANY, CHANGING THE INVESTMENTS OPTIONS FOR PERPETUAL CARE TRUST FUNDS, REQUIRING CEMETERY COMPANIES TO LIST THE COST OF OPENING AND CLOSING A GRAVE SPACE AS PART OF THE CONTRACT, PROHIBITING A CEMETERY COMPANY FROM REQUIRING A PURCHASER OF A GRAVE SPACE TO PURCHASE A VAULT FROM A PARTICULAR SELLER, INCREASING THE EXTENSION THAT MAY BE GIVEN TO A CEMETERY COMPANY FOR COMPLETION OF CONSTRUCTION OF MAUSOLEUMS, ELIMINATING THE ABILITY TO POST BONDS IN LIEU OF DEPOSITS TO TRUST ACCOUNTS, AND CREATING THE LEGISLATIVE STUDY COMMISSION ON THE NORTH CAROLINA CEMETERY ACT, is adopted and engrossed.

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**S.B. 69**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FROM REGULATING THE FEE AMOUNT CHARGED BY A WRECKER SERVICE THAT PARTICIPATES IN THE ROTATION WRECKER SYSTEM FOR THE STATE HIGHWAY PATROL FOR TOWING, REMOVAL, RECOVERY, AND STORAGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85224, is adopted and engrossed.

**S.B. 820**, A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS CUSTOM-BUILT VEHICLES, REPLICA VEHICLES, AND STREET RODS AND TO MAKE CORRESPONDING 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 15274, which changes the title to read **S.B. 820** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES, is adopted and engrossed.

**S.B. 893**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION TO COLLECT GROUP SELF-INSURER ASSESSMENTS; TO EXCLUDE FROM PARTICIPATION IN THE ASSOCIATION AGGREGATE SECURITY SYSTEM INDIVIDUAL SELF-INSURERS THAT FAIL TO SUBMIT CERTAIN FINANCIAL INFORMATION; AND TO ADJUST DEPOSIT REQUIREMENTS FOR ALL INDIVIDUAL SELF-INSURERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35327, is adopted and engrossed.

**S.B. 913**, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING 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 55395, is adopted and engrossed.

**S.B. 914**, A BILL TO BE ENTITLED AN ACT TO CLARIFY DEALER TERMINATION ASSISTANCE 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 85228, is adopted and engrossed.

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**S.B. 698**, A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES AND COUNTIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF NEW FEES AND INCREASES IN EXISTING 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 55385, which changes the title to read **S.B. 698** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES, COUNTIES, AND SANITARY DISTRICTS GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES, is adopted and engrossed.

**S.B. 887**, A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85231, is adopted and engrossed.

**S.B. 889**, A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35319, is adopted and engrossed.

**S.B. 974**, A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35328, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 704**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES WITH RESPECT TO POOLED TRUSTS AND ESTATE RECOVERY UNDER MEDICAID, with a favorable report.

**S.B. 794**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CIVIL COMMITMENT OF CERTAIN SEX OFFENDERS WHO LACK THE CAPACITY TO PROCEED TO TRIAL, with a favorable report.

**S.B. 990**, 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 TWO THOUSAND FIVE HUNDRED DOLLARS, with a favorable report.

**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE, with a favorable report.

**S.B. 859**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN FIVE HUNDRED THOUSAND TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS, with a favorable report.

**S.B. 945**, A BILL TO BE ENTITLED AN ACT TO REVISE THE STATE'S GUARDIANSHIP STATUTES WITH RESPECT TO JURISDICTION, VENUE, PROCEDURE, APPEALS, AND PORTABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35317, which changes the title to read **S.B. 945** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE JOINT LEGISLATIVE STUDY COMMISSION ON STATE GUARDIANSHIP LAWS, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

**S.B. 461**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85229, is adopted and engrossed.

**S.B. 464**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55397, which changes the title to read **S.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS, is adopted and engrossed.

**S.B. 661**, A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, 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 75260, which changes the title to read **S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED, is adopted and engrossed.

**S.B. 802**, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FOR PHYSICIANS WORKING IN VOLUNTEER NETWORKS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75262, which changes the title to read **S.B. 802** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSION OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE, is adopted and engrossed.

**S.B. 958**, A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15280, is adopted and engrossed.

**S.B. 1015**, A BILL TO BE ENTITLED AN ACT TO ENACT THE HOMEOWNER AND HOMEBUYER PROTECTION ACT TO PROHIBIT HOME FORECLOSURE RESCUE SCAMS AND OFFER PROTECTIONS IN LAND 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 85232, is adopted and engrossed.

**S.B. 1017**, A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT; AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS, 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 85225, which changes the title to read **S.B. 1017** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:50 P.M.

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### SIXTY-FIRST DAY

Senate Chamber  
Wednesday, May 13, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

Dear Lord, crossover week is always like a marathon so it might be helpful to remember what someone said about getting to a final destination. He said, 'We can't cross a bridge until we come to it, but I always like to lay down a canoe ahead of time just in case.' Sometimes it takes more than faith to get through the tasks before us. It also takes practicality and perseverance. Bless the members and staff with a good measure of these qualities in the final days and nights of this week. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Blake, Senator Brunstetter, and Senator Garrou.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Paul Welty from Clemmons, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

May 13, 2009

**H.B. 588**, AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL IRISH POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 894**, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

Upon motion of Senator Soles, the bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

The Senate recesses at 10:10 A.M. for the purpose of a Commerce Committee meeting to reconvene at 10:15 A.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### CALENDAR *(continued)*

**S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, upon second reading.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 222** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO USE RED LIGHT CAMERAS FOR SAFETY, FOR SCHOOLS, BUT NOT FOR PROFIT.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 430** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILMINGTON CIVIL SERVICE ACT.

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The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 540** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO CHANGE THE STAGGERING OF TERMS OF THE TOWN COUNCIL.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 556** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 560** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Albertson for the **Appropriations/Base Budget Committee**:

**H.B. 917** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE EFFECT OF EXECUTIVE ORDER NUMBER ELEVEN APPLICABLE TO THE LEGISLATIVE AND JUDICIAL BRANCHES AND TO PROTECT STATE EMPLOYEES UNDER THAT ORDER, with a favorable report.

Upon motion of Senator Albertson, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

#### **CALENDAR** *(continued)*

**S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

Upon motion of Senator Boseman, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

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**S.B. 11** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DISTRICT ATTORNEY OR ASSISTANT DISTRICT ATTORNEY WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

The Committee Substitute bill passes its second reading (42-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 18** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CEMETERY ACT BY REQUIRING PROOF OF A SUFFICIENT TRUST FUND OR SURETY BOND PRIOR TO APPROVING A CHANGE OF CONTROL OF A CEMETERY COMPANY, CHANGING THE INVESTMENTS OPTIONS FOR PERPETUAL CARE TRUST FUNDS, REQUIRING CEMETERY COMPANIES TO LIST THE COST OF OPENING AND CLOSING A GRAVE SPACE AS PART OF THE CONTRACT, PROHIBITING A CEMETERY COMPANY FROM REQUIRING A PURCHASER OF A GRAVE SPACE TO PURCHASE A VAULT FROM A PARTICULAR SELLER, INCREASING THE EXTENSION THAT MAY BE GIVEN TO A CEMETERY COMPANY FOR COMPLETION OF CONSTRUCTION OF MAUSOLEUMS, ELIMINATING THE ABILITY TO POST BONDS IN LIEU OF DEPOSITS TO TRUST ACCOUNTS, AND CREATING THE LEGISLATIVE STUDY COMMISSION ON THE NORTH CAROLINA CEMETERY ACT.

The Committee Substitute bill passes its second reading (42-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 612**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, AND TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Upon motion of Senator Atwater, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary II Committee**.

#### INTRODUCTION OF A RESOLUTION

A joint resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rand; and Hoyle:

**S.J.R. 1102**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACKLYN "JACK" HARROLD LUCAS, ONE OF THE

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YOUNGEST MEDAL OF HONOR RECIPIENTS OF THE TWENTIETH CENTURY, AS EXEMPLIFYING THE SPIRIT OF SACRIFICE EMBODIED IN ALL NORTH CAROLINA VETERANS.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on today's Calendar.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 894**, A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15277, which changes the title to read **S.B. 894** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, is adopted and engrossed.

Upon motion of Senator Soles, the Committee Substitute bill is placed on today's Calendar.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 928** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, AND TO PROVIDE THAT A PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE, re-referred to the **Appropriations/Base Budget Committee** on May 12.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

**S.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS, re-referred to the **Appropriations/Base Budget Committee** on May 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Agriculture/Environment/Natural Resources 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 **Agriculture/Environment/Natural Resources Committee**.

**S.B. 394**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

#### CALENDAR *(continued)*

**S.B. 36**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE IREDELL COUNTY CRIME LABORATORY AS AN ADDITIONAL CONTROLLED SUBSTANCE CHEMICAL ANALYSIS SITE.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 69** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FROM REGULATING THE FEE AMOUNT CHARGED BY A WRECKER SERVICE THAT PARTICIPATES IN THE ROTATION WRECKER SYSTEM FOR THE STATE HIGHWAY PATROL FOR TOWING, REMOVAL, RECOVERY, AND STORAGE.

The Committee Substitute bill passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 262** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Foriest for the **Education/Higher Education Committee**:

**S.B. 583**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES TO STUDENTS LIVING IN GEORGIA OR TENNESSEE IF THOSE STATES OFFER THE SAME TREATMENT TO RESIDENTS OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85230, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 962**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15278, is adopted and engrossed.

**S.B. 1028**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT GUIDELINES AND POLICIES FOR CHARTERED COMMUNITY GROUPS TO TUTOR PUBLIC SCHOOL STUDENTS, 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 15279, which changes the title to read **S.B. 1028** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, KNOWN AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS, is adopted and engrossed.

**CALENDAR** (*continued*)

**S.B. 307** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 372** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY TYPES OF NUISANCES WHEREIN OBSCENE OR LEWD MATTER OR OTHER CONDUCT PROHIBITED IS INVOLVED AND TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS PURSUANT TO CHAPTER 19 OF THE GENERAL STATUTES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE COLLECTION OF OFFENDER FINES AND FEES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

The Senate recesses at 10:59 A.M. to reconvene at 2:30 P.M. subject to receipt of committee reports.

**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

*Upon the appearance of Senator Brunstetter and Senator Garrou in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.*

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 628**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, with a favorable report.

**S.B. 694**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY AS PERFORMED BY PERSONS PRACTICING DENTISTRY OUT OF STATE UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

**S.B. 940**, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTIFIED NURSE MIDWIVES FLEXIBILITY IN THE PRACTICE OF MIDWIFERY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55386, which changes the title to read **S.B. 940** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER CERTIFIED NURSE MIDWIVES SHOULD BE GIVEN MORE FLEXIBILITY IN THE PRACTICE OF MIDWIFERY, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is referred to the **Rules and Operations of the Senate Committee**.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 699**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND OPERATION OF CEMENT PLANTS IN THE STATE UNTIL SEPTEMBER 1, 2010, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE ENVIRONMENTAL IMPACTS OF CEMENT PLANTS AND THE SITING, DESIGN, AND OPERATIONAL REQUIREMENTS GOVERNING CEMENT PLANTS IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT, with a favorable report.

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By Senator Foriest for the **Education/Higher Education Committee**:

**S.B. 824**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SCHOOL BUSES TO TRANSPORT STUDENTS HOME FROM AFTER-SCHOOL PROGRAMS UNDER CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15282, is adopted and engrossed.

**S.B. 1012**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMITTEE ON THE PARTICIPATION OF HOME SCHOOL STUDENTS IN CLASSES AND EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15281, which changes the title to read **S.B. 1012** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMITTEE ON THE PARTICIPATION OF HOME SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES AT PUBLIC SCHOOLS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, with a favorable report.

**S.B. 740** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES, with a favorable report.

**S.B. 658**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75261, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.J.R. 1102**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACKLYN "JACK" HARROLD LUCAS, ONE OF THE

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YOUNGEST MEDAL OF HONOR RECIPIENTS OF THE TWENTIETH CENTURY, AS EXEMPLIFYING THE SPIRIT OF SACRIFICE EMBODIED IN ALL NORTH CAROLINA VETERANS, placed earlier on today's Calendar.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

The joint resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

**S.B. 440** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING LAWS PERTAINING TO GESTATIONAL SURROGACY AGREEMENTS.

The Committee Substitute bill passes its second reading (31-17).

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 14, upon third reading.

**S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES.

Senator Berger of Rockingham offers Amendment No. 1.

The Senate recesses at 3:02 P.M. with Amendment No. 1 for S.B. 461 pending, to reconvene at 3:15 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### CALENDAR *(continued)*

**S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, with Amendment No.1 pending.

Amendment No. 1 is adopted (37-11), and changes the title to read **S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, 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, TO EXCLUDE THE ADMINISTRATION OF CONTROLLED SUBSTANCES USED IN AN EXECUTION FROM THE PRACTICE OF MEDICINE, TO REMOVE THE REQUIREMENT THAT THE GOVERNOR AND COUNCIL OF STATE APPROVE THE NECESSARY APPLIANCES AND QUALIFIED PERSONNEL FOR THE INFLECTION OF THE PUNISHMENT OF DEATH,

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AND TO PROHIBIT THE SECRETARY OF CORRECTION FROM SCHEDULING MORE THAN ONE EXECUTION WITHIN A 30-DAY PERIOD.

Senator Hartsell offers Amendment No. 2 which fails of adoption (21-27).

The Committee Substitute bill, as amended, passes its second reading (35-13).

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 14, upon third reading.

**S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS, temporarily displaced earlier today.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

**S.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS.

The Committee Substitute bill passes its second reading (40-8) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

The Committee Substitute bill passes its second reading (26-22).

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 14, upon third reading.

**S.B. 545**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A TITLE BE PROVIDED BY A SELLER FOR A TRANSACTION WITH A SECONDARY METALS RECYCLER OR A SALVAGE YARD AND TO AMEND A TITLE FOR A MOTOR VEHICLE IN HAND BEFORE THE VEHICLE MAY BE SOLD TO A SECONDARY METALS RECYCLER OR A SALVAGE YARD.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Commerce Committee**.

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**WITHDRAWAL FROM COMMITTEE**

**S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE, DELIVERY, OR POSSESSION OF SALVIA DIVINORUM, re-referred to the **Appropriations/Base Budget Committee** on April 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Thursday, May 14, 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, May 14.

**CALENDAR** (*continued*)

**S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, temporarily displaced earlier today.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 583** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES TO STUDENTS LIVING IN GEORGIA OR TENNESSEE IF THOSE STATES OFFER THE SAME TREATMENT TO RESIDENTS OF NORTH CAROLINA, re-referred to the **Appropriations/Base Budget Committee** on May 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 595**, A BILL TO BE ENTITLED AN ACT TO REQUEST THAT THE LEGISLATIVE RESEARCH COMMISSION STUDY THE ISSUE OF

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INTEGRATING A LIVING WILL, OR OTHER ADVANCED HEALTH CARE DIRECTIVE, WITH THE DRIVERS LICENSE PROCESS, SIMILAR TO ORGAN DONATION, WITH A STANDARDIZED LIVING WILL OR OTHER HEALTH CARE DIRECTIVE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15283, which changes the title to read **S.B. 595** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LOVED ONES WITH CLEAR CERTAINTY OF A LOVED ONE'S END OF LIFE DECISIONS BY NOTATING LIVING WILL DECISIONS ON DRIVERS LICENSES, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 649**, A BILL TO BE ENTITLED AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE LOCATION OF WORK ZONE SIGNAGE.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 660** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 488**, 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, with a favorable report.

Upon motion of Senator Nesbitt, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 489**, 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, with a favorable report.

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Upon motion of Senator Nesbitt, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 490**, 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, with a favorable report.

Upon motion of Senator Nesbitt, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES, with a favorable report.

**S.B. 726**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT ONLY THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55398, which changes the title to read **S.B. 726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES AND THE COURT OR PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE, is adopted and engrossed.

**S.B. 900**, A BILL TO BE ENTITLED AN ACT TO ALLOW REGISTERS OF DEEDS TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM IMAGES OR COPIES OF RECORDS PLACED ON THE INTERNET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35334, is adopted and engrossed.

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**S.B. 1056**, A BILL TO BE ENTITLED AN ACT REQUIRING A BAIL BONDSMAN TO OBTAIN A FIREARMS REGISTRATION PERMIT AND FIREARMS TRAINING AND MAINTAIN 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 15284, which changes the title to read **S.B. 1056** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A BAIL BONDSMAN TO OBTAIN A FIREARMS REGISTRATION PERMIT AND FIREARMS TRAINING, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

#### **CALENDAR** *(continued)*

**S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED.

The Committee Substitute bill passes its second reading (47-1).

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 14, upon third reading.

**S.B. 687**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 698** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES, COUNTIES, AND SANITARY DISTRICTS GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES.

The Committee Substitute bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 704**, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES WITH RESPECT TO POOLED TRUSTS AND ESTATE RECOVERY UNDER MEDICAID.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 794**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CIVIL COMMITMENT OF CERTAIN SEX OFFENDERS WHO LACK THE CAPACITY TO PROCEED TO TRIAL.

The bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 802** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSION OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 811** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR TO IMPOSE FUEL RATIONING MEASURES DURING A STATE OF DISASTER, A LOCAL STATE OF EMERGENCY, OR AN ABNORMAL MARKET DISRUPTION.

The Committee Substitute bill passes its second reading (40-8) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 817** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 820** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICATED VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES.

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Upon motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 859**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN FIVE HUNDRED THOUSAND TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 866**, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

The bill passes its second reading (38-10) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS.

Upon motion of Senator Clodfelter, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 887** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER SUBSTANTIVE, CLARIFYING, TECHNICAL, AND CONFORMING AMENDMENTS TO THE LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS.

*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 (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TEMPORARY AGRICULTURAL LABOR COST SHARE PROGRAM TO PROVIDE REIMBURSEMENT OF EXPENSES FOR THE LEGAL INTERIM EMPLOYMENT OF FARMWORKERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 55399, is adopted and engrossed.

Upon motion of Senator Atwater, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

#### **CALENDAR** *(continued)*

**S.B. 889** (Committee Substitute), A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **WITHDRAWAL FROM CALENDAR**

**S.B. 962** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS, placed on the Calendar for Thursday, May 14.

Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Thursday, May 14, and placed on today's Calendar which motion prevails.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, May 14, and places it on today's Calendar.

#### **CALENDAR** *(continued)*

**S.B. 893** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION TO COLLECT GROUP SELF-INSURER ASSESSMENTS; TO EXCLUDE FROM PARTICIPATION IN THE ASSOCIATION AGGREGATE SECURITY SYSTEM INDIVIDUAL SELF-INSURERS THAT FAIL TO SUBMIT CERTAIN FINANCIAL INFORMATION; AND TO ADJUST DEPOSIT REQUIREMENTS FOR ALL INDIVIDUAL SELF-INSURERS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 913** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

*Without objection, Senator Brown and Senator Rand request 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 reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 914** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DEALER TERMINATION ASSISTANCE RIGHTS.

*Without objection, Senator Brown and Senator Rand request to be excused from voting on the Committee Substitute bill due to a conflict of interest.*

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 920** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 958** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (47-1).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 14, upon third reading.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 94**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO ASSAULT OR OTHERWISE ENDANGER A PROBATION OR PAROLE OFFICER, re-referred to the **Appropriations/Base Budget Committee** on May 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

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**CALENDAR** (*continued*)

**S.B. 974** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 978**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW.

The bill passes its second reading (44-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 982** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 990**, 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.

Senator Davis offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second reading (47-0).

Senator Davis objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 14, upon third reading.

**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE.

The bill passes its second reading (39-8).

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 14, upon third reading.

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**S.B. 1000**, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO RESTRICT THE OVERALL LENGTH OF VEHICLES TRANSPORTING POLES FOR EMERGENCY REPAIR TO FIFTY-THREE FEET, AND TO MAKE CERTAIN FARM VEHICLES BE SELF-PROPELLED.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**S.B. 804**, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF 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 55400, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 1015** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HOMEOWNER AND HOMEBUYER PROTECTION ACT TO PROHIBIT HOME FORECLOSURE RESCUE SCAMS AND OFFER PROTECTIONS IN LAND INSTALLMENT SALES.

Upon motion of Senator Stein, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 491**, 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

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INFORMATION, AND TO MAKE CONFORMING CHANGES TO EXISTING EXPUNCTION 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 35335, is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill is re-referred to the **Finance Committee**.

**CALENDAR** (*continued*)

**S.B. 1017** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1018** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1020** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1021** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS.

The Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 1027** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1062** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS.

The Committee Substitute bill No. 2 passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1067** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD POLICY COUNCIL TO ADDRESS POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

The Committee Substitute bill passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1069** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINING OUR BUSINESSES AND SCHOOLS (JOBS) COMMISSION.

The Committee Substitute bill passes its second reading (28-19) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1089**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION.

Senator Snow offers Amendment No. 1 which is adopted (47-0).

The bill, as amended, passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 954** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT CONSUMER PROTECTIONS AGAINST ABUSIVE DEBT BUYERS, AND TO INCREASE THE CIVIL LIABILITY OF COLLECTION AGENCIES AND DEBT COLLECTORS WHO VIOLATE THE PROVISIONS OF STATE LAW RELATING TO PROHIBITED ACTS OF COLLECTION AGENCIES AND DEBT COLLECTORS.

Senator Nesbitt offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

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**S.B. 894** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 928** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, AND TO PROVIDE THAT A PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (42-6).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, May 14, upon third reading.

The Senate recesses at 5:58 P.M. to reconvene at 6:10 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*, who presides in the absence of the Lieutenant Governor.

*The Chair grants a leave of absence for the remainder of today's session to Senator Dorsett.*

### WITHDRAWAL FROM CALENDAR

**S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS,

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STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTION WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED, objection to third reading earlier today by Senator Hunt and placed on the Calendar for Thursday, May 14.

Senator Hunt withdraws his objection to third reading and upon motion of Senator Rand and without objection, the Committee Substitute bill is withdrawn from the Calendar for Thursday, May 14, and placed on today's Calendar.

**CALENDAR** (*continued*)

**H.B. 917** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE EFFECT OF EXECUTIVE ORDER NUMBER ELEVEN APPLICABLE TO THE LEGISLATIVE AND JUDICIAL BRANCHES AND TO PROTECT STATE EMPLOYEES UNDER THAT ORDER, placed earlier on today's Calendar.

Senator Garrou offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

**S.B. 583** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES TO STUDENTS LIVING IN GEORGIA OR TENNESSEE IF THOSE STATES OFFER THE SAME TREATMENT TO RESIDENTS OF NORTH CAROLINA, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 962** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 94**, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO ASSAULT OR OTHERWISE ENDANGER A PROBATION OR PAROLE OFFICER, placed earlier on today's Calendar.

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Senator Brock offers Amendment No. 1.

Upon motion of Senator Rand, the bill, with Amendment No. 1 pending, is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS, re-referred to the **Commerce Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and places it before the Senate for immediate consideration.

The Committee Substitute bill passes its second reading (30-17) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

#### CALENDAR *(continued)*

**S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 820** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICAS, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES, temporarily displaced earlier today.

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The Committee Substitute bill passes its second reading (39-8).

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 14, upon third reading.

**S.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS, temporarily displaced earlier today.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 1015** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE HOMEOWNER AND HOMEBUYER PROTECTION ACT TO PROHIBIT HOME FORECLOSURE RESCUE SCAMS AND OFFER PROTECTIONS IN LAND INSTALLMENT SALES.

*The Chair grants leaves of absence for the remainder of today's session to Senator Hoyle and Senator Jenkins.*

Senator Stein offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Dannelly, seconded by Senator Nesbitt, the Senate adjourns at 7:25 P.M. subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Thursday, May 14, at 9:00 A.M.

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## SIXTY-SECOND DAY

Senate Chamber  
Thursday, May 14, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

Dear God, we are grateful for all that has been accomplished this week during long days and nights of work in the Senate. We are reminded of your promise through Paul's words to the church at Ephesus, 'Now to you, O God,

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who is able to do immeasurably more than all we could ask or imagine with the help of your spirit.' We give you thanks. That is a promise on which we have relied this week. Now we also pray that you continue to give strength to Senator Blake as he keeps a loving vigil at the bedside of Mrs. Blake. He told me yesterday how much he appreciates the kind gestures and words of comfort offered by the members here during this difficult time. Thank you for the promise of your presence here and there today. Amen."

The Chair grants leaves of absence for today to Senator Blake and Senator Kinnaird.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, May 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Barry Ostrow 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 duly ratified for presentation to the Governor:

**H.B. 2, AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT.**

### 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**

Beverly Eaves Perdue  
Governor

May 13, 2009

The Honorable Walter Dalton  
Lt. Governor  
310 N. Blount Street  
Raleigh, NC 27601

The Honorable Marc Basnight  
President Pro Tempore - NC Senate  
2007 Legislative Building  
Raleigh, NC 27601-1096

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The Honorable Joe Hackney  
Speaker - NC House of Representatives  
2007 Legislative Building  
Raleigh, NC 27601-1096

RE: Request for Additional Positions to be Designated as Exempt from the State Personnel Act

Pursuant to N.C.G.S. 126-5 (d) (2a), the departments listed below are requesting that the General Assembly approve additional positions as exempt policy-making and exempt managerial in the Department of Correction, the Employment Security Commission and the Department of Health and Human Services. The positions and the justifications for this request are as follows:

Department of Correction:

- 21 additional exempt managerial position designations

*Correctional Administrator I*

The reason for this is the diverse and demanding increase in the duties of the Correctional Administrator I role, which requires increased independence and authority in both the daily and the long range aspects of managing each facility.

Employment Security Commission:

- 1 additional policy-making position designation

*Deputy Chairman and Chief Counsel*

The Chairman of the ESC has requested that this position, which reports directly to the Chairman and has significant commission-wide responsibilities be designated as policy-making exempt.

Department of Health and Human Services:

- 8 additional policy-making exempt position designations

*-Assistant Secretary for Mental Health Services* (responsible for development of community services/capacity and coordination of related policy)

*-Assistant Secretary for Aging* (responsible for coordination of aging services and policy development across departmental divisions)

*-Mental Health Administrator* (works with Assistant Secretary and Director of Mental Health in development of waiver expansion and other services development issues)

*-Medicaid Assistant Director - Long Term Care* (coordination and management of Medicaid clinical and financial issues related to the growing demand for long-term care)

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*-Special Projects Team (4 positions) -- This is a four member team which would report to the Secretary with the responsibility of coordinating departmental activities related to federal recovery funds, increasing operational and programmatic efficiency and effectiveness to meet budget demands, and identifying opportunities to improve programs, management and accountability within the department.*

Thank you for your consideration of this request. Please feel free to contact me or my staff if there are any questions.

Sincerely  
S/Bev Perdue

cc: Linda Coleman, State Personnel Director

Referred to the **Appropriations/Base Budget Committee**.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 138** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE, DELIVERY, OR POSSESSSION OF SALVIA DIVINORUM.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

Upon motion of Senator McKissick, the Chair orders, without objection, the bill temporarily displaced.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES.

Upon motion of Senator McKissick, the Chair orders, without objection, the bill temporarily displaced.

**S.B. 595** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LOVED ONES WITH CLEAR CERTAINTY OF A LOVED ONE'S END OF LIFE DECISIONS BY NOTATING LIVING WILL DECISIONS ON DRIVERS LICENSES.

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Senator Goodall offers Amendment No. 1 which is adopted (46-0), and changes the title to read **S.B. 595** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A NOTATION ON A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD THAT AN APPLICANT IS AN ORGAN DONOR OR HAS A LIVING WILL.

The Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 628**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 658** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 694**, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY AS PERFORMED BY PERSONS PRACTICING DENTISTRY OUT OF STATE UNDER CERTAIN CIRCUMSTANCES.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 699**, A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION AND OPERATION OF CEMENT PLANTS IN THE STATE UNTIL SEPTEMBER 1, 2010, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE ENVIRONMENTAL IMPACTS OF CEMENT PLANTS AND THE SITING, DESIGN, AND OPERATIONAL REQUIREMENTS GOVERNING CEMENT PLANTS IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

**S.B. 726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES AND THE COURT OR PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 740** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 804** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED.

Upon motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 824** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SCHOOL BUSES TO TRANSPORT STUDENTS HOME FROM AFTER-SCHOOL PROGRAMS UNDER CERTAIN CIRCUMSTANCES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 900** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGISTERS OF DEEDS TO REMOVE PERSONAL IDENTIFYING INFORMATION FROM IMAGES OR COPIES OF RECORDS PLACED ON THE INTERNET.

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The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Garrou for the **Appropriations/Base Budget Committee**:

**S.B. 1072**, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SECRETARY OF STATE FROM CERTAIN INFORMATION TECHNOLOGY MANAGEMENT AUTHORITY OF THE OFFICE OF INFORMATION TECHNOLOGY 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 85234, which changes the title to read **S.B. 1072** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ENSURE COLLABORATION BETWEEN THE OFFICE OF INFORMATION TECHNOLOGY SERVICES AND STATE AGENCIES REGARDING THE CONSOLIDATION OF INFORMATION TECHNOLOGY RESOURCE CENTERS AND SERVICES, is adopted and engrossed.

Upon motion of Senator Garrou, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

### CALENDAR *(continued)*

**S.B. 1028** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, KNOWN AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 440** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING LAWS PERTAINING TO GESTATIONAL SURROGACY AGREEMENTS.

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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**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, temporarily displaced earlier today.

Senator Stevens offers Amendment No. 1 which is adopted (47-0).

Upon motion of Senator Rand, the bill, as amended, is withdrawn from today's Calendar and is re-referred to the **Pensions & Retirement and Aging Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, as amended and re-referred to the **Pensions & Retirement and Aging Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill, as amended, be withdrawn from the **Pensions & Retirement and Aging Committee** and placed on today's Calendar, which motion prevails (33-14).

The Chair orders the bill, as amended, withdrawn from the **Pensions & Retirement and Aging Committee** and places it on today's Calendar.

#### CALENDAR *(continued)*

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, as amended and placed earlier on today's Calendar.

Upon motion of Senator McKissick, the Chair orders, without objection, the bill, as amended, temporarily displaced.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES.

Upon motion of Senator McKissick, the Chair orders, without objection, the bill temporarily displaced.

**S.B. 804** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED, temporarily displaced earlier today.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FAIR AND RELIABLE IMPOSITION OF CAPITAL SENTENCES, upon third reading, as amended on second reading.

Senator Hartsell offers Amendment No. 3 which is adopted (46-1).

*The Chair grants a leave of absence for the remainder of today's session to Senator Rucho.*

Senator Berger of Rockingham offers Amendment No. 4 which fails of adoption (16-30).

The Committee Substitute bill, as amended, passes its third reading (36-10) and is ordered engrossed and sent to the House of Representatives.

**S.B. 467** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS, upon third reading, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading (27-19) and is ordered engrossed and sent to the House of Representatives.

The Senate recesses at 10:41 A.M. to reconvene at 11:00 A.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 917**, AN ACT TO MAKE THE EFFECT OF EXECUTIVE ORDER NUMBER ELEVEN APPLICABLE TO THE LEGISLATIVE AND JUDICIAL BRANCHES AND TO PROTECT STATE EMPLOYEES UNDER THAT ORDER.

*The Chair grants a leave of absence for the remainder of today's session to Senator Goss.*

### WITHDRAWAL FROM COMMITTEE

**S.B. 709** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD, re-referred to the **Appropriations/Base Budget Committee** on May 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

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The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

**CALENDAR** (*continued*)

**S.B. 820** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES.

Senator East offers Amendment No. 1 which is adopted (31-14).

The Committee Substitute bill, as amended, passes its third reading (45-0) and is ordered engrossed and sent to the House of Representatives.

*The Chair grants a leave of absence for the remainder of today's session to Senator Clodfelter.*

**S.B. 928** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY USE DEFENSIVE FORCE TO PROTECT AGAINST THE UNLAWFUL AND FORCIBLE ENTRY INTO THE PERSON'S DWELLING BY ANOTHER, TO PREVENT THE REMOVAL OF A PERSON AGAINST HIS OR HER WILL FROM THE PERSON'S DWELLING, AND TO PROVIDE THAT A PERSON IS JUSTIFIED IN USING DEFENSIVE FORCE IN THESE CIRCUMSTANCES AND SO IS IMMUNE FROM CRIMINAL PROSECUTION AND CIVIL ACTION FOR THE USE OF SUCH FORCE.

The Committee Substitute bill passes its third reading (42-2) and is ordered sent to the House of Representatives.

**S.B. 958** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD, upon third reading, as amended on second reading.

Senator Nesbitt offers Amendment No. 2 a perfecting amendment to Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its third reading (42-1) and is ordered engrossed and sent to the House of Representatives.

**S.B. 990**, 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, upon third reading, as amended on second reading.

Senator Davis offers Amendment No. 2 which is adopted (43-0).

The bill, as amended, passes its third reading (43-0) and is ordered engrossed and sent to the House of Representatives.

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**WITHDRAWAL FROM COMMITTEE**

**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE, re-referred to the **Agriculture/Environment/Natural Resources Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and places it before the Senate for immediate consideration.

Upon motion of Senator Rand, the Chair orders, without objection, the bill temporarily displaced.

**CALENDAR** (*continued*)

**S.B. 468**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, as amended and temporarily displaced earlier today.

Senator Atwater offers Amendment No. 2, perfecting Amendment No. 1, which is adopted (44-0).

The bill, as amended, passes its second reading (43-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**S.B. 586**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES, temporarily displaced earlier today.

The bill passes its second reading (42-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1072** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW TO ENSURE COLLABORATION BETWEEN THE OFFICE OF INFORMATION TECHNOLOGY SERVICES AND STATE AGENCIES REGARDING THE CONSOLIDATION OF INFORMATION TECHNOLOGY RESOURCE CENTERS AND SERVICES, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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**S.B. 709** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF HOME IMPROVEMENT FRAUD, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (41-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 992**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MAYORS TO SOLEMNIZE MARRIAGES IF AUTHORIZED BY LOCAL ORDINANCE, placed earlier on today's Calendar.

The bill passes its third reading (35-9) and is ordered sent to the House of Representatives.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, May 18, at 7:00 P.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 209** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.

Referred to the **Judiciary I Committee**.

**H.B. 239** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 334** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES.

Referred to the **Judiciary I Committee**.

**H.B. 388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE THREE THOUSAND DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR MUNICIPAL OFFICE, SOIL AND WATER CONSERVATION DISTRICT BOARDS OF SUPERVISORS, AND SANITARY DISTRICT BOARDS TO FIVE

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HUNDRED DOLLARS OR LESS AND TO ELIMINATE THE THREE THOUSAND DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES.

Referred to the **Judiciary II Committee**.

**H.B. 406** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 506** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS TO THE ENTITLEMENT TO COUNSEL AND THE PROCEDURES FOR APPOINTMENT.

Referred to the **Judiciary I Committee**.

**H.B. 615** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING BUSINESS TRUSTS.

Referred to the **Judiciary II Committee**.

**H.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SCHOOL CALENDAR LAW TO ALLOW LOCAL BOARDS OF EDUCATION TO EXTEND THE CLOSING DATE FOR STUDENTS BY THREE DAYS UNTIL JUNE 13 TO PROVIDE FOR MAKEUP DAYS DUE TO INCLEMENT WEATHER OR EMERGENCY CONDITIONS AND IF ADDITIONAL MAKEUP DAYS ARE STILL NEEDED, TO USE UP TO TWO PROTECTED TEACHER WORKDAYS.

Referred to the **Education/Higher Education Committee**.

**H.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

Referred to the **State & Local Government Committee**.

**H.B. 710**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF CLAYTON TO USE ELECTRONIC MEANS TO PROVIDE PUBLIC NOTICE FOR CERTAIN PUBLIC HEARINGS.

Referred to the **State & Local Government Committee**.

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**H.B. 757**, A BILL TO BE ENTITLED AN ACT TO DESIGNATE TWO HIGH SCHOOLS IN THE ORANGE COUNTY SCHOOL ADMINISTRATIVE UNIT AS TECHNOLOGY HIGH SCHOOLS.

Referred to the **Education/Higher Education Committee**.

**H.B. 767** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 775**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR CHILDREN AND ADULTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY.

Referred to the **Judiciary II Committee**.

**H.B. 806** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.

Referred to the **Judiciary I Committee**.

**H.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 878**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE.

Referred to the **Health Care Committee**.

**H.B. 921** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY AND TO AMEND THE LAW ESTABLISHING 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.B. 924**, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

Referred to the **Judiciary II Committee**.

**H.B. 1076**, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR PROBLEM-SOLVING COURTS.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1084** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES.

Referred to the **Commerce Committee**.

**H.B. 1136**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT CERTAIN EXECUTIVE BRANCH EMPLOYEES FROM REGISTERING AS A LOBBYIST FOR SIX MONTHS AFTER LEAVING EMPLOYMENT WITH THE STATE.

Referred to the **Judiciary I Committee**.

**H.B. 1165** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS SET FORTH IN THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY; MAKE CONFORMING AMENDMENTS; AND REPEAL THE STATUTE THAT CONTAINS THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY.

Referred to the **Commerce Committee**.

**H.B. 1175**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS).

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1210**, A BILL TO BE ENTITLED AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE

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ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES.

Referred to the **Commerce Committee**.

**H.B. 1287** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS; REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION; AND BAN MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS.

Referred to the **Commerce Committee**.

**H.B. 1289** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FORBID CONTRACTING AS LOTTERY RETAILERS BUSINESSES WHO PRIMARILY CASH CHECKS, DRAFTS, OR MONEY ORDERS.

Referred to the **Commerce Committee**.

**H.B. 1312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE, TO CLARIFY THAT PUBLIC SERVICE VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY SHOULDERS, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT DISTRIBUTIONS OF PROCEEDS DERIVED FROM GARVEE BONDS FROM THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL ENGINEER.

Referred to the **Judiciary I Committee**.

**H.B. 1329** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

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**H.B. 1331**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING.

Referred to the **Health Care Committee**.

**H.B. 1378** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF EFFLUENT FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1419** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1433** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE IMMUNITY FROM LIABILITY OF PERSONS USING AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS.

Referred to the **Judiciary I Committee**.

**H.B. 1621**, A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND.

Referred to the **Judiciary I Committee**.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:53 P.M.

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### SIXTY-THIRD DAY

Senate Chamber  
Monday, May 18, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"God of all comfort, we are here this evening going about business as usual, working and eating and planning. But for some, today is anything but a normal day. There are families across our State dealing with the loss of a loved one, including our own Senator Harris Blake. Barbara Blake, his wife, passed away on Friday and so we lift up the Blake family to you. As we do so, we thank you for life, with all its blessings and sorrows. Help us to not take for granted the presence of those we love, but instead to appreciate every moment. Finally, we pray that you will comfort the Blake family and all those who mourn with your very presence. For your sake we ask it. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Brown, Senator Dannelly, Senator Davis, Senator Goodall, Senator Jacumin, Senator Jenkins, Senator Stevens, and Senator Weinstein.

Senator Rand announces that the Journal of Thursday, 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.

### 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. 588**, AN ACT TO ADOPT THE ALBEMARLE POTATO FESTIVAL AS THE OFFICIAL IRISH POTATO FESTIVAL OF THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, May 13, 2009 - S.L. 2009-24.)

May 18, 2009

**H.B. 97**, AN ACT TO PROVIDE THAT RESIDENTS OF THIS STATE WHO ARE SERVING ON FULL-TIME ACTIVE MILITARY DUTY OUTSIDE THIS STATE IN THE ARMED FORCES OF THE UNITED STATES OR A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES MAY HUNT OR FISH WHILE ON LEAVE IN THIS STATE WITHOUT OBTAINING A LICENSE. (Became law upon approval of the Governor, May 13, 2009 - S.L. 2009-25.)

Upon motion of Senator Rand, seconded by Senator Purcell, the Senate adjourns at 7:09 P.M. to meet Tuesday, May 19, at 3:00 P.M.

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### SIXTY-FOURTH DAY

Senate Chamber  
Tuesday, May 19, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

Great God, as we come to you today, we look to scripture as the inspiration for our prayer. For millennia you have guided those who govern, including men such as King Solomon of Israel. Solomon had a dream and in that dream you appeared and told him to ask for anything. Of all the requests he could have made, Solomon asked for wisdom and 'an understanding mind to govern your people.' Scripture also tells us that you were pleased that he thought of others before himself and you granted Solomon's wish. God of all, I pray that you would grant these leaders both wisdom and the selflessness of Solomon. Amen."

The Chair grants leaves of absence for today to Senator Goodall, Senator Graham, and Senator Hunt.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, May 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

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**H.B. 917**, AN ACT TO MAKE THE EFFECT OF EXECUTIVE ORDER NUMBER ELEVEN APPLICABLE TO THE LEGISLATIVE AND JUDICIAL BRANCHES AND TO PROTECT STATE EMPLOYEES UNDER THAT ORDER. (Became law upon approval of the Governor, May 18, 2009 - S.L. 2009-26.)

**H.B. 2**, AN ACT TO PROHIBIT SMOKING IN CERTAIN PUBLIC PLACES AND CERTAIN PLACES OF EMPLOYMENT. (Became law upon approval of the Governor, May 19, 2009 - S.L. 2009-27.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 642**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35336, is adopted and engrossed.

**S.B. 1073**, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75263, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 9** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 616** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION,

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DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS, with a favorable report.

**H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

**H.B. 1272**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUVENILE CODE, with a favorable report.

By Senator Jones for the **State & Local Government Committee**:

**H.B. 52**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE FILING PERIOD FOR THE HAYWOOD COUNTY BOARD OF EDUCATION, with a favorable report.

**H.B. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS, with a favorable report.

**H.B. 186** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO OBJECT TO THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IF THE LOCAL GOVERNMENT HAS HELD A PUBLIC HEARING, TAKEN EVIDENCE, AND PASSED A RESOLUTION OBJECTING TO THE LOCATION OF AN ALCOHOLIC BEVERAGE CONTROL STORE, with a favorable report.

**H.B. 220** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN ELIGIBILITY STATUTE, with a favorable report.

**H.B. 221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with a favorable report.

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**H.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS, with a favorable report.

**H.B. 254**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT VACANCIES IN THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE FILLED IN ACCORDANCE WITH GENERAL LAW, with a favorable report.

**H.B. 260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS, with a favorable report.

**H.B. 411**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE COMMISSION, with a favorable report.

**H.B. 435**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE LEE COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF LEE COUNTY, THE PERSON RECOMMENDED BY THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED, with a favorable report.

**H.B. 170** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

#### **SEATING OF THE HONORABLE DANIEL T. BLUE, JR.**

The President recognizes Cecil Goins, Sergeant-At-Arms, who announces that The Honorable Daniel T. Blue, Jr. awaits at the door to enter the Chamber to take his seat as a member of the Senate. Senator Dannelly announces Senator Dorsett, Senator Jones, Senator Nesbitt, Senator Stevens and Senator Stein as the Committee to escort Senator-elect Daniel T. Blue, Jr. to the Well of the Senate.

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**PROCLAMATION FROM THE GOVERNOR**

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Daniel T. Blue, Jr., as follows:

THE APPOINTMENT OF DANIEL T. BLUE, JR.

2009-2010

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

**A PROCLAMATION**

WHEREAS, the Honorable Vernon Malone, elected Senator from the Fourteenth Senatorial District 2009-2010 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 Vernon Malone be filled by appointment of the person recommended by the Fourteenth State Senate District Committee of the Democratic Party; and

WHEREAS, the Fourteenth State Senate District Committee of the Democratic Party has notified me of its recommendation of Daniel T. Blue, Jr. of Wake County, North Carolina, to fill the unexpired term,

I do by these presents appoint

DANIEL T. BLUE, JR.

as a member of the

SENATE

2009-2010 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 nineteenth day of May in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-third.

S/ Beverly Eaves Perdue  
Governor

ATTEST:  
S/ Elaine F. Marshall  
Secretary of State

May 19, 2009

The Oath of Office is administered to Senator-elect Blue by the Honorable Sarah Parker, Chief Justice of the Supreme Court of North Carolina.

Senator Blue is escorted to Seat No. 26.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Danielle Blake, Salemburg; Katherine Britt, Laurinburg; Amanda Chevalier, Laurinburg; Secorea Dunn, Raleigh; Emily Gerringer, Elon; Erin Gerringer, Elon; Grant Goethe, Wake Forest; Christopher Grady, Burlington; Justin Harvey, Salemburg; Angela Henry, Salemburg; Paige Hopkins, Waxhaw; Chandler Kellum, Elon; Trevor Kendrick, Roxboro; Ian Lucas, Elizabethtown; Jeremy Merritt, Kinston; Shaneice Mitchell, Colerain; Michael Odom, Clinton; Laura Page, Clinton; Nicholas Purvis, Middlesex; Carlos Reyes, Salemburg; Lindsey Rose, Climax; Ellis Anne Sahhar, Winston-Salem; James R. Scott, Salemburg; Lindsey Dean Stutts, Goldsboro; Richard Styers, Raleigh; Justin Warren, Coats; Amandolin Webb, Oakboro; Tyler White, Clinton and John Yakel, Salemburg.

### WITHDRAWAL FROM CALENDAR

**H.B. 170** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW, placed on the Calendar for Wednesday, May 20.

Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Wednesday, July 20, and placed on the Calendar for Thursday, July 21, which motion prevails.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the Calendar for Wednesday, July 20, and placed on the Calendar for Thursday, July 21.

### COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Blue to the following Committees:

**Appropriations/Base Budget Committee**  
**Appropriations on Education/Higher Education Committee**  
**Judiciary I Committee**

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**Commerce Committee**  
**Finance Committee**  
**Rules and Operations of the Senate Committee**  
**Ways & Means Committee**  
**Select Committee on Economic Recovery**

Upon motion of Senator Basnight, seconded by Senator Blue, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Wednesday, May 20, at 3:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**H.B. 188** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES, TO DIRECT THE APPROPRIATE ENTITY TO STUDY THE IMPACTS OF RAISING THE COMPULSORY ATTENDANCE AGE FOR PUBLIC SCHOOL ATTENDANCE PRIOR TO COMPLETION OF A HIGH SCHOOL DIPLOMA FROM SIXTEEN TO SEVENTEEN OR EIGHTEEN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 213** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES.

Referred to the **State & Local Government Committee**.

**H.B. 223** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT.

Referred to the **Education/Higher Education Committee**.

**H.B. 243** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT

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EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.

Referred to the **Health Care Committee**.

**H.B. 311**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES.

Referred to the **Finance Committee**.

**H.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD.

Referred to the **Judiciary I Committee**.

**H.B. 348** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EDUCATION REQUIREMENT FOR SERVICE ON A LOCAL BOARD OF EDUCATION.

Referred to the **Education/Higher Education Committee**.

**H.B. 385** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

Referred to the **Education/Higher Education Committee**.

**H.B. 436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTIFICATE OF NEED REVIEW CERTAIN CAPITAL EXPENDITURES FOR NURSING HOMES, ADULT CARE HOMES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED THAT ENTAIL INNOVATIVE RENOVATIONS AND EXPANSIONS TO IMPROVE QUALITY OF LIFE.

Referred to the **Health Care Committee**.

**H.B. 456** (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.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 466** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY

THE ROLE OF THE BOXING ADVISORY COMMISSION IN REGULATING BOXING AND OTHER RELATED ARTS.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

Referred to the **Education/Higher Education Committee**.

**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA.

Referred to the **Commerce Committee** and upon a favorable report, referred to the **Appropriations/Base Budget Committee**.

**H.B. 569** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 576** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 578** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE NOTICE OF RIGHT TO SEEK LEGAL COUNSEL AND CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE.

Referred to the **Judiciary II Committee**.

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**H.B. 593** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE SCHOOL STARTING DATE FOR STUDENTS AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO CONDUCT A PUBLIC HEARING BEFORE DETERMINING THE OPENING AND CLOSING DATES FOR THE PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

**H.B. 617** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PREVENT POTENTIAL CONFLICTS OF INTEREST BY PERSONS EMPLOYED BY THE STATE OR ACTING AS AGENTS OF THE STATE WITHIN LOCAL HEALTH DEPARTMENTS.

Referred to the **State & Local Government Committee**.

**H.B. 649**, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 661**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION.

Referred to the **Education/Higher Education Committee**.

**H.B. 667** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS, AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS.

Referred to the **Commerce Committee**.

**H.B. 673** (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 TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES., for concurrence in the Bill.

Referred to the **Mental Health & Youth Services Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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**H.B. 684** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN.

Referred to the **Finance Committee**.

**H.B. 699** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES., for concurrence in the Bill.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 709**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 713**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 723**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF ABANDONED PROPERTY WITH FIFTY OR MORE PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY WITH THE OFFICE OF THE STATE TREASURER, TO ALLOW HOLDERS WITH LESS THAN FIFTY PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY, AND TO ALLOW HOLDERS REPORTING ELECTRONICALLY TO FILE AN ELECTRONIC AFFIDAVIT.

Referred to the **Commerce Committee**.

**H.B. 726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON'S RECORD MAY BE EXPUNGED FOR A FIRST MISDEMEANOR OFFENSE COMMITTED WHEN THE PERSON WAS LESS THAN EIGHTEEN YEARS OLD EVEN THOUGH THE PERSON IS EIGHTEEN YEARS OLD OR OLDER AT THE TIME OF CONVICTION; TO PROVIDE THAT A PERSON'S RECORD MAY BE EXPUNGED FOR A FIRST MISDEMEANOR POSSESSION OF ALCOHOL OFFENSE COMMITTED WHEN THE PERSON WAS LESS THAN

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TWENTY-ONE YEARS OLD EVEN THOUGH THE PERSON IS TWENTY-ONE YEARS OR OLDER AT THE TIME OF THE CONVICTION; TO REQUIRE STATE AND NATIONAL CRIMINAL RECORD CHECKS WHEN EXPUNGING RECORDS; AND TO PROVIDE THAT ANY PERSON OR ENTITY REQUIRED TO OBTAIN A CRIMINAL RECORD CHECK WOULD NOT BE DEEMED TO HAVE KNOWLEDGE OF OFFENSES EXPUNGED UNDER THE STATUTE.

Referred to the **Judiciary I Committee**.

**H.B. 755** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SPECIAL REGISTRATION PLATE ACCOUNT FUNDS DESIGNATED FOR BEAUTIFICATION ON ALL HIGHWAYS.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 789**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

**H.B. 808** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT, for concurrence in the bill.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 813** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM APPORTIONMENT OF TORT RESPONSIBILITY ACT.

Referred to the **Judiciary I Committee**.

**H.B. 817**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 856** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE NUMBER OF CHARTER SCHOOLS AND TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION ON CHARTER SCHOOLS.

Referred to the **Education/Higher Education Committee**.

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**H.B. 857**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM CALIBER REQUIREMENTS FOR RIFLES USED IN TAKING BIG GAME.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING THE CONDITIONS OF PROBATION.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER.

Referred to the **Commerce Committee**.

**H.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE CITIES AND COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS.

Referred to the **State & Local Government 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 TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES.

Referred to the **Commerce Committee**.

**H.B. 884** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY SAFETY INSPECTION STATION AND SAFETY SELF-INSPECTOR RESPONSIBILITIES AND NOTICE REQUIREMENTS.

Referred to the **Finance Committee**.

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**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Referred to the **Judiciary II Committee**.

**H.B. 886**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 907** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE.

Referred to the **Judiciary I Committee**.

**H.B. 946**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY ON THE STREETS WITHIN THE BEAR PAW SERVICE DISTRICT IN CHEROKEE COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS THE SAME POWER AS ALL OTHER

UNITS OF LOCAL GOVERNMENTS IN ACQUIRING PROPERTY BY CONDEMNATION FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS.

Referred to the **Judiciary II Committee**.

**H.B. 961** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PREVENT CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS.

Referred to the **Judiciary I Committee**.

**H.B. 969**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM.

Referred to the **State & Local Government Committee**.

**H.B. 972**, A BILL TO BE ENTITLED AN ACT TO GRANT THE RIGHT TO CONSTRUCT AND MAINTAIN A WATER INTAKE SYSTEM IN THE TOWN OF BOONE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 994** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADVISE THE HOUSING AUTHORITY OF THE CITY OF WILSON ON THE REQUIREMENTS FOR REGISTRATION AS A MULTIUNIT ASSISTED HOUSING WITH SERVICES PROGRAM AND ON THE REQUIREMENTS FOR LICENSURE AS A HOME CARE AGENCY IN ORDER TO ASSIST THE HOUSING AUTHORITY WITH THEIR EFFORTS TO HELP INDIVIDUALS AGE IN PLACE.

Referred to the **State & Local Government Committee**.

**H.B. 1002**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONTROLLED SUBSTANCES REPORTING ACT TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION.

Referred to the **Health Care Committee**.

**H.B. 1005** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 1009** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF

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EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

Referred to the **State & Local Government Committee**.

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1021** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS PARKWAY: HOME OF THE CAROLINA MARINES SINCE 1941."

Referred to the **State & Local Government Committee**.

**H.B. 1031** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS.

Referred to the **Education/Higher Education Committee**.

**H.B. 1035**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERFORMANCE AND PAYMENT BONDING REQUIREMENT FOR CONSTRUCTION PROJECT CONTRACTS AWARDED BY THE UNIVERSITY OF NORTH CAROLINA THAT EXCEED FIVE HUNDRED THOUSAND DOLLARS.

Referred to the **Commerce Committee**.

**H.B. 1046** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO ADOPT RULES ESTABLISHING STANDARDS APPLICABLE TO CHILD CARE CENTERS THAT PROVIDE DEVELOPMENTAL DAY PROGRAMS.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1073** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING

SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS AND TO REPEAL THE AUTHORIZATION FOR AN ADMINISTRATIVE FEE TO BE APPLIED TO THOSE WITHDRAWALS.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1077** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT.

Referred to the **Judiciary II Committee**.

**H.B. 1078**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE.

Referred to the **Education/Higher Education Committee**.

**H.B. 1087**, A BILL TO BE ENTITLED AN ACT TO APPLY CLIENT RIGHTS AND HUMAN RIGHTS COMMITTEE REQUIREMENTS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND LOCAL MANAGEMENT ENTITIES, TO PROVIDER ENTITIES.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 1088**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

Referred to the **State & Local Government Committee**.

**H.B. 1094** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

Referred to the **Commerce Committee**.

**H.B. 1098** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES.

Referred to the **Judiciary II Committee**.

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**H.B. 1099** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; AND (6) EXTEND BY ONE YEAR THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1100** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1105** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1108**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1110** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROCEDURES IN CIVIL ACTIONS FOR ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Referred to the **Judiciary I Committee**.

**H.B. 1114**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A NOTATION ON A DRIVERS LICENSE OR SPECIAL IDENTIFICATION CARD THAT AN APPLICANT HAS A LIVING WILL.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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**H.B. 1132**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT A SHERIFF SHALL ISSUE OR DENY AN APPLICATION TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, AND TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF.

Referred to the **Judiciary II Committee**.

**H.B. 1159** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1176**, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REORGANIZE ALL HIGH SCHOOLS THAT HAVE A HIGH DROPOUT RATE.

Referred to the **Education/Higher Education Committee**.

**H.B. 1185** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS.

Referred to the **Judiciary I Committee**.

**H.B. 1187**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES.

Referred to the **Health Care Committee**.

**H.B. 1196** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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**H.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

Referred to the **Commerce Committee**.

**H.B. 1249**, A BILL TO BE ENTITLED AN ACT ESTABLISHING DEEP VEIN THROMBOSIS AWARENESS MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1251** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING JUNE AS CANCER SCREENING AWARENESS MONTH.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1255**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.

Referred to the **Judiciary I Committee**.

**H.B. 1260**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS.

Referred to the **Education/Higher Education Committee**.

**H.B. 1261**, A BILL TO BE ENTITLED AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A CLASS 1 MISDEMEANOR.

Referred to the **Judiciary II Committee**.

**H.B. 1265**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PRIVATE PERSONNEL SERVICES, JOB LISTING SERVICES, AND INDIVIDUALS PROVIDE A NOTICE TO POTENTIAL CUSTOMERS CONCERNING IDENTITY THEFT.

Referred to the **Commerce Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:57 P.M.

**SIXTY-FIFTH DAY**

Senate Chamber  
Wednesday, May 20, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina, as follows:

"Dear God, again we look to scripture as we pray. We think of Job, of his bitter suffering and harsh trials, and we are reminded of our own difficulties, both minor and severe. As we work to solve our problems and make a difference in our State, we think of Job debating with you. Perhaps we, too, argue with you more than we should. Lord, you spoke words of wisdom and guidance to Job. Our prayer is that you would speak to us as well in our need. May we listen expectantly for your voice. Amen."

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Gregory Cannon from Cary, North Carolina, who is serving the Senate as Doctor of the Day.*

**CHAPTERED BILL**

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

**S.B. 668**, AN ACT TO ALLOW A BANK TO PAY DIVIDENDS ON CERTAIN PREFERRED SHARES ISSUED TO THE UNITED STATES TREASURY AND TO ISSUE AND PAY DIVIDENDS ON PREFERRED SHARES TO RECAPITALIZE ITSELF. (Became law upon approval of the Governor, May 20, 2009 - S.L. 2009-28.)

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Stevens for the **Education/Higher Education Committee**:

**H.B. 65** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING

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INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE, with a favorable report.

**H.B. 573** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY, with a favorable report.

**H.B. 316** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS, 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 30396, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

**S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, with a favorable report.

**S.B. 479**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, with a favorable report.

**S.B. 786**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

**H.B. 336**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS, with a favorable report.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY

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MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Thursday, May 21, upon third reading.

**H.B. 52**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE FILING PERIOD FOR THE HAYWOOD COUNTY BOARD OF EDUCATION.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 254**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT VACANCIES IN THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE FILLED IN ACCORDANCE WITH GENERAL LAW.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 435**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE LEE COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF LEE COUNTY, THE PERSON RECOMMENDED BY THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.B. 642** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL-TERRAIN VEHICLES AND MOTORCYCLES THAT ARE

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USED AS OFF-ROAD VEHICLES TO BE REGISTERED WITH THE DIVISION OF MOTOR VEHICLES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

#### **WITHDRAWAL FROM COMMITTEE**

**S.B. 472**, A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY POINTS IN AWARDING CERTAIN GRANTS FOR AREAS ANNEXED TO PROVIDE WATER OR SEWER SERVICE TO LOW-INCOME AREAS, TO AUTHORIZE THE ANNEXATION OF CONTIGUOUS DISTRESSED AREAS UPON PETITION OF SEVENTY-FIVE PERCENT OF REGISTERED HOUSEHOLDS, TO INCREASE THE THRESHOLD FOR THE LARGE-CITY ANNEXATION PROCEDURES TO TEN THOUSAND OR MORE IN POPULATION, TO PROHIBIT CITY-INITIATED ANNEXATION BY CITIES THAT DO NOT PROVIDE AT LEAST TWO MAJOR MUNICIPAL SERVICES, TO REQUIRE FIVE-YEAR FINANCIAL PROJECTIONS IN THE ANNEXATION REPORT, TO ALLOW FOR THE ANNEXATION OF AREAS COMPLETELY SURROUNDED BY THE PRIMARY MUNICIPAL BOUNDARIES, TO PROHIBIT THE USE OF STREETS AS SHOESTRING CONNECTIONS IN VOLUNTARY AND CITY-INITIATED ANNEXATIONS, TO ALLOW SMALL CITIES TO USE THE POPULATION DENSITY STANDARD IN DETERMINING DEVELOPMENT FOR URBAN PURPOSES, TO REQUIRE A RESOLUTION OF CONSIDERATION TO BEGIN THE CITY-INITIATED ANNEXATION PROCESS, TO REQUIRE ADDITIONAL INFORMATION IN THE NOTICE OF PUBLIC HEARING, TO REQUIRE THAT PUBLICATIONS OF NOTICE OCCUR ONE WEEK APART, TO REQUIRE DISTRIBUTION OF ADDITIONAL INFORMATION AT THE PUBLIC INFORMATIONAL MEETING AND THE PUBLIC HEARING, TO REQUIRE THAT CITY-INITIATED ANNEXATIONS BECOME EFFECTIVE ON THE JUNE 30 FOLLOWING ADOPTION OF THE ORDINANCE, TO ALLOW CITIES IN THE EVENT OF LITIGATION TO DELAY THE EFFECTIVE DATE OF ANNEXATION TO THE JUNE 30 FOLLOWING THE FINAL JUDGMENT, TO INCREASE THE TIME FOR CHALLENGING AN ANNEXATION TO SEVENTY-FIVE DAYS, TO REQUIRE A REPORT ON THE PROVISION OF SERVICES TO THE LOCAL GOVERNMENT COMMISSION, TO INCREASE THE TIME FOR PETITIONING THE LOCAL GOVERNMENT COMMISSION FOR TAX ABATEMENT TO ONE HUNDRED TWENTY DAYS, TO INCREASE TO THIRTY DAYS THE TIME FOR PROPERTY OWNERS TO REQUEST WATER AND SEWER EXTENSIONS TO INDIVIDUAL LOTS IN LARGE CITIES, TO REQUIRE LARGE CITIES TO BASE CALCULATIONS OF THE COST OF WATER AND SEWER EXTENSIONS UPON THE ASSUMPTION THAT ALL ELIGIBLE PROPERTY OWNERS WILL REQUEST EXTENSIONS TO THEIR INDIVIDUAL LOTS, TO REQUIRE

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LARGE CITIES TO PROVIDE ADDITIONAL INFORMATION REGARDING THE RIGHT TO REQUEST INDIVIDUAL WATER AND SEWER EXTENSIONS, TO MAKE CONFORMING CHANGES TO MUNICIPAL TAXATION PROVISIONS, TO CLARIFY THE ENFORCEABILITY OF CERTAIN ANNEXATION AGREEMENTS BETWEEN CITIES AND PROPERTY OWNERS, AND TO REQUIRE THAT PROPERTY OWNERS BE GIVEN THE OPTION OF PAYING WATER AND SEWER ASSESSMENTS PURSUANT TO A CITY-INITIATED ANNEXATION OVER TWENTY YEARS, referred to the **State & Local Government Committee** on March 10.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **State & Local Government Committee** and re-referred to the **Finance 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 **Finance Committee**.

**S.J.R. 1099**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HERTFORD COUNTY ON THE OCCASION OF THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 28.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, May 21, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, May 21.

**H.J.R. 224**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THEODORE JAMES "TED" KINNEY, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on April 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, May 21, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, May 21.

#### CALENDAR *(continued)*

**H.B. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

Senator Goodall offers Amendment No. 1.

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Senator Rand offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Clodfelter, which motion prevails (30-20). Amendment No. 1 is tabled.

Upon motion of Senator Rand, the Committee Substitute bill No. 3 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 27.

**H.B. 186** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENTS TO OBJECT TO THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IF THE LOCAL GOVERNMENT HAS HELD A PUBLIC HEARING, TAKEN EVIDENCE, AND PASSED A RESOLUTION OBJECTING TO THE LOCATION OF AN ALCOHOLIC BEVERAGE CONTROL STORE.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 241**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR CHILDREN AND ADULTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY, referred to the **Judiciary II Committee** on February 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

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**CALENDAR** *(continued)*

**H.B. 220** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN ELIGIBILITY STATUTE.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 411**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE COMMISSION.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 616** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS.

The Committee Substitute bill No. 2 passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 800** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1272**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUVENILE CODE.

The bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**WITHDRAWAL FROM CLERK'S OFFICE**

**S.B. 148**, A BILL TO BE ENTITLED AN ACT TO RESTORE THE PRE-1959 ANNEXATION LAW BY REQUIRING A REFERENDUM ON

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ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION, ordered held in the Office of the Principal Clerk on February 12, pending referral to committee.

Senator Rand offers a motion that the bill be withdrawn from the Clerk's Office and referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Clerk's Office and referred the measure to the **Finance Committee**.

Upon motion of Senator Basnight, seconded by Senator East, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Thursday, May 21, at 11:00 A.M.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 116** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING MANAGEMENT AND PROTECTION OF RAILROAD CORRIDORS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON A COMPREHENSIVE RAIL SERVICE PLAN FOR NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

**H.B. 136**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO LOCATE AND ACQUIRE RIGHT-OF-WAY FOR THE LOCATION, ABOVE OR BELOW GROUND, OF FIBER-OPTIC CABLE.

Referred to the **Finance Committee**.

**H.B. 266** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH.

Referred to the **Judiciary II Committee**.

**H.J.R. 365**, 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 **Education/Higher Education Committee**.

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**H.B. 439**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FINANCIAL LOSS TO COUNTIES AND CITIES FOR UNREIMBURSED COUNTY OR CITY AMBULANCE SERVICES PROVIDED TO STATE HEALTH PLAN MEMBERS BY REQUIRING THE STATE HEALTH PLAN TO MAKE PAYMENTS FOR COUNTY OR CITY AMBULANCE SERVICES DIRECTLY OR CO-PAYABLE TO THE COUNTY OR CITY AMBULANCE SERVICE PROVIDER.

Referred to the **Commerce Committee**.

**H.B. 490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES.

Referred to the **Education/Higher Education Committee**.

**H.B. 538** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

Referred to the **Judiciary I Committee**.

**H.B. 565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES.

Referred to the **Finance Committee**.

**H.B. 633**, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF ELECTION AND ORGANIZATION OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY.

Referred to the **State & Local Government Committee**.

**H.B. 642** (Committee Substitute), 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 JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

**H.B. 672** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL MANAGEMENT ENTITIES USE OF STATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

**H.B. 722** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA.

Referred to the **Judiciary II Committee**.

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**H.B. 780** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS.

Referred to the **Commerce Committee**.

**H.B. 787** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ALTERING, DESTROYING, OR REMOVING THE PERMANENT SERIAL NUMBER OF A FIREARM AND FOR POSSESSING A FIREARM WITH THE SERIAL NUMBER REMOVED.

Referred to the **Judiciary I Committee**.

**H.B. 794** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST.

Referred to the **Judiciary II Committee**.

**H.B. 816** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

**H.B. 827** (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. 912** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE STATE AND LOCAL GOVERNMENT TO USE MILITARY VETERAN CONTRACTORS.

Referred to the **Commerce Committee**.

**H.B. 964** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES AND CONFORM THE ASSOCIATION'S STATUTORY IMMUNITY.

Referred to the **Commerce Committee**.

**H.B. 992**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS.

Referred to the **Finance Committee**.

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**H.B. 1083**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1090**, A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

**H.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS.

Referred to the **Commerce Committee**.

**H.B. 1104**, A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1109**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

Referred to the **Judiciary II Committee**.

**H.B. 1112** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD IF THE MOTHER HAS BEEN LIVING SEPARATE AND APART FROM HER HUSBAND AT THE TIME OF THE CHILD'S CONCEPTION OR BETWEEN CONCEPTION AND BIRTH.

Referred to the **Judiciary II Committee**.

**H.B. 1124**, A BILL TO BE ENTITLED AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY.

Referred to the **Commerce Committee**.

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**H.B. 1129**, A BILL TO BE ENTITLED AN ACT TO CLARIFY A SILVER ALERT MAY BE ISSUED FOR A PERSON OF ANY AGE WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

Referred to the **Mental Health & Youth Services Committee**.

**H.B. 1143** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE ALL MILITARY WARTIME VETERAN SPECIAL PLATES BASED ON DEFINED PERIODS OF WAR.

Referred to the **Finance Committee**.

**H.B. 1168** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TITLE PROTECTION FOR SOCIAL WORKERS AND TO AUTHORIZE ANY GOVERNMENTAL EMPLOYEE WHOSE POSITION IS DERIVED FROM THE OFFICE OF STATE PERSONNEL SOCIAL WORK SERIES, HAS BEEN CERTIFIED TO BE SUBSTANTIALLY EQUIVALENT, OR WAS CREATED BY A COUNTY IN A HUMAN SERVICES AGENCY TO USE THE TITLE "SOCIAL WORKER."

Referred to the **Judiciary II Committee**.

**H.B. 1180** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009.

Referred to the **Commerce Committee**.

**H.B. 1186** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES TO ENSURE COMPLIANCE WITH STATE AND FEDERAL LAW.

Referred to the **Health Care Committee**.

**H.B. 1189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

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**H.B. 1190** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW REGARDING THE PRESERVATION OF DNA AND BIOLOGICAL EVIDENCE THAT IS RELATED TO A CRIMINAL OFFENSE AND A DEFENDANT'S ACCESS TO THAT EVIDENCE.

Referred to the **Judiciary I Committee**.

**H.B. 1198**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS WHO HAD A THREE-YEAR WAITING PERIOD FOR A HEARING ON CONDITIONAL RESTORATION OF A REVOKED LICENSE WHEN THE LAW WAS CHANGED TO A FIVE-YEAR WAITING PERIOD WERE NOT AFFECTED BY THE CHANGE.

Referred to the **Judiciary I Committee**.

**H.B. 1222** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE RATE SPREAD AND HIGH-COST HOME LOANS STATUTES, AND TO MAKE A CONFORMING CHANGE TO THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT.

Referred to the **Commerce Committee**.

**H.B. 1236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL AND INDUSTRIAL WATER USERS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF LARCENY OF A MOTOR VEHICLE PART.

Referred to the **Judiciary I Committee**.

**H.B. 1267**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY.

Referred to the **Judiciary I Committee**.

**H.B. 1269** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN

STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1274** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE.

Referred to the **Select Committee on Employee Hospital and Medical Benefits**.

**H.B. 1281** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL OVERSIGHT OF COUNTY BOARD OF ELECTION EMPLOYEES TO THE STATE BOARD OF ELECTIONS IN ORDER TO PROVIDE GREATER CONSISTENCY IN THE ADMINISTRATION OF ELECTIONS.

Referred to the **Judiciary I Committee**.

**H.B. 1292** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

Referred to the **Education/Higher Education Committee**.

**H.B. 1294** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO PROVIDE PREMIUM SUBSIDIES IF FUNDS ARE AVAILABLE AND TO REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE COVERAGE ABOUT THE EXISTENCE OF THE POOL.

Referred to the **Commerce Committee**.

**H.B. 1296** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY.

Referred to the **Health Care Committee**.

**H.B. 1297** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS.

Referred to the **Health Care Committee**.

**H.B. 1298**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT EMERGENCY DEPARTMENT DATA AND AMBULATORY SURGICAL DATA ARE INCLUDED IN THE PATIENT DATA SUBMISSION REQUIREMENTS OF THE MEDICAL CARE DATA ACT.

The bill is ordered held in the Office of the Senate Principal Clerk pending referral.

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**H.B. 1299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC COMMUNICATION.

Referred to the **Judiciary II Committee**.

**H.B. 1307** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE HOUSE SELECT STUDY COMMISSION ON TRAFFICKING OF PRESCRIPTION MEDICATIONS.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1309**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY.

Referred to the **Health Care Committee**.

**H.B. 1313** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AMEND CHILD CARE LAWS TO REDEFINE WHO MAY SIGN A MEDICAL WAIVER FOR AN ALTERNATIVE SLEEP POSITION FOR INFANTS IN CHILD CARE.

Referred to the **Health Care Committee**.

**H.B. 1317** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER PURSUANT TO THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS MUST ALSO REPORT IN PERSON TO AND NOTIFY THE APPROPRIATE SHERIFF OF THE ADDRESS OF ANY TEMPORARY RESIDENCES MAINTAINED BY THE REGISTRANT, TO INCLUDE ADDITIONAL LOCATIONS IN THE LIST OF PROTECTED PROPERTIES WHERE CERTAIN SEX OFFENDERS ARE NOT ALLOWED TO BE ON THE PREMISES OR ARE ALLOWED TO BE ON THE PREMISES ONLY IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT THE RESTRICTIONS PROHIBITING THE PRESENCE OF CERTAIN SEX OFFENDERS ON CERTAIN PROPERTIES FREQUENTED BY MINORS ALSO APPLY TO ANY OUT-OF-STATE PERSON WHO COMES INTO NORTH CAROLINA IF THE OUT-OF-STATE PERSON IS REQUIRED TO REGISTER IN ANOTHER STATE UNDER THE REGISTRATION LAWS

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OF THAT STATE FOR AN OFFENSE SIMILAR TO ONE IN NORTH CAROLINA THAT PROHIBITS THE OFFENDER'S PRESENCE ON THE PROTECTED PROPERTY, AND TO MAKE VARIOUS CONFORMING CHANGES TO THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION STATUTES.

Referred to the **Judiciary I Committee**.

**H.B. 1322** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 1327** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL PRINCIPAL PURSUANT TO FEDERAL LAW.

Referred to the **Judiciary II Committee**.

**H.B. 1330** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON.

Referred to the **Judiciary I Committee**.

**H.B. 1335** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DEMONSTRATING THAT A NEW OR MODIFIED SOURCE OF HAZARDOUS AIR POLLUTANT EMISSIONS WILL NOT RESULT IN AN EXCEEDANCE OF HAZARDOUS AIR POLLUTANT EMISSION CONTROL STANDARDS THROUGH A MODELING ANALYSIS OR THROUGH ANOTHER METHOD APPROVED BY THE COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1342**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT NORTH CAROLINA CONTINUES TO BE ELIGIBLE FOR STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDING; AND TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

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Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1347**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHIEF COURT COUNSELOR IN EACH DISTRICT TO DELEGATE CERTAIN RESPONSIBILITIES.

Referred to the **Judiciary II Committee**.

**H.B. 1353** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CITY ORDINANCES AND COUNTY ORDINANCES CANNOT PROHIBIT OR HAVE THE EFFECT OF PROHIBITING THE INSTALLATION OF CLOTHESLINES NOT VISIBLE BY A PERSON ON THE GROUND AND NOT FACING AREAS OPEN TO COMMON OR PUBLIC ACCESS.

Referred to the **Commerce Committee**.

**H.B. 1368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE ADVANCES STATUTES, BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES.

Referred to the **Judiciary II Committee**.

**H.B. 1377**, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN SALES OF STATE PROPERTY SUBJECT TO UPSET BIDS.

Referred to the **Judiciary II Committee**.

**H.B. 1387** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY.

Referred to the **Commerce Committee**.

**H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1390** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT.

Referred to the **Judiciary II Committee**.

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**H.B. 1399** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 1409** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN SIMPLE WIRING ACTIVITIES AND APPLIANCE REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS WHEN THE APPLIANCE IS OF THE SAME ELECTRICAL RATING AND REQUIRES NO CHANGE TO EXISTING ELECTRICAL CIRCUITS AND THE WORK IS PERFORMED BY A LICENSED ELECTRICIAN.

Referred to the **Commerce Committee**.

**H.B. 1410** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS WHEN THE HEATER IS OF THE SAME SIZE AND CAPACITY AND IS IN THE SAME LOCATION WITH RESPECT TO THE EXISTING WATER PIPING.

Referred to the **Commerce Committee**.

**H.B. 1412** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES RELATING TO NATIONAL GUARD COURTS-MARTIAL.

Referred to the **Judiciary I Committee**.

**H.B. 1421** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS.

Referred to the **Judiciary I Committee**.

**H.B. 1429**, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN CLARIFICATIONS REGARDING THE IMPROVEMENTS TO DROUGHT PREPAREDNESS AND RESPONSE IN NORTH CAROLINA MADE BY THE 2008 SESSION OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1438**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES.

Referred to the **Judiciary II Committee**.

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**H.B. 1446** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS.  
Referred to the **Education/Higher Education Committee**.

**H.B. 1447** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE IDENTITY OF AN INDIVIDUAL WHO PROVIDES A TIP FOR AN UNSOLVED CASE THROUGH CRIME STOPPERS OR SIMILAR ORGANIZATIONS IS NOT A PUBLIC RECORD, TO PROVIDE THAT THE COMMUNICATION RECEIVED BY A CRIME STOPPERS ORGANIZATION IS NOT SUBJECT TO DISCOVERY OR ADMISSIBLE IN A COURT PROCEEDING, AND TO PROVIDE THAT A LAW ENFORCEMENT AGENCY HAS A DUTY TO MAINTAIN THE CONFIDENTIALITY OF A CRIME STOPPERS TIP.

Referred to the **Judiciary II Committee**.

**H.B. 1449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE.

Referred to the **Judiciary II Committee**.

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS.

Referred to the **State & Local Government Committee**.

**H.B. 1453** (Committee Substitute ), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ADJACENT TO THE CAPITOL GROUNDS AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON THE STATE CAPITOL GROUNDS IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS.

Referred to the **State & Local Government Committee**.

**H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE.

Referred to the **Judiciary I Committee**.

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MANDATING A WEEK OF "CREDIT EDUCATION" FOR ALL HIGH SCHOOL STUDENTS.

Referred to the **Education/Higher Education Committee**.

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**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS.

Referred to the **Commerce Committee**.

**H.B. 1481** (Committee Substitute ), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 1485** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE PROCESS FOR RECOVERY OF OVERPAYMENTS TO PROVIDERS BY INSURERS.

Referred to the **Commerce Committee**.

**H.B. 1490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY.

The Committee Substitute bill is ordered held in the Office of the Senate Principal Clerk pending referral.

**H.B. 1504** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.

Referred to the **Education/Higher Education Committee**.

**H.B. 1523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW.

Referred to the **Commerce 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 4:13 P.M.

**SIXTY-SIXTH DAY**

Senate Chamber  
Thursday, May 21, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Doctor Jesse W. Bledsoe, Buffalo Presbyterian Church, Greensboro, North Carolina as follows:

"O Lord, our governor, your glory shines throughout the world. We commend our Nation to your merciful care that we may live securely in peace and may be guided by your providence. Give all in authority the wisdom and strength to know your will and to do it. Help them remember that they are called to serve the people as lovers of truth and justice. Almighty God, bless those who hold office in the government of the State of North Carolina that they may do their work in a spirit of wisdom, kindness, and justice. Help them use their authority to serve faithfully and to promote the general welfare through your Son, Jesus Christ, our Lord. Amen."

The Chair grants leaves of absence for today to Senator Berger of Rockingham and Senator Jacumin.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, May 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Yolanda Wall from Rockingham, North Carolina, who is serving the Senate as Nurse of the Day.*

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 304**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE AMOUNT PAYABLE BY THE STATE FOR GUARANTEED ENERGY SAVINGS CONTRACTS, TO REQUIRE QUALIFIED PROVIDERS TO CONTRIBUTE TO THE COSTS OF ADMINISTERING THE GUARANTEED ENERGY SAVINGS CONTRACTS PROGRAM, TO REQUIRE LIFE-CYCLE COST ANALYSES OF ENERGY CONSERVATION MEASURES DURING INVESTMENT GRADE AUDITS CONDUCTED BY QUALIFIED PROVIDERS, AND TO REQUIRE LOCAL

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GOVERNMENTAL UNITS THAT ENTER INTO GUARANTEED ENERGY SAVINGS CONTRACTS TO REPORT TO THE STATE ENERGY OFFICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85235, which changes the title to read **S.B. 304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE STATE MAY FINANCE UNDER GUARANTEED ENERGY SAVINGS CONTRACTS AND TO MODIFY THE REPORTING REQUIREMENTS, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Tuesday, May 26.

**H.B. 1508**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008, 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 50712, which changes the title upon concurrence to read **H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, May 26.

**H.B. 201** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, TO ASSIGN DUTIES TO THE DIVISION, AND TO MAKE CORRESPONDING CHANGES TO CHAPTERS 20 AND 105 OF THE GENERAL STATUTES TO ALLOW LAW ENFORCEMENT SUPPORT SERVICES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, DIVISION OF FOREST RESOURCES, TO TRANSFER MOTOR VEHICLES TO LAW ENFORCEMENT AGENCIES WITHOUT HAVING TO BECOME A MOTOR VEHICLE DEALER OR PAY HIGHWAY USE TAXES, 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, 30398, which changes the title upon concurrence to read **H.B. 201** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF MOTOR VEHICLES FROM THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCAL GOVERNMENT UNITS, VOLUNTEER FIRE DEPARTMENTS, AND

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VOLUNTEER RESCUE SQUADS AND TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, May 26.

### CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

**H.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS, 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, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Vaughan and Weinstein---42.

Voting in the negative: Senators Brock, East, Forrester, Rouzer, Rucho and Tillman---6.

The bill remains on the Calendar for Tuesday, May 26, upon third reading.

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**S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Tuesday, May 26, upon third reading.

**S.B. 479**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, 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, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--48.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, May 26, upon third reading.

**H.B. 336**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS, 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, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--48.

Voting in the negative: None.

The bill remains on the Calendar for Tuesday, May 26, upon third reading.

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**H.B. 573** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY.

The Committee Substitute bill No. 2 passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.J.R. 376**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JIM LONG, FORMER COMMISSIONER OF INSURANCE AND MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Foriest, the joint resolution is read in its entirety.

The joint resolution passes its second reading (48-0) and, without objection, is read a third time and passes its 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 the family of Jim Long: Peg O'Connell, his wife; James E. Long, his son; Dr. Rebecca Long, his daughter; Steven Long, his grandson; Hannah Long and Morgan Long, his granddaughters; Betty Long Adams and Julia Long Tighe, his sisters; Stephanie Long, his daughter-in-law; Howard Adams, his brother-in-law; and Greg Hess, his son-in-law.

#### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**H.B. 186**, AN ACT TO ALLOW LOCAL GOVERNMENTS TO OBJECT TO THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IF THE LOCAL GOVERNMENT HAS HELD A PUBLIC HEARING, TAKEN EVIDENCE, AND PASSED A RESOLUTION OBJECTING TO THE LOCATION OF AN ALCOHOLIC BEVERAGE CONTROL STORE.

**H.B. 220**, AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN ELIGIBILITY STATUTE.

**H.B. 411**, AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE COMMISSION.

**H.B. 616**, AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS.

May 21, 2009

**H.B. 800**, AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

**H.B. 1272**, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUVENILE CODE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 52**, AN ACT TO CHANGE THE FILING PERIOD FOR THE HAYWOOD COUNTY BOARD OF EDUCATION.

**H.B. 254**, AN ACT TO PROVIDE THAT VACANCIES IN THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE FILLED IN ACCORDANCE WITH GENERAL LAW.

**H.B. 260**, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS.

**H.B. 435**, AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE LEE COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF LEE COUNTY, THE PERSON RECOMMENDED BY THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED.

#### **CALENDAR** *(continued)*

**S.B. 786**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.J.R. 1099**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HERTFORD COUNTY ON THE OCCASION OF THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY.

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

May 21, 2009

**H.B. 65** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 170** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW, as amended by the Senate State and Local Government Committee.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

*The Chair grants leaves of absence for the remainder of today's session to Senator Hoyle, Senator Kinnaird and Senator Jenkins.*

**H.J.R. 224**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THEODORE JAMES "TED" KINNEY, FORMER MEMBER OF THE GENERAL ASSEMBLY.

The joint resolution passes its second reading (44-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

Upon motion of Senator Shaw, the Chair extends the courtesies of the gallery to the family of Representative Kinney, Mrs. Thelma Elizabeth Hodges Kinney, his wife, and Mr. Robert Fitzgerald Kinney, his son.

#### **PLEDGE OF ALLEGIANCE**

Led by the President, members and guests remain standing and pledge allegiance to the flag of the United States of America.

#### **CALENDAR** *(continued)*

**H.B. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

The Senate Committee Substitute bill passes its second reading (44-0).

May 21, 2009

Senator Berger of Franklin objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, May 26, upon third reading.

Upon motion of Senator Basnight, seconded by Senator Berger of Franklin, the Senate adjourns at 12:00 Noon to meet Friday, May 22, at 10:00 A.M.

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**SIXTY-SEVENTH DAY**

Senate Chamber  
Friday, May 22, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, First Baptist Church, Raleigh, North Carolina as follows:

"Dear God, first we ask that you would continue to lavish blessings upon our great State of North Carolina. Second, for the sake of those faithful few who are here, may today's session be as short as this prayer. Amen."

The Chair grants a leave of absence for today to Senator Goodall.

Senator Stein announces that the Journal of Thursday, 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.

Upon motion of Senator Stevens, seconded by Senator Blue, the Senate adjourns at 10:02 A.M. to meet Tuesday, May 26, at 2:30 P.M.

**SIXTY-EIGHTH DAY**

Senate Chamber  
Tuesday, May 26, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend C. F. McDowell, First Baptist Church, Laurinburg, North Carolina as follows:

O God, as the psalmist proclaimed, 'Not to us, O Lord, not to us, but to your name give glory, for the sake of your steadfast love and faithfulness.' I pray this day that through your love and faithfulness every North Carolina Senator will find grace, wisdom, and strength for service. On behalf of every citizen of this great State, I give you thanks for every lady and gentleman in this Body as each serves, sacrifices, and leads for the good of us all. May our State be made a better place because of their service, sacrifice, and leadership. To each Senator I give voice to the invitation of Jesus Christ. 'Come to me all you that are weary and are carrying heavy burdens, and I will give you rest.' May each be blessed. Amen."

The Chair grants a leave of absence for today to Senator Blue.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Friday, 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 Chanda Casey from Denton, 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. 65**, AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 385**, AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE SUBDIVISION OF LAND.

May 26, 2009

**H.B. 227**, AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS.

**H.B. 573**, AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY.

**H.J.R. 224**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THEODORE JAMES "TED" KINNEY, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 15)

**S.J.R. 376**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JIM LONG, FORMER COMMISSIONER OF INSURANCE AND MEMBER OF THE GENERAL ASSEMBLY. (Res. 16)

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 52**, AN ACT TO CHANGE THE FILING PERIOD FOR THE HAYWOOD COUNTY BOARD OF EDUCATION. (Became law upon ratification, May 21, 2009 - S.L. 2009-29.)

**H.B. 254**, AN ACT TO PROVIDE THAT VACANCIES IN THE BEAUFORT COUNTY BOARD OF EDUCATION SHALL BE FILLED IN ACCORDANCE WITH GENERAL LAW. (Became law upon ratification, May 21, 2009 - S.L. 2009-30.)

**H.B. 260**, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF AHOSKIE FROM TWO YEARS TO FOUR YEARS. (Became law upon ratification, May 21, 2009 - S.L. 2009-31.)

**H.B. 435**, AN ACT TO REQUIRE THAT IN FILLING VACANCIES ON THE LEE COUNTY BOARD OF COMMISSIONERS AND IN THE OFFICE OF SHERIFF OF LEE COUNTY, THE PERSON RECOMMENDED BY THE PARTY EXECUTIVE COMMITTEE OF THE VACATING MEMBER BE APPOINTED. (Became law upon ratification, May 21, 2009 - S.L. 2009-32.)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

May 26, 2009

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT ON RAFFLE PRIZES AND TO AUTHORIZE THE RAFFLE OF REAL PROPERTY, with a favorable report.

### RECOGNITION OF MISS USA

With unanimous consent, upon motion of Senator Boseman, privileges of the floor are extended to Kristen Dalton, Miss USA 2009, from Wilmington. Senator Dannelly, Deputy President *Pro Tempore*, announces that Senator Boseman, Senator Davis, Senator Jenkins, Senator Soles, Senator McKissick, Senator Apodaca and Senator Garrou are appointed as the committee to escort Miss Dalton to the Well of the Senate. Miss Dalton is recognized to address the Senate.

The President recognizes the Committee to escort Miss Dalton from the Chamber.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 28.

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Senator Hoyle offers Amendment No. 1 which is adopted (46-2), and changes the title to read **S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE AND THE CITIES OF CRAMERTON, LOWELL, MCADENVILLE, MOUNT HOLLY, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

The amendment is ruled to be material, which constitutes first reading.

The bill, as amended, is placed on the Calendar for Wednesday, May 27, upon second reading.

**S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE

May 26, 2009

LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 479**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H.B. 336**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: Senator Rucho---1.

The bill is ordered enrolled.

**S.B. 304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE STATE MAY FINANCE UNDER

GUARANTEED ENERGY SAVINGS CONTRACTS AND TO MODIFY THE REPORTING REQUIREMENTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Wednesday, May 27, upon third reading.

**H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 41, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---41.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, East, Goodall, Hunt and Rucho---8.

The Senate Committee Substitute bill remains on the Calendar for Wednesday, May 27, upon third reading.

**H.B. 201** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF MOTOR VEHICLES FROM THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCAL GOVERNMENT UNITS, VOLUNTEER FIRE DEPARTMENTS, AND VOLUNTEER RESCUE SQUADS AND TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

The Senate Committee Substitute bill No. 2 passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

May 26, 2009

**SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Caroline Atkinson, Manteo; Elliot Best, Goldsboro; Drew Brack, Gastonia; "T" Brack, Gastonia; Lauren Broadwell, Wendell; Evan Bunch, Clemmons; David Cobb III, Fairview; Sarah Creech, Wendell; Cole Davis, Goldsboro; Duncan Dorris III, Asheville; Molly Dorris, Asheville; Darren Evans, Manteo; Knox Gibson, Stanley; Ian Greasamar, Bakersville; Christian Guy, Denver; Mark Kemp, Burlington; Rita Kopp, Selma; Wes Luck, Wendell; Hannah Meekins, Manteo; Reese Miller, Willow Springs; Erika Padezanin, Wilmington; Maura Phipps, LaGrange; Hunter Rimmer, Holly Springs; Ben Smith, Apex; Jean Turlington, Clinton and Jake Welch, Gastonia.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

**H.B. 25** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCESS FOR APPOINTMENTS TO THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE, with a favorable report.

**H.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS, with a favorable report.

**H.B. 551**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY, with a favorable report.

**H.B. 676**, A BILL TO BE ENTITLED AN ACT TO INSTITUTE TRADITIONAL JURISDICTIONAL BOUNDARIES FOR LAW ENFORCEMENT AGENCIES IN IREDELL COUNTY, with a favorable report.

**H.B. 970** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY, with a favorable report.

**H.B. 622**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

May 26, 2009

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30402, which changes the title to read **H.B. 622** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT AND TO EXTEND THE APPLICATION OF THE 2006 BUILDING CODE FOR AN ONSLOW PROJECT, is adopted and engrossed.

**H.B. 867** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN ALL MUNICIPALITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70442, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Goss, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Wednesday, May 27, at 3:00 P.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.J.R. 562**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JACKLYN "JACK" HAROLD LUCAS, ONE OF THE YOUNGEST MEDAL OF HONOR RECIPIENTS OF THE TWENTIETH CENTURY.

Referred to the **Rules and Operations of the Senate Committee**.

**H.J.R. 1527**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HERTFORD COUNTY ON THE OCCASION OF THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:18 P.M.

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May 26, 2009

**SIXTY-NINTH DAY**

Senate Chamber  
Wednesday, May 27, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, some days all of our business seems to be withdrawals. No deposits, small balance, little to draw on, we're tired. On such days help us to listen to stories and watch the heroism lived out right in front of us, people with nothing or very little achieving, succeeding. Last week in Red Springs I met Vicky, a young Lumbee Indian woman, mother of two boys, working two jobs and living in a run-down trailer we were attempting to renovate on land passed down through generations. Her joy for life, even as it is, was inspirational. If we're attentive, we'll realize that people like Vicky make a rich deposit into our accounts everyday. Suddenly we're no longer tired, just grateful. Amen."

The Chair grants a leave of absence for today to Senator Blue.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, May 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Myungsa "Mia" Kang from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Carol Taylor 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, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 336**, AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS.

**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:

May 27, 2009

**S.B. 385**, AN ACT TO MODIFY THE AUTHORITY OF MACON COUNTY TO REGULATE THE SUBDIVISION OF LAND. (Became law upon ratification, May 26, 2009 - S.L. 2009-33.)

**H.B. 227**, AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND THE CITY OF ROCKY MOUNT TO EXERCISE THE POWER OF EMINENT DOMAIN TO ACQUIRE CERTAIN SUBSTANDARD RESIDENTIAL PROPERTY TO PROVIDE HOUSING FOR LOW AND MODERATE INCOME PERSONS. (Became law upon ratification, May 26, 2009 - S.L. 2009-34.)

**H.B. 573**, AN ACT TO AUTHORIZE CLEVELAND COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH CLEVELAND COUNTY. (Became law upon ratification, May 26, 2009 - S.L. 2009-35.)

**H.B. 186**, AN ACT TO ALLOW LOCAL GOVERNMENTS TO OBJECT TO THE LOCATION OF ALCOHOLIC BEVERAGE CONTROL STORES IF THE LOCAL GOVERNMENT HAS HELD A PUBLIC HEARING, TAKEN EVIDENCE, AND PASSED A RESOLUTION OBJECTING TO THE LOCATION OF AN ALCOHOLIC BEVERAGE CONTROL STORE. (Became law upon approval of the Governor, May 27, 2009 - S.L. 2009-36.)

**H.B. 616**, AN ACT TO CREATE THE OFFENSE OF LARCENY, DESTRUCTION, DEFACEMENT, OR VANDALISM OF PORTABLE TOILETS OR PUMPER TRUCKS. (Became law upon approval of the Governor, May 27, 2009 - S.L. 2009-37.)

**H.B. 1272**, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUVENILE CODE. (Became law upon approval of the Governor, May 27, 2009 - S.L. 2009-38.)

**H.B. 411**, AN ACT TO PROVIDE FOR THE DESIGNATION OF INTERIM MEMBERS TO SERVE ON THE COMMISSION OF INDIAN AFFAIRS IN THE EVENT THAT A TRIBE OR GROUP IS TEMPORARILY UNABLE TO FILL A VACANCY ON THE COMMISSION. (Became law upon approval of the Governor, May 27, 2009 - S.L. 2009-39.)

#### **REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

**H.B. 360** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE, with a favorable report.

May 27, 2009

**H.B. 758**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX, with a favorable report.

**S.B. 367**, A BILL TO BE ENTITLED AN ACT TO REMOVE BILLING IN EXCESS OF COST FOR TAXPAYERS UTILIZING THE PERCENTAGE OF COMPLETION METHOD IN DETERMINING CAPITAL BASE FOR FRANCHISE TAX 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 35340, which changes the title to read **S.B. 367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BILLINGS IN EXCESS OF COSTS FROM THE FRANCHISE TAX CAPITAL BASE FOR TAXPAYERS USING THE PERCENTAGE OF COMPLETION METHOD OF REVENUE RECOGNITION, is adopted and engrossed.

**S.B. 584** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 55410, is adopted and engrossed.

**S.B. 674** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, 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, 75266, is adopted and engrossed.

By Senator Purcell for the **Health Care Committee**:

**H.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION AMONG AGENCIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ORDER TO CONDUCT QUALITY ASSESSMENT AND IMPROVEMENT ACTIVITIES AND COORDINATE APPROPRIATE AND EFFECTIVE CARE, TREATMENT, OR HABILITATION OF DHHS CLIENTS, with a favorable report.

**H.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AMEND CHILD CARE LAWS TO REDEFINE WHO MAY SIGN A MEDICAL WAIVER FOR AN ALTERNATIVE SLEEP POSITION FOR INFANTS IN CHILD CARE, with a favorable report.

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**H.B. 1331**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING, with a favorable report.

**H.B. 436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTIFICATE OF NEED REVIEW CERTAIN CAPITAL EXPENDITURES FOR NURSING HOMES, ADULT CARE HOMES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED THAT ENTAIL INNOVATIVE RENOVATIONS AND EXPANSIONS TO IMPROVE QUALITY OF LIFE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70445, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 22** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES, 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 30401, is adopted and engrossed.

**H.B. 440** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY 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 70443, which changes the title upon concurrence to read **H.B. 440** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, AND TO INCREASE THE PENALTY FOR STRIKING AND CAUSING THE DEATH OF A PERSON WHEN PASSING A STOPPED SCHOOL BUS, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

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By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**H.B. 642** (Committee Substitute), 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 JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report.

**H.B. 1221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL, DEPARTMENT OF PUBLIC INSTRUCTION, NORTH CAROLINA COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AN EMPLOYEE BENEFITS STATEMENT THAT REFLECTS THE CURRENT VALUE OF EMPLOYEE BENEFITS PROVIDED TO STATE, PUBLIC SCHOOL, AND COMMUNITY COLLEGE EMPLOYEES, with a favorable report.

**H.B. 1073** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS AND TO REPEAL THE AUTHORIZATION FOR AN ADMINISTRATIVE FEE TO BE APPLIED TO THOSE WITHDRAWALS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80450, which changes the title upon concurrence to read **H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS, with a favorable report.

**H.B. 218** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST

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BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL, with a favorable report.

**H.B. 223** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT, with a favorable report.

**H.J.R. 365**, 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.

**H.B. 1504** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION, with a favorable report.

**H.B. 96** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE A TECHNICAL CHANGE TO THE AUTHORITY OF CITIES AND COUNTIES TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS OR TO NONPROFIT ORGANIZATIONS, 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 10984, which changes the title to read **H.B. 96** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES, COUNTIES, AND LOCAL BOARDS OF EDUCATION TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE TECHNICAL CHANGES TO THAT AUTHORITY, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE AND THE CITIES OF CRAMERTON, LOWELL, MCADENVILLE, MOUNT HOLLY, AND RANLO TO LEVY A ROOM

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OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading, as amended by a material amendment on May 26.

The bill, as amended, 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, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The bill, as amended, remains on the Calendar for Thursday, May 28, upon third reading.

**H.B. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

Upon motion of Senator Rand, the Committee Substitute bill No. 3 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 3.

**H.B. 550** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 551**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 676**, A BILL TO BE ENTITLED AN ACT TO INSTITUTE TRADITIONAL JURISDICTIONAL BOUNDARIES FOR LAW ENFORCEMENT AGENCIES IN IREDELL COUNTY.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 970** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY.

The Committee Substitute bill No. 2 passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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**H.B. 622** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT AND TO EXTEND THE APPLICATION OF THE 2006 BUILDING CODE FOR AN ONSLOW PROJECT.

Senator Brown offers Amendment No. 1 which is adopted (48-0), and changes the title to read **H.B. 622** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT.

The Senate Committee Substitute bill, as amended, passes its second reading and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**S.B. 304** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THE STATE MAY FINANCE UNDER GUARANTEED ENERGY SAVINGS CONTRACTS AND TO MODIFY THE REPORTING REQUIREMENTS.

Senator Clodfelter offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---49.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

**H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---42.

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Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, Goodall, Hunt and Rucho---7.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

**H.B. 25** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCESS FOR APPOINTMENTS TO THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 85** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT ON RAFFLE PRIZES AND TO AUTHORIZE THE RAFFLE OF REAL PROPERTY.

The Committee Substitute bill passes its second reading (41-8) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 867** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN ALL MUNICIPALITIES.

Senator Jones offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

Upon motion of Senator Basnight, seconded by Senator Swindell, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Thursday, May 28, at 11:00 A.M.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.B. 395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

**H.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL

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THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT.

Referred to the **Finance Committee**.

**H.B. 533** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

**H.B. 746** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 854**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to the **Finance Committee**.

**H.B. 1530** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO RESCIND AN ADVANCED GENERAL REAPPRAISAL OF PROPERTY.

Referred to the **Finance Committee**.

**S.B. 381** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, May 28, for concurrence.

**H.B. 291** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR BRAIDING.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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**H.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX.

Referred to the **Finance Committee**.

**H.J.R. 1652**, A JOINT RESOLUTION HONORING THE FALLEN SOLDIERS WHO SERVED OUR NATION IN OPERATIONS IRAQI FREEDOM AND ENDURING FREEDOM.

Referred to the **Rules and Operations of the Senate Committee**.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**S.B. 575** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE BY PROVIDING FOR APPORTIONMENT OF CORPORATE INCOME BASED SOLELY ON THE SALES FACTOR FOR COMPANIES THAT MEET CERTAIN INVESTMENT AND QUALITY JOBS CRITERIA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, May 28, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:49 P.M.

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### **SEVENTIETH DAY**

Senate Chamber  
Thursday, May 28, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, four months now into this session and with important legislation including the budget still to be considered, I was reminded of the wise words of Bishop Desmond Tutu. He said, 'People in politics must possess the mind of a scholar, the heart of a child and the hide of a rhinoceros.' The problem under all

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the pressure becomes how to toughen our hides without closing our minds and hardening our hearts. So Lord, grant the members clear minds, kind hearts and thick skin in the remaining days of this session. Amen."

The Chair grants leaves of absence for today to Senator Blue and Senator Boseman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, May 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Preecha Bhotiwihok from Kinston, 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. 617**, AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

**S.B. 633**, AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS BEEN AGREED UPON BY THE PARTIES.

**S.B. 669**, AN ACT TO CLARIFY THE BANKING COMMISSION APPELLATE PROCEDURES.

**H.B. 25**, AN ACT TO CLARIFY THE PROCESS FOR APPOINTMENTS TO THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE.

**H.B. 85**, AN ACT TO INCREASE THE LIMIT ON RAFFLE PRIZES AND TO AUTHORIZE THE RAFFLE OF REAL PROPERTY.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 548**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO SET HEARINGS, GIVE NOTICES, ACCEPT OR REJECT OFFERS, AND TO DECLARE INTENT, AND TO FURTHER DELEGATE CONTRACTING AUTHORITY TO THE CITY MANAGER.

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**H.B. 550**, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS.

**H.B. 551**, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY.

**H.B. 676**, AN ACT TO INSTITUTE TRADITIONAL JURISDICTIONAL BOUNDARIES FOR LAW ENFORCEMENT AGENCIES IN IREDELL COUNTY.

**H.B. 970**, AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY.

**S.J.R. 1099**, A JOINT RESOLUTION HONORING THE FOUNDERS OF HERTFORD COUNTY ON THE OCCASION OF THE COUNTY'S TWO HUNDRED FIFTIETH ANNIVERSARY. (Res. 17)

### 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. 336**, AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF RICHLANDS. (Became law upon ratification, May 27, 2009 - S.L. 2009-40.)

### RECONSIDERATION

**H.B. 622** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT, as amended and ordered engrossed and sent to the House of Representatives on May 27 for concurrence.

Having voted with the majority, Senator Rand offers a motion that the Senate Committee Substitute bill, as amended, be recalled from the Engrossing Office for further consideration by the Senate and further moves that the Senate Committee Substitute, as amended, be placed before the Senate for immediate consideration, which motion prevails.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill, as amended, passed its third reading on May 27 be reconsidered, which motion prevails (44-1).

The question before the Body is the passage of H.B. 622 on its third reading. Senator Rand offers Amendment No. 2 which is adopted (44-0), and changes the title upon concurrence to read **H.B. 622** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FOR THE

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TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT AND AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR CURRITUCK COUNTY FOR A SINGLE PROJECT.

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives for concurrence.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING CERTAIN BROADBAND SERVICE PROVIDERS THAT PROVIDE VOICE GRADE COMMUNICATIONS SERVICES WITHIN A DEFINED SERVICE TERRITORY OR FRANCHISE AREA TO OFFER SUCH VOICE GRADE SERVICE AS AN INCIDENT TO BROADBAND SERVICE IN AREAS CONTIGUOUS TO THE PROVIDERS' SERVICE TERRITORY OR FRANCHISE AREA, with a favorable report.

**H.B. 439**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FINANCIAL LOSS TO COUNTIES AND CITIES FOR UNREIMBURSED COUNTY OR CITY AMBULANCE SERVICES PROVIDED TO STATE HEALTH PLAN MEMBERS BY REQUIRING THE STATE HEALTH PLAN TO MAKE PAYMENTS FOR COUNTY OR CITY AMBULANCE SERVICES DIRECTLY OR CO-PAYABLE TO THE COUNTY OR CITY AMBULANCE SERVICE PROVIDER, with a favorable report.

**H.B. 1027**, A BILL TO BE ENTITLED AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE, with a favorable report.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 80**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF JACKSONVILLE AND THE CITIES OF CRAMERTON, LOWELL, MCADENVILLE, MOUNT HOLLY, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, as amended on second reading, upon third reading.

The bill, as amended, passes its third reading, by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater,

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Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, McKissick, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The bill, as amended, is ordered engrossed and sent to the House of Representatives.

**H.B. 758**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 1, upon third reading.

**H.B. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 4.

**S.B. 381** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dannelly, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

**H.B. 360** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE, 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, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 1, upon third reading.

**S.B. 367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BILLINGS IN EXCESS OF COSTS FROM THE FRANCHISE TAX CAPITAL BASE FOR TAXPAYERS USING THE PERCENTAGE OF COMPLETION METHOD OF REVENUE RECOGNITION.

The Committee Substitute bill passes its second reading (47-0).

Senator Goodall objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 1, upon third reading.

**S.B. 584** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 674** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

**H.B. 22** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

As Chairman of the Rules and Operations of the Senate Committee, Senator Rand requests a fiscal note for H.B. 22. Pursuant to Senate Rule 42.1, the bill remains on the Calendar pending receipt of the fiscal note.

**H.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

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The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 96** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES, COUNTIES, AND LOCAL BOARDS OF EDUCATION TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE TECHNICAL CHANGES TO THAT AUTHORITY.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 218** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 223** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.J.R. 365**, 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 reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 436** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM CERTIFICATE OF NEED REVIEW CERTAIN CAPITAL EXPENDITURES FOR NURSING HOMES, ADULT CARE HOMES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED THAT ENTAIL INNOVATIVE RENOVATIONS AND EXPANSIONS TO IMPROVE QUALITY OF LIFE.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 642** (Committee Substitute), 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 JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 925** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION AMONG AGENCIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ORDER TO CONDUCT QUALITY ASSESSMENT AND IMPROVEMENT ACTIVITIES AND COORDINATE APPROPRIATE AND EFFECTIVE CARE, TREATMENT, OR HABILITATION OF DHHS CLIENTS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL, DEPARTMENT OF PUBLIC INSTRUCTION, NORTH CAROLINA COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AN EMPLOYEE BENEFITS STATEMENT THAT REFLECTS THE CURRENT VALUE OF EMPLOYEE BENEFITS PROVIDED TO STATE, PUBLIC SCHOOL, AND COMMUNITY COLLEGE EMPLOYEES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 406** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY

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RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, referred to the **Appropriations/Base Budget Committee** on May 14.

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 **State & Local Government 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 **State & Local Government Committee**.

#### CALENDAR *(continued)*

**H.B. 1315**, A BILL TO BE ENTITLED AN ACT TO AMEND CHILD CARE LAWS TO REDEFINE WHO MAY SIGN A MEDICAL WAIVER FOR AN ALTERNATIVE SLEEP POSITION FOR INFANTS IN CHILD CARE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 43**, A BILL TO BE ENTITLED AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS THE SAME POWER AS ALL OTHER UNITS OF LOCAL GOVERNMENTS IN ACQUIRING PROPERTY BY CONDEMNATION FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS, with a favorable report.

**H.B. 1037**, A BILL TO BE ENTITLED AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES, with a favorable report.

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**H.B. 1039** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO REVISE THE "TRANSCRIPT OF PLEA" FORM PROVIDED TO A DEFENDANT WHO ENTERS A PLEA OF GUILTY OR NO CONTEST TO MORE CLEARLY ADDRESS THE RIGHT OF APPEAL LIMITATIONS AND SHORTER BIOLOGICAL EVIDENCE PRESERVATION TIME FRAME THAT MAY APPLY AS A RESULT OF THE PLEA, with a favorable report.

**H.B. 1168** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TITLE PROTECTION FOR SOCIAL WORKERS AND TO AUTHORIZE ANY GOVERNMENTAL EMPLOYEE WHOSE POSITION IS DERIVED FROM THE OFFICE OF STATE PERSONNEL SOCIAL WORK SERIES, HAS BEEN CERTIFIED TO BE SUBSTANTIALLY EQUIVALENT, OR WAS CREATED BY A COUNTY IN A HUMAN SERVICES AGENCY TO USE THE TITLE "SOCIAL WORKER.", with a favorable report.

**H.B. 1327** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL PRINCIPAL PURSUANT TO FEDERAL LAW, with a favorable report.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 461**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM, with a favorable report.

**H.B. 1108**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS, with a favorable report.

**H.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA, with a favorable report.

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**H.B. 1175**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS), with a favorable report.

**CALENDAR** (*continued*)

**H.B. 1331**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1504** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION.

Upon motion of Senator Garrou, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1198**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS WHO HAD A THREE-YEAR WAITING PERIOD FOR A HEARING ON CONDITIONAL RESTORATION OF A REVOKED LICENSE WHEN THE LAW WAS CHANGED TO A FIVE-YEAR WAITING PERIOD WERE NOT AFFECTED BY THE CHANGE, with a favorable report.

**H.B. 1398**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, with a favorable report.

**CALENDAR** (*continued*)

**S.B. 575** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL

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INTENSIVE COMPANIES IN THIS STATE BY PROVIDING FOR APPORTIONMENT OF CORPORATE INCOME BASED SOLELY ON THE SALES FACTOR FOR COMPANIES THAT MEET CERTAIN INVESTMENT AND QUALITY JOBS CRITERIA, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 42, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Goodall, Kinnaird and Rucho---6.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

Pursuant to Senate Rule 66, Senator Basnight designates Senator Hartsell as presiding officer to sign S.B. 750 when it is ratified today.

Upon motion of Senator Dannelly, seconded by Senator Jones, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, June 1, at 7:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 114** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING PRIVATE CLUBS AND RELIGIOUS ORGANIZATIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED-USE AND LIMITED-ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 1, for concurrence.

**H.B. 1103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES.

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Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.J.R. 1538**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY.

Referred to the **Rules and Operations of the Senate Committee**.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**S.B. 750**, AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA AND TO ENABLE THE TURNPIKE AUTHORITY TO ISSUE REFUNDING BONDS THAT ENABLE THE RESTRUCTURING AND EXTENSION OF BONDED INDEBTEDNESS.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 1:42 P.M.

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### SEVENTY-FIRST DAY

Senate Chamber  
Monday, June 1, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Ever present God, at the beginning of this week, apparently so busy that local newspapers are listing the lobby groups coming in to talk to the members on a daily basis. We pray that the Senators and staff will experience an inner quiet amidst the multitude of people and events that clamor for their attention. Filtering through all the voices, may they listen attentively for the lone, quiet voice that centers them, the voice of reason, guidance, justice, mercy and grace. That is your voice, O God. Then assured of your presence, may they go forth to all the tasks set before them with peace. Finally, we pray for Senator Stevens

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who will be recuperating at home for the next two weeks after a serious fall during which he broke his knee cap. Be close to him. We pray for fast healing. Amen."

The Chair grants leaves of absence for tonight to Senator Hartsell, Senator Nesbitt, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, May 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. John R. Allbert from Charlotte, 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. 42**, AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS.

**H.B. 218**, AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL.

**H.B. 223**, AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT.

**H.B. 642**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

**H.B. 925**, AN ACT TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION AMONG AGENCIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ORDER TO CONDUCT QUALITY ASSESSMENT AND IMPROVEMENT ACTIVITIES

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AND COORDINATE APPROPRIATE AND EFFECTIVE CARE, TREATMENT, OR HABILITATION OF DHHS CLIENTS.

**H.B. 1221**, AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL, DEPARTMENT OF PUBLIC INSTRUCTION, NORTH CAROLINA COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AN EMPLOYEE BENEFITS STATEMENT THAT REFLECTS THE CURRENT VALUE OF EMPLOYEE BENEFITS PROVIDED TO STATE, PUBLIC SCHOOL, AND COMMUNITY COLLEGE EMPLOYEES.

**H.B. 1315**, AN ACT TO AMEND CHILD CARE LAWS TO REDEFINE WHO MAY SIGN A MEDICAL WAIVER FOR AN ALTERNATIVE SLEEP POSITION FOR INFANTS IN CHILD CARE.

**H.B. 1331**, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING.

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. 381**, AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM.

**H.J.R. 365**, 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. 18)

#### 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. 548**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO SET HEARINGS, GIVE NOTICES, ACCEPT OR REJECT OFFERS, AND TO DECLARE INTENT, AND TO FURTHER DELEGATE CONTRACTING AUTHORITY TO THE CITY MANAGER. (Became law upon ratification, May 28, 2009 - S.L. 2009-41.)

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**H.B. 550**, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR OF DENTON FROM TWO TO FOUR YEARS. (Became law upon ratification, May 28, 2009 - S.L. 2009-42.)

**H.B. 551**, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN DAVIDSON COUNTY. (Became law upon ratification, May 28, 2009 - S.L. 2009-43.)

**H.B. 676**, AN ACT TO INSTITUTE TRADITIONAL JURISDICTIONAL BOUNDARIES FOR LAW ENFORCEMENT AGENCIES IN IREDELL COUNTY. (Became law upon ratification, May 28, 2009 - S.L. 2009-44.)

**H.B. 970**, AN ACT TO REGULATE HUNTING IN GRANVILLE COUNTY. (Became law upon ratification, May 28, 2009 - S.L. 2009-45.)

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 52** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES AND MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 2, for concurrence.

**S.B. 703** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 2, for concurrence.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 375**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15293, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

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**S.B. 700**, A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED 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 55412, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**S.B. 935**, A BILL TO BE ENTITLED AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE 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 15291, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1180** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009, 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 80453, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

### CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

**H.B. 758**, A BILL TO BE ENTITLED AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX, upon third reading.

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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, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 360** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE, 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, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

**H.B. 22** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 135** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING CERTAIN BROADBAND SERVICE PROVIDERS THAT PROVIDE VOICE GRADE COMMUNICATIONS SERVICES WITHIN A DEFINED SERVICE TERRITORY OR FRANCHISE AREA TO OFFER SUCH VOICE GRADE SERVICE AS AN INCIDENT TO BROADBAND SERVICE IN AREAS CONTIGUOUS TO THE PROVIDERS' SERVICE TERRITORY OR FRANCHISE AREA.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 1398**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 9.

**H.B. 439**, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FINANCIAL LOSS TO COUNTIES AND CITIES FOR UNREIMBURSED COUNTY OR CITY AMBULANCE SERVICES PROVIDED TO STATE HEALTH PLAN MEMBERS BY REQUIRING THE STATE HEALTH PLAN TO MAKE PAYMENTS FOR COUNTY OR CITY AMBULANCE SERVICES DIRECTLY OR CO-PAYABLE TO THE COUNTY OR CITY AMBULANCE SERVICE PROVIDER.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

*Upon the appearance of Senator Hartsell in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

**H.B. 461**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SANITARY DISTRICTS THE SAME POWER AS ALL OTHER UNITS OF LOCAL GOVERNMENTS IN ACQUIRING PROPERTY BY CONDEMNATION FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1027**, A BILL TO BE ENTITLED AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 1037**, A BILL TO BE ENTITLED AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1039** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO REVISE THE "TRANSCRIPT OF PLEA" FORM PROVIDED TO A DEFENDANT WHO ENTERS A PLEA OF GUILTY OR NO CONTEST TO MORE CLEARLY ADDRESS THE RIGHT OF APPEAL LIMITATIONS AND SHORTER BIOLOGICAL EVIDENCE PRESERVATION TIME FRAME THAT MAY APPLY AS A RESULT OF THE PLEA.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1260**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS, referred to the **Education/Higher Education Committee** on May 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 **Judiciary I 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 **Judiciary I Committee**.

**H.B. 43**, A BILL TO BE ENTITLED AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE, re-referred to the **Appropriations/Base Budget Committee** on May 28.

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 June 3, 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 June 3.

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**CALENDAR** *(continued)*

**H.B. 1108**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1118** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1168** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH TITLE PROTECTION FOR SOCIAL WORKERS AND TO AUTHORIZE ANY GOVERNMENTAL EMPLOYEE WHOSE POSITION IS DERIVED FROM THE OFFICE OF STATE PERSONNEL SOCIAL WORK SERIES, HAS BEEN CERTIFIED TO BE SUBSTANTIALLY EQUIVALENT, OR WAS CREATED BY A COUNTY IN A HUMAN SERVICES AGENCY TO USE THE TITLE "SOCIAL WORKER."

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1175**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS).

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1198**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PERSONS WHO HAD A THREE-YEAR WAITING PERIOD FOR A HEARING ON CONDITIONAL RESTORATION OF A REVOKED LICENSE WHEN THE LAW WAS CHANGED TO A FIVE-YEAR WAITING PERIOD WERE NOT AFFECTED BY THE CHANGE.

The bill passes its second reading (32-16) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

June 1, 2009

**H.B. 1327** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL PRINCIPAL PURSUANT TO FEDERAL LAW.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 367** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE BILLINGS IN EXCESS OF COSTS FROM THE FRANCHISE TAX CAPITAL BASE FOR TAXPAYERS USING THE PERCENTAGE OF COMPLETION METHOD OF REVENUE RECOGNITION.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

**S.B. 575** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE BY PROVIDING FOR APPORTIONMENT OF CORPORATE INCOME BASED SOLELY ON THE SALES FACTOR FOR COMPANIES THAT MEET CERTAIN INVESTMENT AND QUALITY JOBS CRITERIA, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 40, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, East, Forrester, Goodall, Rouzer and Rucho---8.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

**S.B. 114** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING PRIVATE CLUBS AND RELIGIOUS ORGANIZATIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED-USE AND LIMITED-ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS, for concurrence in the House Committee Substitute bill.

June 1, 2009

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.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Taylor Abboushi, Raleigh; Zach Anderson, Burlington; Sara-Anne Averett, Lewisville; Bret Bledsoe, Fayetteville; Natalie Caviness, Asheboro; Sabrina Coppola, Fuquay-Varina; Ellee Craig, Raleigh; Adam Ezell, Cary; Whit Harvey, Jr., Apex; Nate Hoggard, Greensboro; Bryant Jenkins IV, Wilson; Matt Kearns, Burlington; Keyera Matthews, Greensboro; McLennan Maxwell, Paradise Valley, AZ; Sara Kathryn Mayson, Raleigh; David McCandless, Winston-Salem; Matthew Murphy, Greenville; Emmanuel Reid, Winston-Salem; Emily Scott-Cruz, Hendersonville; Rachel Stroud, New Bern; Seth Toomey, Hope Mills and Jonathan Wimbish, Charlotte.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 7:50 P.M. to meet Tuesday, June 2, at 3:00 P.M.

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### SEVENTY-SECOND DAY

Senate Chamber  
Tuesday, June 2, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, it can happen anywhere, in one of the members' office, at the church, in a restaurant. We encounter people who are out to ambush us. It's like encountering a dog that approaches with teeth bared and tail wagging. We just don't know which to believe. Jesus had to deal with these people throughout his life, too. I know that we are encouraged in such circumstances to offer a word of grace, but what we are really thinking is if I get to heaven and see one of these people there, Lord, I'm going to be very disappointed. Forgive us our trespasses. Amen."

The Chair grants a leave of absence for today to Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

June 2, 2009

*The Chair extends privileges of the floor to Kristina Foard from Lexington, 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. 114**, AN ACT EXEMPTING PRIVATE CLUBS AND RELIGIOUS ORGANIZATIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED-USE AND LIMITED-ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS.

**S.B. 575**, AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE BY PROVIDING FOR APPORTIONMENT OF CORPORATE INCOME BASED SOLELY ON THE SALES FACTOR FOR COMPANIES THAT MEET CERTAIN INVESTMENT AND QUALITY JOBS CRITERIA.

**S.B. 957**, AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

**H.B. 135**, AN ACT PERMITTING CERTAIN BROADBAND SERVICE PROVIDERS THAT PROVIDE VOICE GRADE COMMUNICATIONS SERVICES WITHIN A DEFINED SERVICE TERRITORY OR FRANCHISE AREA TO OFFER SUCH VOICE GRADE SERVICE AS AN INCIDENT TO BROADBAND SERVICE IN AREAS CONTIGUOUS TO THE PROVIDERS' SERVICE TERRITORY OR FRANCHISE AREA.

**H.B. 201**, AN ACT TO FACILITATE THE TRANSFER OF MOTOR VEHICLES FROM THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCAL GOVERNMENT UNITS, VOLUNTEER FIRE DEPARTMENTS, AND VOLUNTEER RESCUE SQUADS AND TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

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**H.B. 360**, AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE.

**H.B. 439**, AN ACT TO REDUCE THE FINANCIAL LOSS TO COUNTIES AND CITIES FOR UNREIMBURSED COUNTY OR CITY AMBULANCE SERVICES PROVIDED TO STATE HEALTH PLAN MEMBERS BY REQUIRING THE STATE HEALTH PLAN TO MAKE PAYMENTS FOR COUNTY OR CITY AMBULANCE SERVICES DIRECTLY OR CO-PAYABLE TO THE COUNTY OR CITY AMBULANCE SERVICE PROVIDER.

**H.B. 461**, AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM.

**H.B. 960**, AN ACT TO ALLOW SANITARY DISTRICTS THE SAME POWER AS ALL OTHER UNITS OF LOCAL GOVERNMENT IN ACQUIRING PROPERTY BY CONDEMNATION FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS.

**H.B. 1027**, AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE.

**H.B. 1037**, AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES.

**H.B. 1039**, AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO REVISE THE "TRANSCRIPT OF PLEA" FORM PROVIDED TO A DEFENDANT WHO ENTERS A PLEA OF GUILTY OR NO CONTEST TO MORE CLEARLY ADDRESS THE RIGHT OF APPEAL LIMITATIONS AND SHORTER BIOLOGICAL EVIDENCE PRESERVATION TIME FRAME THAT MAY APPLY AS A RESULT OF THE PLEA.

**H.B. 1108**, AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS.

**H.B. 1118**, AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT

THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA.

**H.B. 1168**, AN ACT TO ESTABLISH TITLE PROTECTION FOR SOCIAL WORKERS AND TO AUTHORIZE ANY GOVERNMENTAL EMPLOYEE WHOSE POSITION IS DERIVED FROM THE OFFICE OF STATE PERSONNEL SOCIAL WORK SERIES, HAS BEEN CERTIFIED TO BE SUBSTANTIALLY EQUIVALENT, OR WAS CREATED BY A COUNTY IN A HUMAN SERVICES AGENCY TO USE THE TITLE "SOCIAL WORKER."

**H.B. 1175**, AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS).

**H.B. 1198**, AN ACT TO CLARIFY THAT PERSONS WHO HAD A THREE-YEAR WAITING PERIOD FOR A HEARING ON CONDITIONAL RESTORATION OF A REVOKED LICENSE WHEN THE LAW WAS CHANGED TO A FIVE-YEAR WAITING PERIOD WERE NOT AFFECTED BY THE CHANGE.

**H.B. 1327**, AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL PRINCIPAL PURSUANT TO FEDERAL LAW.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 758**, AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX.

#### **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. 65**, AN ACT TO REENACT AND CLARIFY THE STATUTE AUTHORIZING INTELLECTUALLY GIFTED STUDENTS UNDER THE AGE OF SIXTEEN TO ATTEND COMMUNITY COLLEGE. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-46.)

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**H.B. 220**, AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN ELIGIBILITY STATUTE. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-47.)

**H.B. 800**, AN ACT TO AMEND THE LAW RELATING TO RENUNCIATIONS AND TO MAKE RELATED AMENDMENTS TO THE NORTH CAROLINA UNIFORM TRUST CODE AND THE LAW GOVERNING POWERS OF ATTORNEY AND ADMINISTRATION OF DECEDENTS' ESTATES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-48.)

**H.B. 85**, AN ACT TO INCREASE THE LIMIT ON RAFFLE PRIZES AND TO AUTHORIZE THE RAFFLE OF REAL PROPERTY. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-49.)

**H.B. 25**, AN ACT TO CLARIFY THE PROCESS FOR APPOINTMENTS TO THE STATE CONSUMER AND FAMILY ADVISORY COMMITTEE. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-50.)

**S.B. 633**, AN ACT TO ALLOW AN ADMINISTRATIVE LAW JUDGE TO MAKE THE FINAL DECISION IN A CONTESTED CASE WHEN THE DISPOSITION OF THE CASE HAS BEEN AGREED UPON BY THE PARTIES. (Became law upon approval of the Governor, June 1, 2009 - S.L. 2009-51.)

**S.B. 381**, AN ACT ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM. (Became law upon ratification, June 1, 2009 - S.L. 2009-52.)

#### **REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD, with a favorable report.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 759**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING

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LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES, with a favorable report.

**H.B. 760**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS, with a favorable report.

**H.B. 1083**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES, with a favorable report.

**H.B. 1104**, A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE, with a favorable report.

**H.B. 1399** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70447, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**H.B. 182** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION, with a favorable report.

Upon motion of Senator Soles, the Committee Substitute bill No. 2 is referred to the **Appropriations/Base Budget Committee**.

**H.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE OR RECYCLABLE MATERIAL, with a favorable report.

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**H.B. 1124**, A BILL TO BE ENTITLED AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY, with a favorable report.

**H.B. 838** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50720, is adopted and engrossed.

**H.B. 964** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES AND CONFORM THE ASSOCIATION'S STATUTORY IMMUNITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50721, which changes the title to read **H.B. 964** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES, is adopted and engrossed.

**H.B. 1294** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO PROVIDE PREMIUM SUBSIDIES IF FUNDS ARE AVAILABLE AND TO REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE COVERAGE ABOUT THE EXISTENCE OF THE POOL, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10986, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 266** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH, with a favorable report.

**H.B. 1109**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND

CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES, with a favorable report.

**H.B. 473**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80454, is adopted and engrossed.

**H.B. 686** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30404, is adopted and engrossed.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES.

Referred to the **Finance Committee**.

#### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 52** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES AND MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Soles, 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. 703** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (36-12) and the bill is ordered enrolled and sent to the Governor.

June 2, 2009

**WITHDRAWAL FROM COMMITTEE**

**H.B. 440** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, AND TO INCREASE THE PENALTY FOR STRIKING AND CAUSING THE DEATH OF A PERSON WHEN PASSING A STOPPED SCHOOL BUS, re-referred to the **Appropriations/Base Budget Committee** on May 27.

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 Thursday, June 4, 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 Thursday, June 4.

Upon motion of Senator Dannelly, seconded by Senator Purcell, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, June 3, at 3:00 P.M.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1171**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAW STUDENT EXTERNS AT THE GENERAL ASSEMBLY ARE SUBJECT TO LEGISLATIVE CONFIDENTIALITY, 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 30405, is adopted and engrossed.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 4:14 P.M.

**SEVENTY-THIRD DAY**

Senate Chamber  
Wednesday, June 3, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, there are still complicated issues and unsolved problems to be faced by the members in proposed legislation. I ask that you deliver them from any sense of futility. Let them feel the support of the prayers of many people throughout our State and the uplift of your arms. Your power is never obstructed by difficulties and your love is never limited by the confusion of differing opinions. So write the answers to their difficult considerations plainly on their hearts and minds. Amen."

The Chair grants leaves of absence for today to Senator Boseman and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 52**, AN ACT AUTHORIZING COUNTIES AND MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION.

**S.B. 188**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, IN COLLABORATION WITH THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF AGING AND ADULT SERVICES, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS FOR SPECIAL CARE POPULATIONS.

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**S.B. 703**, AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER.

**H.B. 170**, AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW.

**H.B. 867**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN ALL MUNICIPALITIES.

### 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. 758**, AN ACT CONCERNING THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF APEX. (Became law upon ratification, June 2, 2009 - S.L. 2009-53.)

**S.B. 575**, AN ACT TO ENCOURAGE THE LOCATION AND EXPANSION OF CAPITAL INTENSIVE COMPANIES IN THIS STATE BY PROVIDING FOR APPORTIONMENT OF CORPORATE INCOME BASED SOLELY ON THE SALES FACTOR FOR COMPANIES THAT MEET CERTAIN INVESTMENT AND QUALITY JOBS CRITERIA. (Became law upon approval of the Governor, June 3, 2009 - S.L. 2009-54.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70450, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

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By Senator Jones for the **State & Local Government Committee**:

**H.B. 633**, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF ELECTION AND ORGANIZATION OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY, with a favorable report.

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE, with a favorable report.

**H.B. 927** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE, with a favorable report.

**H.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY, with a favorable report.

**H.B. 701**, A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE, 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 10988, which changes the title upon concurrence to read **H.B. 701** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE; AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR MOORE COUNTY TO DELEGATE THE AUTHORITY TO ISSUE PYROTECHNICS PERMITS TO THE COUNTY FIRE MARSHAL, is adopted and engrossed.

**H.B. 747**, A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY FOR CONSTRUCTION OR REPAIR PROJECTS, 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 10989, which changes the title upon concurrence to read **H.B. 747** (Senate Committee

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Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY AND FOR THE TOWN OF DALLAS FOR CONSTRUCTION OR REPAIR PROJECTS, is adopted and engrossed.

**H.B. 221** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50722, is adopted and engrossed.

**H.B. 406** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80455, which changes the title upon concurrence to read **H.B. 406** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, is adopted and engrossed.

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**H.B. 459** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE, 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 70451, is adopted and engrossed.

**H.B. 888** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY AND TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70448, which changes the title upon concurrence to read **H.B. 888** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

**H.B. 18**, A BILL TO BE ENTITLED AN ACT TO AMEND SPECIFIC EXPERIENCE HOURS OF THE FOUR HUNDRED CLOCK HOURS REQUIRED FOR PERMANENT LICENSURE AS A SPEECH AND LANGUAGE PATHOLOGIST, with a favorable report.

**H.B. 886**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

**H.B. 1309**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY, 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 50725, is adopted and engrossed.

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**H.B. 1342**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT NORTH CAROLINA CONTINUES TO BE ELIGIBLE FOR STOP VIOLENCE AGAINST WOMEN FORMULA GRANT PROGRAM FUNDING; AND TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM, 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 50724, which changes the title upon concurrence to read **H.B. 1342** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Jenkins for the **Finance Committee**:

**H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, with a favorable report.

By Senator Kinnaird for the **Mental Health & Youth Services Committee**:

**H.B. 358** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY APPOINTMENT TO CONSECUTIVE TERMS ON THE NORTH CAROLINA STUDY COMMISSION ON AGING AND THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, with a favorable report.

**H.B. 659**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, with a favorable report.

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**H.B. 1129**, A BILL TO BE ENTITLED AN ACT TO CLARIFY A SILVER ALERT MAY BE ISSUED FOR A PERSON OF ANY AGE WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT, with a favorable report.

**H.B. 673** (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 TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, 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 10992, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES, with a favorable report.

**H.B. 490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES, with a favorable report.

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES, with a favorable report.

**H.B. 391**, A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO OFFER NONCREDIT COURSES IN SAFE DRIVING TO HIGH SCHOOL STUDENTS DURING THE SCHOOL 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 50723, is adopted and engrossed.

**H.B. 808** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT, 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 Committee Substitute bill 70452, which changes the title upon concurrence to read **H.B. 808** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT AND TO CLARIFY THAT ARCHITECTURE AND ENGINEERING PLANS AND SPECIFICATION REVIEW BY THE DEPARTMENT OF ADMINISTRATION SHALL NOT BE CONSTRUED AS PLANS REVIEW FOR CODE ENFORCEMENT BY THE DEPARTMENT OF INSURANCE, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1031** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80448, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

Upon motion of Senator Rand, the Committee Substitute bill No. 3 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 4.

### WITHDRAWAL FROM COMMITTEE

**H.J.R. 383** (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDER OF THE HOUSE OF FLAGS MUSEUM, referred to the **Rules and Operations of the Senate Committee** on April 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Thursday, June 4, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Thursday, June 4.

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**H.B. 1481** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, referred to the **Appropriations/Base Budget Committee** on May 20.

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 **State & Local Government 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 **State & Local Government Committee**.

**H.B. 673** (Senate Committee Substitute), 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 TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, referred to the **Appropriations/Base Budget Committee** on June 3.

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 Tuesday, June 9, 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 Tuesday, June 9.

**H.B. 808** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT AND TO CLARIFY THAT ARCHITECTURE AND ENGINEERING PLANS AND SPECIFICATION REVIEW BY THE DEPARTMENT OF ADMINISTRATION SHALL NOT BE CONSTRUED AS PLANS REVIEW FOR CODE ENFORCEMENT BY THE DEPARTMENT OF INSURANCE, re-referred to the **Appropriations/Base Budget Committee** on June 3.

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 Tuesday, June 9, 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 Tuesday, June 9.

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**H.B. 9** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA, referred to the **Appropriations/Base Budget Committee** on May 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, June 9, 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, June 9.

#### CALENDAR *(continued)*

**H.B. 43**, A BILL TO BE ENTITLED AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 266** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD.

Upon motion of Senator Brunstetter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 8.

**H.B. 473** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

June 3, 2009

**H.B. 686** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, June 4.

**H.B. 759**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 760**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

**H.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE OR RECYCLABLE MATERIAL.

*Without objection, Senator Swindell and Senator Vaughan request to be excused from voting on the Committee Substitute bill due to a conflict of interest.*

The Committee Substitute bill passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 2, 2009

Mr. 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

June 3, 2009

for H.B. 1508, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**CALENDAR** (*continued*)

**H.B. 838** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 964** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1083**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1104**, A BILL TO BE ENTITLED AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1109**, A BILL TO BE ENTITLED AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND

CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1124**, A BILL TO BE ENTITLED AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1171** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAW STUDENT EXTERNS AT THE GENERAL ASSEMBLY ARE SUBJECT TO LEGISLATIVE CONFIDENTIALITY.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1294** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO PROVIDE PREMIUM SUBSIDIES IF FUNDS ARE AVAILABLE AND TO REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE COVERAGE ABOUT THE EXISTENCE OF THE POOL.

Senator Soles offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1399** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.

The Senate Committee Substitute bill passes its second reading (44-4) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

#### WITHDRAWAL FROM COMMITTEE

**H.J.R. 1538**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on May 28.

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Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Tuesday, June 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 Tuesday, June 16.

Upon motion of Senator Basnight, seconded by Senator Garrou, the Senate adjourns at 4:07 P.M. to meet Thursday, June 4, at 11:00 A.M.

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### SEVENTY-FOURTH DAY

Senate Chamber  
Thursday, June 4, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, a Rabbi once taught, 'In seeking wisdom, we are wise, but in imagining that we have attained that wisdom, we are foolish.' Some decisions we face are so complex they are difficult for us to understand and handle. Give us discretion as we weigh these issues. May we not act impulsively and then live to regret our decisions. Alternatively, may we not be afraid of standing against what is just expedient. Finally, O God, give us faith to commit our decisions to you for your glory and our good. Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Blue, Senator Brunstetter, Senator Graham, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, June 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Stephen W. North from Bakersville, North Carolina, who is serving the Senate as Doctor of the Day, and to Sheri Crozier from Sanford, North Carolina, who is serving the Senate as Nurse of the Day.*

June 4, 2009

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**H.B. 43**, AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE.

**H.B. 266**, AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH.

**H.B. 759**, AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES.

**H.B. 825**, AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE OR RECYCLABLE MATERIAL.

**H.B. 1083**, AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES.

**H.B. 1104**, AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE.

**H.B. 1109**, AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

**H.B. 1124**, AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY.

June 4, 2009

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 8.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 1007** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 55421, is adopted and engrossed.

**S.B. 1073** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE, 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, 55422, is adopted and engrossed.

**CALENDAR** *(continued)*

**H.B. 659**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 9.

**H.B. 459** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

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The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 701** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE; AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR MOORE COUNTY TO DELEGATE THE AUTHORITY TO ISSUE PYROTECHNICS PERMITS TO THE COUNTY FIRE MARSHAL.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 888** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 927** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 955** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF

THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 18.

**H.B. 633**, A BILL TO BE ENTITLED AN ACT RELATING TO THE MANNER OF ELECTION AND ORGANIZATION OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY.

Senator Queen offers Amendment No. 1 which is adopted (44-0).

The bill, as amended, passes its second reading and, without objection, is read a third time and passes its third reading and is ordered 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 Clodfelter.*

*Upon the appearance of Senator Blue in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

**H.B. 747** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY AND FOR THE TOWN OF DALLAS FOR CONSTRUCTION OR REPAIR PROJECTS.

Senator Hoyle offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE.

The bill passes its second reading.

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, June 8, upon third reading.

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**H.B. 18**, A BILL TO BE ENTITLED AN ACT TO AMEND SPECIFIC EXPERIENCE HOURS OF THE FOUR HUNDRED CLOCK HOURS REQUIRED FOR PERMANENT LICENSURE AS A SPEECH AND LANGUAGE PATHOLOGIST.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 120** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF MUNICIPAL ELECTION CAMPAIGNS.

Upon motion of Senator Davis, the Committee Substitute bill No. 3 is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

**H.B. 221** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 358** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY APPOINTMENT TO CONSECUTIVE TERMS ON THE NORTH CAROLINA STUDY COMMISSION ON AGING AND THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.J.R. 383** (Committee Substitute), A JOINT RESOLUTION HONORING THE FOUNDER OF THE HOUSE OF FLAGS MUSEUM.

The joint resolution passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 391** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO OFFER NONCREDIT COURSES IN SAFE DRIVING TO HIGH SCHOOL STUDENTS DURING THE SCHOOL YEAR.

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The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 406** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 440** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, AND TO INCREASE THE PENALTY FOR STRIKING AND CAUSING THE DEATH OF A PERSON WHEN PASSING A STOPPED SCHOOL BUS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 482** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 1031** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1129**, A BILL TO BE ENTITLED AN ACT TO CLARIFY A SILVER ALERT MAY BE ISSUED FOR A PERSON OF ANY AGE WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1309** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY.

The Senate Committee Substitute bill passes its second reading (45-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 8, upon third reading.

**H.B. 686** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

The Senate Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives for concurrence.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA, referred to the **Commerce Committee** on May 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to

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the **Health Care Committee** and upon a favorable report, 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 Committee** and re-refers the measure to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

#### **ADDITIONAL SPONSOR**

Senator Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 414**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR THE NORTH CAROLINA SYMPHONY.

**S.B. 785**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EQUINE INDUSTRY COMMISSION AND TO APPROPRIATE FUNDS TO SUPPORT THE WORK AND STAFFING OF THE EQUINE INDUSTRY COMMISSION.

Upon motion of Senator Basnight, seconded by Senator Bingham, the Senate adjourns subject to ratification of bills, to meet Monday, June 8, at 7:00 P.M.

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 433**, AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:41 P.M.

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**SEVENTY-FIFTH DAY**

Senate Chamber  
Monday, June 8, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, as we begin a new week in the Senate, there are still many difficult decisions that lie ahead for the members. We pray that you would give them your help, O God. When faced with such complex problems, your equation for yielding right answers is not to ask the question, will it work but rather, is it right? We also pray tonight for one of our much loved institutions, North Carolina State University and its community of students, faculty, staff and alumni. Give them healing and able interim leadership in the days ahead. In your holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Berger of Rockingham and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Linda O'Boyle from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 204**, AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS.

**S.B. 411**, AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE.

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**S.B. 484**, AN ACT TO REMOVE THE STATE AUDITOR FROM CERTAIN EX OFFICIO DUTIES.

**H.B. 18**, AN ACT TO AMEND SPECIFIC EXPERIENCE HOURS OF THE FOUR HUNDRED CLOCK HOURS REQUIRED FOR PERMANENT LICENSURE AS A SPEECH AND LANGUAGE PATHOLOGIST.

**H.B. 22**, AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES.

**H.B. 96**, AN ACT TO AUTHORIZE CITIES, COUNTIES, AND LOCAL BOARDS OF EDUCATION TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE TECHNICAL CHANGES TO THAT AUTHORITY.

**H.B. 358**, AN ACT TO CLARIFY APPOINTMENT TO CONSECUTIVE TERMS ON THE NORTH CAROLINA STUDY COMMISSION ON AGING AND THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

**H.B. 436**, AN ACT TO EXEMPT FROM CERTIFICATE OF NEED REVIEW CERTAIN CAPITAL EXPENDITURES FOR NURSING HOMES, ADULT CARE HOMES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED THAT ENTAIL INNOVATIVE RENOVATIONS AND EXPANSIONS TO IMPROVE QUALITY OF LIFE.

**H.B. 482**, AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES.

**H.B. 1129**, AN ACT TO CLARIFY A SILVER ALERT MAY BE ISSUED FOR A PERSON OF ANY AGE WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT.

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. 563**, AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

**H.B. 927**, AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE.

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**H.B. 955**, AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY.

**H.J.R. 383**, A JOINT RESOLUTION HONORING THE FOUNDER OF THE HOUSE OF FLAGS MUSEUM. (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:

**S.B. 433**, AN ACT TO CHANGE THE YEARS OF ELECTION, AND TO VALIDATE ELECTIONS IN AND ACTIONS OF THE FIRST CRAVEN SANITARY DISTRICT. (Became law upon ratification, June 4, 2009 - S.L. 2009-55.)

**S.B. 750**, AN ACT TO EXEMPT TRANSFERS OF FUNDS FROM THE HIGHWAY TRUST FUND TO THE NORTH CAROLINA TURNPIKE AUTHORITY TO BE USED FOR DEBT SERVICE ON BONDS ISSUED TO BUILD TURNPIKE PROJECTS FROM THE EQUITY FORMULA AND TO ENABLE THE TURNPIKE AUTHORITY TO ISSUE REFUNDING BONDS THAT ENABLE THE RESTRUCTURING AND EXTENSION OF BONDED INDEBTEDNESS. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-56.)

**S.B. 669**, AN ACT TO CLARIFY THE BANKING COMMISSION APPELLATE PROCEDURES. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-57.)

**S.B. 617**, AN ACT TO MAKE CONFORMING CORRECTIONS RELATED TO THE REPEALED STALKING STATUTE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-58.)

**H.B. 42**, AN ACT TO IMPLEMENT SCIENCE SAFETY MEASURES IN THE PUBLIC SCHOOLS. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-59.)

**H.B. 223**, AN ACT REMOVING THE HIGH SCHOOL GRADUATION PROJECT AS A REQUIREMENT FOR GRADUATION AND DIRECTING

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THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY TO STUDY THE COST AND EFFECTIVENESS OF REQUIRING A HIGH SCHOOL GRADUATION PROJECT. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-60.)

**H.B. 218**, AN ACT TO MODIFY THE REQUIREMENTS FOR THE NOTICE THAT MUST BE GIVEN TO A PARENT WHEN A STUDENT IS RECOMMENDED FOR A SUSPENSION OF MORE THAN TEN DAYS OR AN EXPULSION FROM SCHOOL. (Became law upon approval of the Governor, June 5, 2009 - S.L. 2009-61.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**S.B. 807**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD ANIMALS POSE TO THE COMMUNITY, 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.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1132**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT A SHERIFF SHALL ISSUE OR DENY AN APPLICATION TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, AND TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, 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 10995, which changes the title upon concurrence to read **H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE

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SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 538** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY, with a favorable report.

**H.B. 1621**, A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND, with a favorable report.

**H.B. 787** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ALTERING, DESTROYING, OR REMOVING THE PERMANENT SERIAL NUMBER OF A FIREARM AND FOR POSSESSING A FIREARM WITH THE SERIAL NUMBER REMOVED, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50726, is adopted and engrossed.

**H.B. 1190** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW REGARDING THE PRESERVATION OF DNA AND BIOLOGICAL EVIDENCE THAT IS RELATED TO A CRIMINAL OFFENSE AND A DEFENDANT'S ACCESS TO THAT EVIDENCE, 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 80460, is adopted and engrossed.

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**INTRODUCTION OF A RESOLUTION**

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 Goodall; Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Garrou, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman:

**S.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JESSE HELMS.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Tuesday, June 9.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**H.B. 511**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

Referred to the **Finance Committee**.

**CALENDAR**

Bills on tonight's Calendar are taken up and disposed of, as follows:

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE.

Senator Brunstetter offers Amendment No. 1, which he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

**H.B. 1309** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **Health Care Committee**.

**S.B. 1007** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT.

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The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1073** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD.

Upon motion of Senator Brunstetter, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, June 10.

**H.B. 490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

### RECONSIDERATION

**H.B. 735**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES.

Having voted with the majority, Senator Rand offers a motion that the vote by which the bill passed its third reading on June 4 be reconsidered, which motion prevails (48-0).

The question before the Body is the passage of H.B. 735 on its third reading.

Senator Brown offers Amendment No. 1 which is adopted (48-0), and changes the title upon concurrence to read **H.B. 735**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES AND TO PROVIDE THAT A COUNTY MAY OBTAIN A PERMIT FOR THE CONSTRUCTION OF FACILITIES TO BE USED FOR

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ADMINISTRATIVE PURPOSES UNTIL AUGUST 1, 2009, UNDER THE 2006 NORTH CAROLINA STATE BUILDING CODE.

The bill, as amended, passes its third reading (48-0) and is ordered sent to the House of Representatives for concurrence.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Cristian Apodaca, El Paso, Texas; Hayden Bauguess, Gibsonville; Susie Benson, Durham; Caroline Bodager, Durham; Katherine Boliek, Raleigh; Travis Curlin, El Paso, Texas; Katie Davidson, Raleigh; Bobby Davis, Cary; J. D. Galyon III, Greensboro; Kenya Hale, Halifax; Ian Halfpenny, Huntersville; Snow Holding II, Raleigh; Elyse Marder, Gastonia; Lacy McAlister, Charlotte; Katelyn Mitchell, Cary; Nelson Moore, Nashville; McCaul Nelson, Williamston; Sayre Olson, Raleigh; Anna Paschall, Gastonia; Aaron Pellet, Fort Mill, South Carolina; Will Pittman, Raleigh; Katelyn Rall, Greensboro; Emily Rangel, Greensboro; Olivia Shields, Greensboro; Katherine Speight, Winston-Salem; Lizzy Thomas, Greensboro; Coralie Watts, Gastonia; Austin White, Greensboro and BJ Williams II, Greensboro.

Upon motion of Senator Basnight, seconded by Senator McKissick, the Senate adjourns in honor of all veterans and D-Day, at 7:33 P.M. to meet Tuesday, June 9, at 2:30 P.M.

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### SEVENTY-SIXTH DAY

Senate Chamber  
Tuesday, June 9, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, help us as your people to resolve never to just protect our belief system, but to live it. Help us not to admire our beliefs, but to be molded by them. Even as I pray those words, I am reminded of the late Senator Jesse Helms on a day when the legislature will honor his life. He certainly lived his belief system and was molded by those beliefs. Yet I believe that in his call, in all his successes, he was always aware of and dependent on the supported love of his family, his friends, his staff and on you, O God. In your holy name we pray. Amen."

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The Chair grants a leave of absence for today to Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Barb Smith 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. 200**, AN ACT TO ESTABLISH A MINIMUM MOTOR FUELS TAX RATE FOR TWO YEARS.

**S.B. 256**, AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**S.B. 356**, AN ACT TO MAKE VARIOUS REVISIONS TO THE NURSING PRACTICE ACT.

**S.B. 724**, AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING.

**H.B. 490**, AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 633**, AN ACT RELATING TO THE MANNER OF ELECTION AND ORGANIZATION OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY.

**H.B. 833**, AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE.

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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. 957**, AN ACT TO CREATE A SPECIAL ENROLLMENT PERIOD IN THE NORTH CAROLINA GROUP HEALTH INSURANCE CONTINUATION LAW AND PROVIDE ELIGIBLE INDIVIDUALS WITH THE SAME CONTINUATION RIGHTS AS UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-62.)

**H.B. 1221**, AN ACT DIRECTING THE OFFICE OF STATE PERSONNEL, DEPARTMENT OF PUBLIC INSTRUCTION, NORTH CAROLINA COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP AN EMPLOYEE BENEFITS STATEMENT THAT REFLECTS THE CURRENT VALUE OF EMPLOYEE BENEFITS PROVIDED TO STATE, PUBLIC SCHOOL, AND COMMUNITY COLLEGE EMPLOYEES. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-63.)

**H.B. 1315**, AN ACT TO AMEND CHILD CARE LAWS TO REDEFINE WHO MAY SIGN A MEDICAL WAIVER FOR AN ALTERNATIVE SLEEP POSITION FOR INFANTS IN CHILD CARE. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-64.)

**H.B. 925**, AN ACT TO AUTHORIZE THE SHARING OF CONFIDENTIAL INFORMATION AMONG AGENCIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES IN ORDER TO CONDUCT QUALITY ASSESSMENT AND IMPROVEMENT ACTIVITIES AND COORDINATE APPROPRIATE AND EFFECTIVE CARE, TREATMENT, OR HABILITATION OF DHHS CLIENTS. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-65.)

**H.B. 642**, AN ACT TO MAKE TECHNICAL CORRECTIONS AND OTHER CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-66.)

**H.B. 1331**, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE AVAILABLE TO THE PUBLIC, AND

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TO ENCOURAGE HEALTH CARE PROFESSIONALS TO MAKE AVAILABLE TO PREGNANT PATIENTS, EDUCATIONAL INFORMATION REGARDING UMBILICAL CORD STEM CELLS AND UMBILICAL CORD BLOOD BANKING. (Became law upon approval of the Governor, June 8, 2009 - S.L. 2009-67.)

**H.B. 563**, AN ACT PROVIDING THAT THE TOWNS OF COLUMBIA AND EDENTON MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. (Became law upon ratification, June 8, 2009 - S.L. 2009-68.)

**H.B. 927**, AN ACT TO ALLOW TYRRELL COUNTY TO TRANSFER FUNDS BACK TO THE LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD THAT HAD BEEN HELD BY THE COUNTY IN TRUST TO BE USED TO BUILD A NEW ALCOHOLIC BEVERAGE CONTROL STORE. (Became law upon ratification, June 8, 2009 - S.L. 2009-69.)

**H.B. 955**, AN ACT TO EXPAND THE MEMBERSHIP AND CHANGE THE MANNER OF CHOOSING THE MEMBERS OF THE CURRITUCK COUNTY GAME COMMISSION, TO MAKE CHANGES TO THE COMPENSATION PROVIDED TO MEMBERS OF THE COMMISSION AND THE CLERK OF THE COMMISSION, AND TO PROVIDE THAT NO FLOAT BLINDS MAY BE TIED WITHIN THREE HUNDRED YARDS OF A RESIDENCE IN CURRITUCK COUNTY. (Became law upon ratification, June 8, 2009 - S.L. 2009-70.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN, with a favorable report.

**H.B. 722** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA, with a favorable report.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 239** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF

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THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR, 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 10996, is adopted and engrossed.

### CALENDAR

Bills and a joint resolution on today's Calendar are taken up and disposed of, as follows:

**H.B. 538** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JESSE HELMS.

Upon motion of Senator Goodall, the joint resolution is read in its entirety and, upon motion of Senator Rouzer, the remarks of the members, are spread upon the Journal, as follows:

**Senator Goodall:**

“Thank you, Mr. President, and members of the Senate. I am not sure I can add much to what was said nor speak to the eloquence that many spoke last July as North Carolina paid its final respects at Hayes Barton Baptist Church. What a passing as this does and should do is cause a period of reflection for those of us in public service about who we serve. Beyond the monumental impact Senator Helms had on America and the world, I think, for me, it is in the small personal stories constantly recounted that we realize how giant of a public servant he was. His personal commitment to constituent needs is legendary. His dedication to meeting students visiting Washington, D.C. is also legendary and his legacy will live on for years through the fine work of the people at the Jesse Helms Center in Union County. The Senator from my hometown of Monroe journeyed a long way from Union County yet he never really left in a sense. His roots were deeply planted in his southern small town values throughout his life of public service. Let me share a story I read describing his invitation to a U2 concert in 2001 by the band’s lead singer, Bono, who was lobbying legislators on one of his issues. The article said, ‘Seated down front at U2’s Elevation Tour concert in Washington, D.C. among the expected celebrities, supermodels and record company execs, there is a special guest of Bono, conservative North Carolina Senator Jesse Helms. The octogenarian was experiencing his first ever rock concert and was amazed. Jesse said people were moving back and forth like corn in the breeze but he also admitted turning off

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his hearing aid shortly after the show began!' Finally, I think all of us in the Chamber recognize that we do not serve alone. Those close to us, our family and friends, also serve. They, however, do not receive the accolades and attention we do but they do share the burdens and sacrifices equally with us. I hope that Senator Helms' family and close friends recognize that as we honor him, this honor is also bestowed upon you and we thank you for the years of support you gave Senator Helms. You sacrificed a large part of your personal life for the contributions Senator Helms gave to North Carolina, the United States, and, indeed, to the world. Thank you."

**Senator Hunt:**

"It was my pleasure to grow up in Raleigh, North Carolina during the 50's and Jesse Helms was on WRAL-TV doing commentaries, I think about every day and I believe I heard about every one of them. Typical of his later career, you had no problem understanding what Jesse was saying. He was very clear and unequivocal in everything he said. Jesse was a man of integrity, he was a man of patriotism, he was a man of compassion, he was a man of boldness, he was a man of enthusiasm, he was a man of wisdom, he was a man of honesty and even his political opponents, and they were many, had to agree that he exhibited those characteristics. I commend this resolution to you."

**Senator Weinstein:**

"I'd like to share with you a Jesse Helms story and I'll admit Senator Helms and I disagreed probably more than we agreed on various topics. In 1988, I was Mayor of Lumberton and I went to Washington with my wife and we went to see our Democratic representatives who mostly were too busy to see us. We were walking down the hall and we passed Senator Helms' office and, sure enough, there was Jesse. He came out and, of course, being nice I introduced myself as Mayor Weinstein and this is my wife, Karen, and he knew we weren't Republicans but he grabbed us and he said, 'Come on in my office and let's talk some.' So we went into the office and you all who didn't know my wife, Karen, she and Senator Helms hit it right off. They started talking and we talked. We were in there and he would not let us leave. We started to leave and he called a photographer to come into the office and he put my wife back of his desk, he stood by there and we had a photo session and finally I had to go to a meeting. We were in his office over an hour. That man took the time to talk to a little Democrat from Lumberton, North Carolina, who was not his supporter, who was just a North Carolina citizen. We were strangers and he took us in, I'll put it that way. The next week when we got home, we received a package in the mail. It was a giant crystal with the United States Senate seal with a signature of Senator Jesse Helms saying how much he enjoyed our visit. The thing I have always heard about Jesse Helms was he took care of his constituents. They would call and he would answer them regardless of who they were and what their status in life was. Like I said, and I'll repeat, he and I disagreed probably more than we did agree, but he was a man as everybody says, you knew where he stood. Thank you."

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**Senator Brock:**

“You know, I think about the times that I spent with my father going out campaigning and politicking back when I was little and one of my favorite pictures I have is Senator Helms and my Dad enjoying a good laugh and it made national publications. That same year he taught me a lesson that I carry today and a very important one. I was ten years old and I was getting off the school bus and Senator Helms was at the house and they were on their way out leaving and, of course, that was the 1984 campaign and anyone who is a political science major knows that there are books and books written about the Hunt-Helms race. I was walking off the school bus and walking up the driveway and the car was pulling out of the driveway and Senator Helms had stopped the car. He rolled down the window and wanted to see how my day was, see what I was learning in school, and take time to talk to me. Like Senator Weinstein, that meant a lot to a ten-year old boy that a person that you knew was more than a state figure, more than a national figure, somebody known throughout the free world, even those that were in captivity in Cuba knew him very well, as well, that he would take the time and effort to talk to some young kid. I think about that now when a school group or somebody or a school calls me. I always think about Senator Helms and try to live the life of a legislator that he would have. He set a great example with constituent service, standing by his ideals, being a great family man, and taking care of his people that he truly loved. He was truly a North Carolina treasure but he is greatly thought of throughout the free world. I commend the resolution.”

**Senator Rouzer:**

“This may in many ways be the most difficult speech I’ll ever give on the Senate floor. I have so much emotion and so many memories from my time and work with Senator Helms. I had two different stints with him, in total about seven years that I worked for him. He didn’t call us a staff, he called us the Helms Senate family, and indeed we were family. I very vividly recall, I guess about the second month I had been working with him, a fellow by the name of Jim Graham called. I handled Agriculture for Senator Helms and I had met Jim Graham a couple of times and, of course, Senator Helms served as the senior member on the Senate Ag Committee and they worked very, very closely together. Since I was the senior aide for agriculture issues I dealt a good little bit with Jim Graham and the first time he called me on the phone I do dare tell you I did not understand one word he said. The conversation went for about ten minutes and I thought to myself, well, do I tell the Commissioner that he needs to try again, I can’t understand what he’s saying or do I just continue on and say, yes sir, and move on with it. Well, I decided the latter was the most appropriate since I had just met the man and when I hung up the phone, I thought to myself, ‘Lord, David, you don’t know what you’ve committed yourself to nor do you have any idea what you just committed the Senator to.’ So I thought I’ve got to go in and tell the boss. As I mentioned before, I’d only been on board for about two months so I wasn’t quite sure how he was going to respond to this. So I went in and I asked the Senator if he had a moment. He said, ‘Sure.’ So I went

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on in and said I've got something I've got to tell you. He said, 'Well, what's that, son?' I said 'I just spent fifteen minutes on the phone with Jim Graham and I have no idea what he told me.' The Senator looked at me and he said, 'Was he talking like this?' (unintelligible imitation), and I said, 'Yes, Senator, how did you know?' He said 'Well, I've been saying yes to Jim Graham for more than thirty years and I still don't know what I've committed myself to!' The reason I share that story is he knew exactly how I felt when I walked through that door. He had a great way of putting himself in your shoes. There was another time when he buzzed me and you could always tell when he was buzzing you on the phone; there was just something about it when that buzzer would ring or that intercom would ring, there was no caller ID or anything, it would just ring but you could always tell there was a distinctive voice to signify to you that it was Helms. One day it buzzed and I hit the little intercom button and on the other end he said, 'David, can you come back to see me a minute.' Of course, I said, yes sir, Senator. I went back there and we were working on a letter to some tobacco companies at the time, trying to get them to purchase more U.S. leaf which was a continual battle and we got through with the letter and he looked at me and said, 'David, I noticed that you're not quite the same today; what's going on?' And so I shared it with him. And when I shared it with him, it was a fairly difficult situation I was going through, but when I shared it with him, there was a tear that welled up in his eye and when he cried, I cried. That's the kind of man that Jesse Helms was. I don't think there was anybody in public life who was more opposite of the way they were portrayed by the media than Jesse Helms. I remember times when we were on the Senate floor together and there were many of those where we'd go back to the hideaway and he'd be frustrated with how things were going on the floor and, of course, most of the time when I was with him we were dealing with a tobacco issue of some sort and, of course, tobacco's not the most popular commodity in Washington, D.C. by any means, and certainly isn't today. But we'd go back to the hideaway and after we had done the best we could he told me many times 'I've been frustrated many a time on the Senate floor and I'd come back here to the hideaway and I'll sit and I'll pray and I'll think about what can I do different.' He said many a time I just look up and tell the Lord, 'God, I don't know what else to do.' Then after a little bit a new idea would come and he'd go back on the Senate floor and try again. Those were remarkable moments that I shared with a great, great man. He was always a stickler for time. I remember any time you'd travel with him he'd always be looking at his watch. He'd even look at his watch in church. We both attended the same church, First Baptist in Alexandria, when I was there, and there was one Sunday in particular that the service went over about forty minutes and there was a new, young pastor who was filling in for the regular pastor there, and he kept holding the hymn open, you know, for folks to come down. Of course, nobody came down because we were all tired and wanted to get out of there. We walked out of the church building and this was about 12:40 and Helms looked at me and said, 'Son, the boy has got to learn that you can't save any souls after 12:00 Noon!' I think that shows the practical, the pragmatic side of the Senator. He understood human

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nature very, very well. I remember I told him one time, we were dealing with an issue in the office and he always had some constituents who were easier to handle than others, and this one in particular, he was just adamant about this, that and the other, and I remember I got frustrated one time and I told the Senator, he's just wrong, he's just wrong. And he looked at me and said, 'Son, let me tell you one thing about human nature, he'll never admit it.' I learned a lot from a great, great man. In closing I'm going to share an excerpt from the farewell speech that he gave on the Senate floor on Wednesday, October 2, 2002, and I remember that day because the members came and they came and they came, Republican and Democrat. In fact, they talked so long and so many of them came that Helms ended up saying just a few remarks and inserting the rest of his remarks into the Record. I want to read you a portion of what he said that day of what he had written to be included in the Record. He said, 'As I approach the end of my five terms in the Senate, I realize that being remembered isn't important. What is important is standing up for what you believe to be right, hoping that you have done everything you can to preserve the moral and spiritual principles that made America great in the first place. My father, rest his soul, was a good man who taught me many things. In my office there is an inscription of something that he told me many years ago. Son, he said, the Lord doesn't expect you to win, he just expects you to try. With the remarkable Dot Helms at my side we have done our best to live up to my father's admonition and while we are certainly not perfect and we certainly haven't always had all the answers, we have the comfort of feeling that we have done the best we can. Nobody can claim to have had a better life or to be more blessed and honored by the people of North Carolina than Dot Helms and me.' And speaking of Dot Helms who is in the gallery today with the family, she was the real conservative in the family. In fact, the Senator told me one time, he said, 'You know where I get all my good ideas.' I said, 'no, where?' He said, 'Dot Helms.' Dot, he loved you very, very dearly and his family, too. You know one of the things that really struck me about the Senator is when he retired he didn't go buy a big mansion in Washington, D.C. and stay up there. He and Dot returned home to Caswell Street right around the corner here. He never forgot where he came from, he never forgot who he represented, and he did it extraordinarily well. I remember reading an editorial one time that said that Jesse Helms was a real tiger in a Chamber full of paper cutouts. Indeed, he was because of the courage of his convictions and so, Dot, and to the family, God bless you. We honor you and I commend this resolution to the Chamber today. Thank you."

**Senator Preston:**

"I would like to share a short personal story that is an example of the constituent service that Senator Helms was so well known for. My late husband, John Preston, after retirement from the U. S. Army became a volunteer in Raleigh at the Congressional Club during the 70's and spent many hours with Senator Helms and really came to have a great deal of love and respect for Senator Helms. In 1996 when John passed away, the day after his death Senator Helms called me at home. I picked up the phone, he was on the phone and

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didn't have anybody doing it for him, and he spent at least thirty minutes reminiscing about the experiences he had with John and I could not believe that Senator Helms was spending this kind of time with John's widow. But during the course of the conversation he said is there anything I can do for you. And I thought about it and I said that John had requested to be buried at Arlington National Cemetery and I was preparing to fill out an application to get that done because sometimes it took weeks to get on the calendar to be buried in Arlington. He said that's not a problem let me do it for you. So within a week, we were scheduled for that interment in Arlington and I will forever and ever be grateful for that kindness that he showed to me. I would like to point out one of the guests in the gallery today. Judy, would you stand for me, please, if that's permissible, Mr. President. Judy worked with Senator Helms in his Washington office and after a few years she decided to come back to Raleigh. I was advertising for a legislative assistant and I did not know Judy but she came into the office and we had a great deal of fun just talking about politics and she shared with me many, many, many experiences that she had with Senator Helms. Of course, I would not let her leave without hiring her on the spot. However, when he came back to Raleigh to settle in his Raleigh office, she said, I'm sorry, Jean, I've got to leave you, Senator Helms wants me back. But, Judy, thank you for those years of service with me, and thank you, family, for sharing Senator Helms with us all those years. Thank you."

**Senator Basnight:**

"Members of the Senate, it was in my earlier years in politics that my community found itself in need of a rock jetty at Oregon Inlet. We had had little success with dredging that waterway and so we appealed to our government to build this rock jetty and it fell on deaf ears. The Democrats in power at the time felt like that would be a foolish attempt at controlling the currents and the water that came out of Oregon Inlet. Needless to say, these kinds of structures had worked well in waters around the world and in America all across our Country. But we did not prevail and so we had a meeting in Washington and I was asked to attend with our Congressional Delegation. As a side note, they asked a few of us to go see Senator Helms and I was sure I had been told that this Republican would not be helpful, that he would turn us down just as others had done. Well, not only did he not turn us down, he pushed full throttle ahead in the stormy conditions of that Inlet and through his time as Senator he would call Chad Wright and talk about Oregon Inlet and when I would have conversations with him, he wanted to know more than just about the rock jetty which he supported. He wanted to know about the people that worked on the boats, that made their living on the water and I believe he would cherish those conversations. He enjoyed learning about the people of North Carolina and we built a very firm and guiding relationship as it pertains to the needs of our people. When we would call his office about a constituent need he was always there. Now he and I disagreed as much as David said on much of the philosophy of the need of government and its purpose, he being much to the right of where I am. But, boy was he not true in his belief and his commitment to his Country and what he thought was right. Godspeed, Jesse, and his family. Thank you."

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The joint resolution passes its second reading (41-1) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Goodall the Chair extends the courtesies of the gallery to Mrs. Dorothy Helms, Jane and Charlie Knox, Nancy and Randy Grigg, Rob and Krystin Knox, Paul Coble, Barbara Settlemyre, John Dodd and Judy Edwards.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 141** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES CONCERNING WHEN TESTING FOR VOLATILE ORGANIC COMPOUNDS IN NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS IS REQUIRED, AND TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN ACCORDANCE WITH THOSE RULES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, June 10, for concurrence.

**S.B. 1000** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO INCREASE THE MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE, AND TO REQUIRE CERTAIN FARM VEHICLES TO BE SELF-PROPELLED WHEN OPERATING ON A HIGHWAY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, June 10, for concurrence.

**S.B. 1011** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 10, for concurrence.

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**H.B. 772** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE.

Referred to the **Finance Committee**.

**H.B. 819** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1595** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**CALENDAR** (*continued*)

**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

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 10.

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**H.B. 1398**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1094** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS, with a favorable report.

**H.B. 1105** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

**S.J.R. 1101**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF LORINZO JOYNER, BRYAN BEATTY, AND TONOLA D. BROWN-BLAND 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 bill 55429, is adopted and engrossed.

#### CALENDAR *(continued)*

**H.B. 9** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

The Committee Substitute bill passes its second reading (30-18) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 659**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 673** (Senate Committee Substitute), 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 TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 787** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ALTERING, DESTROYING, OR REMOVING THE PERMANENT SERIAL NUMBER OF A FIREARM AND FOR POSSESSING A FIREARM WITH THE SERIAL NUMBER REMOVED.

The Senate Committee Substitute bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 808** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT AND TO CLARIFY THAT ARCHITECTURE AND ENGINEERING PLANS AND SPECIFICATION REVIEW BY THE DEPARTMENT OF ADMINISTRATION SHALL NOT BE CONSTRUED AS PLANS REVIEW FOR CODE ENFORCEMENT BY THE DEPARTMENT OF INSURANCE.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0), and changes the title upon concurrence to read **H.B. 808** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT.

The Senate Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1190** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND STRENGTHEN THE LAW REGARDING THE PRESERVATION OF DNA AND BIOLOGICAL EVIDENCE THAT IS RELATED TO A CRIMINAL OFFENSE AND A DEFENDANT'S ACCESS TO THAT EVIDENCE.

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The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1621**, A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND.

The bill 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 Wednesday, June 10, upon third reading.

#### ADDITIONAL SPONSOR

Senator Apodaca requests to be added as a sponsor of previously introduced legislation:

**S.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JESSE HELMS.

Upon motion of Senator Basnight, seconded by Senator Foriest, the Senate adjourns at 3:54 P.M. subject to receipt of messages from the House of Representatives, to meet Wednesday, June 10, at 3:00 P.M.

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#### SEVENTY-SEVENTH DAY

Senate Chamber  
Wednesday, June 10, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O God, what we say and what we do don't always show us at our best selves sometimes, because at times, we stand in our lives between clarity and confusion, between love and indifference, between commitment and withdrawal, between righteousness and our sins. Lord, we are here because you have called us to this work. So help us to rid ourselves of anything that hinders our best

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efforts. The Senate family is mindful and prayerful today for the families of the three people who died and for the many who were injured in yesterday's ConAgra Foods Industrial accident. Thank you for responding to their every need during such a difficult time. Amen."

The Chair grants a leave of absence for today to Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Tabatha Berry from Madison, 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. 9**, AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

**H.B. 659**, AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

**H.B. 838**, AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE.

**H.B. 964**, AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES.

**H.B. 1171**, AN ACT TO PROVIDE THAT LAW STUDENT EXTERNS AT THE GENERAL ASSEMBLY ARE SUBJECT TO LEGISLATIVE CONFIDENTIALITY.

**H.B. 1399**, AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS.

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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. 538**, AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY.

**S.J.R. 1103**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JESSE HELMS. (Res. 20)

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 633**, AN ACT RELATING TO THE MANNER OF ELECTION AND ORGANIZATION OF THE BOARD OF COMMISSIONERS OF YANCEY COUNTY. (Became law upon ratification, June 9, 2009 - S.L. 2009-71.)

**H.B. 833**, AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION AND TO STAGGER THE ELECTION CYCLE. (Became law upon ratification, June 9, 2009 - S.L. 2009-72.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**H.B. 896**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CANCER COMPENDIA STATUTE TO REFLECT NEW COMPENDIA THAT ARE AVAILABLE, with a favorable report.

**H.B. 1271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING AGENCIES, with a favorable report.

By Senator Graham for the **Mental Health & Youth Services Committee**:

**H.B. 576** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR

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EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED, with a favorable report.

**H.B. 1046** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO ADOPT RULES ESTABLISHING STANDARDS APPLICABLE TO CHILD CARE CENTERS THAT PROVIDE DEVELOPMENTAL DAY PROGRAMS, with a favorable report.

**H.B. 88** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN THROUGH NINE, 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 80465, which changes the title upon concurrence to read **H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE, is adopted and engrossed.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT, with a favorable report.

**H.B. 698**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO PERMIT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE TO PROPERLY TAKE ADVANTAGE OF CERTAIN INNOVATIVE TECHNOLOGIES, with a favorable report.

**H.B. 1032** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE HISTORY AND GEOGRAPHY CURRICULA IN THE PUBLIC SCHOOLS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 10998, is adopted and engrossed.

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By Senator Hoyle for the **Finance Committee**:

**H.B. 225**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION, with a favorable report.

**H.B. 280**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT, with a favorable report.

**H.B. 395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX, with a favorable report.

**H.B. 422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, with a favorable report.

**H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

**S.B. 509**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED 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 35343, is adopted and engrossed.

**H.B. 103** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT ALEXANDER, ANSON, CATAWBA, CHOWAN, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, 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 70454, which changes the title upon concurrence to read **H.B. 103** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT ALEXANDER, ALLEGHANY, ANSON, BERTIE, CATAWBA, CHOWAN,

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STOKES, SURRY, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER, is adopted and engrossed.

**H.B. 1530** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO RESCIND AN ADVANCED GENERAL REAPPRAISAL OF 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 50732, which changes the title upon concurrence to read **H.B. 1530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND MARCH 31, 2009, is adopted and engrossed.

By Senator East for the **State & Local Government Committee**:

**H.B. 213** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES, with a favorable report.

**H.B. 377** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

**H.B. 379**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

**H.B. 381** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

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**H.B. 502**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER DISPOSITION, with a favorable report.

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL, with a favorable report.

**H.B. 702** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS, with a favorable report.

**H.B. 721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP, with a favorable report.

**H.B. 767** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN COUNTY, with a favorable report.

**H.B. 1088**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, with a favorable report.

**H.B. 924**, A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG 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 10997, which changes the title upon concurrence to read **H.B. 924** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY AND PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE, is adopted and engrossed.

**H.B. 378** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL

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AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50729, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee.**

**H.B. 380** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80462, is adopted and engrossed.

**H.B. 464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80463, which changes the title upon concurrence to read **H.B. 464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE CITIES OF RALEIGH AND WINSTON-SALEM TO ENTER INTO A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, is adopted and engrossed.

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**H.B. 1021** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS PARKWAY: HOME OF THE CAROLINA MARINES SINCE 1941", with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50730, which changes the title upon concurrence to read **H.B. 1021** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS HIGHWAY: HOME OF THE CAROLINA-BASED MARINES SINCE 1941", is adopted and engrossed.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 754** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 11, for concurrence upon second reading.

**S.B. 1027** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Thursday, June 11, for concurrence.

### CALENDAR

Bills and a joint resolution on today's Calendar are taken up and disposed of, as follows:

**H.B. 239** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

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 17.

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**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

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 16.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Upon motion of Senator Hartsell, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 16.

**S.J.R. 1101** (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF LORINZO JOYNER, BRYAN BEATTY, AND TONOLA D. BROWN-BLAND TO THE UTILITIES COMMISSION.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD.

Senator McKissick offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0)

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and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 722** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA.

Upon motion of Senator Snow, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

**H.B. 1094** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1621**, A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (19-30).

Senator Berger of Rockingham offers Amendment No. 2 which fails of adoption (21-28).

The bill passes its third reading (46-3) and is ordered enrolled.

**S.B. 141** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES CONCERNING WHEN TESTING FOR VOLATILE ORGANIC COMPOUNDS IN NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS IS REQUIRED, AND TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN ACCORDANCE WITH THOSE RULES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor.

## REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

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By Senator Graham for the **Mental Health & Youth Services Committee:**

**H.B. 1087**, A BILL TO BE ENTITLED AN ACT TO APPLY CLIENT RIGHTS AND HUMAN RIGHTS COMMITTEE REQUIREMENTS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND LOCAL MANAGEMENT ENTITIES, TO PROVIDER ENTITIES, 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 11000, is adopted and engrossed.

**CALENDAR** (*continued*)

**S.B. 1000** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO INCREASE THE MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE, AND TO REQUIRE CERTAIN FARM VEHICLES TO BE SELF-PROPELLED WHEN OPERATING ON A HIGHWAY.

Upon motion of Senator Jenkins, 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. 1011** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

**H.B. 722** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA, temporarily displaced earlier today.

Senator Snow offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

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**WITHDRAWAL FROM COMMITTEE**

**S.B. 963**, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE USE OF FEDERAL STIMULUS FUNDS, referred to the **Appropriations/Base Budget Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Select Committee on Economic Recovery**, 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 **Select Committee on Economic Recovery**.

**CHANGES TO 2009 SENATE COMMITTEE**

Pursuant to Rule 31, Senator Dannelly, Deputy President *Pro Tempore*, announces the following committee changes:

Senator Berger of Franklin is appointed to the **Select Committee on Economic Recovery**.

**ADDITIONAL SPONSOR**

Senator Vaughan requests to be added as a sponsor of previously introduced legislation:

**S.B. 912**, A BILL TO BE ENTITLED AN ACT TO STIMULATE CERTAIN HOME PURCHASES.

Upon motion of Senator Basnight, seconded by Senator Blue, the Senate adjourns subject to receipt of committee reports, to meet Thursday, June 11, at 11:00 A.M.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 359**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85243, is adopted and engrossed.

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**S.B. 700** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, 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, 55430, is adopted and engrossed.

**S.B. 935** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE 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, 55431, is adopted and engrossed.

**H.B. 1180** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009, 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, 11001, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:11 P.M.

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**SEVENTY-EIGHTH DAY**

Senate Chamber  
Thursday, June 11, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Gracious God, with the House's version of the budget soon to be voted on and sent back to the Senate, we pray in advance that members from both bodies will be able to sort out any conflicting, economic and philosophical differences. This budget is one that no one really likes, but is necessary to set the State on a course which is simultaneously responsive to difficult economic times and to the ongoing needs of our people. Lead them, O God, in the way of discernment, fair-mindedness and justice. Amen."

The Chair grants leaves of absence for today to Senator Atwater, Senator Blue, Senator McKissick, Senator Stevens, and Senator Tillman.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, June 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Katherine Ormont from Goldsboro, 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. 141**, AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES CONCERNING WHEN TESTING FOR VOLATILE ORGANIC COMPOUNDS IN NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS IS REQUIRED, AND TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN ACCORDANCE WITH THOSE RULES.

**S.B. 1000**, AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO INCREASE THE

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MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE, AND TO REQUIRE CERTAIN FARM VEHICLES TO BE SELF-PROPELLED WHEN OPERATING ON A HIGHWAY.

**S.B. 1011**, AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS.

**H.B. 221**, AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

**H.B. 391**, AN ACT AUTHORIZING COMMUNITY COLLEGES TO OFFER NONCREDIT COURSES IN SAFE DRIVING TO HIGH SCHOOL STUDENTS DURING THE SCHOOL YEAR.

**H.B. 440**, AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, AND TO INCREASE THE PENALTY FOR STRIKING AND CAUSING THE DEATH OF A PERSON WHEN PASSING A STOPPED SCHOOL BUS.

**H.B. 686**, AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS.

**H.B. 1031**, AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS.

**H.B. 1094**, AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS.

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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**H.B. 459**, AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE.

**H.B. 701**, AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE; AND TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR MOORE COUNTY TO DELEGATE THE AUTHORITY TO ISSUE PYROTECHNICS PERMITS TO THE COUNTY FIRE MARSHAL.

**H.B. 747**, AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY AND FOR THE TOWN OF DALLAS FOR CONSTRUCTION OR REPAIR PROJECTS.

**H.B. 888**, AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY.

**H.B. 1621**, AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND.

#### 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. 538**, AN ACT TO ALLOW THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION TO MAINTAIN A CAMPUS POLICE AGENCY. (Became law upon ratification, June 10, 2009 - S.L. 2009-73.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1079** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT

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CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE, with a favorable report.

**H.B. 1159** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES, with a favorable report.

Upon motion of Senator Soles, the Committee Substitute bill No. 2 is referred to the **Finance Committee**.

**H.B. 1161** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATED TO THE FINANCIAL CONDITIONS OF INSURANCE COMPANIES, INCLUDING REINSURANCE INTERMEDIARIES, RECEIVERSHIP, THIRD-PARTY ADMINISTRATORS AND AUDITS OF WORKERS' COMPENSATION SELF-INSURERS, AND FOREIGN INSURERS, with a favorable report.

**H.B. 1164**, A BILL TO BE ENTITLED AN ACT REQUESTED BY THE COMMISSIONER OF INSURANCE TO ELIMINATE OBSOLETE DATA COLLECTION REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS, with a favorable report.

**H.B. 1165** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS SET FORTH IN THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY; MAKE CONFORMING AMENDMENTS; AND REPEAL THE STATUTE THAT CONTAINS THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY, with a favorable report.

**H.B. 1210**, A BILL TO BE ENTITLED AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED PROVISIONS, with a favorable report.

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**H.B. 615** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING BUSINESS TRUSTS, with a favorable report.

**H.B. 794** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST, with a favorable report.

**H.B. 1368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE ADVANCES STATUTES, BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES, with a favorable report.

**H.B. 1390** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT, with a favorable report.

### 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 TO INCORPORATE THE VILLAGE OF SNEADS FERRY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---44.

Voting in the negative: Senator Forrester---1.

The Committee Substitute bill remains on the Calendar for Monday, June 15, upon third reading.

**H.B. 280**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock,

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Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 15, upon third reading.

**H.B. 395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---40.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The Committee Substitute bill remains on the Calendar for Monday, June 15, upon third reading.

**H.B. 422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 15, upon third reading.

**H.B. 502**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER DISPOSITION.

Senator Swindell offers Amendment No. 1 which is adopted (45-0), and changes the title upon concurrence to read **H.B. 502**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER

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DISPOSITION AND TO AUTHORIZE BEAUFORT COUNTY COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH BEAUFORT COUNTY.

The bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 103** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT ALEXANDER, ALLEGHANY, ANSON, BERTIE, CATAWBA, CHOWAN, STOKES, SURRY, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

The Senate Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 225**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

The bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE CITIES OF RALEIGH AND WINSTON-SALEM TO ENTER INTO A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

The Senate Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 702** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS.

The Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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**H.B. 721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP.

The Committee Substitute bill No. 2 passes its second reading (43-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 767** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN COUNTY.

The Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 924** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY AND PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

The Senate Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1523**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 17.

**H.B. 213** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ADOPTION OF RULES AND POLICIES FOR THE VOLUNTARY SHARED LEAVE PROGRAM THAT WILL PERMIT THE DONATION OF SICK LEAVE TO A NONFAMILY MEMBER RECIPIENT FOR STATE EMPLOYEES SUBJECT TO THE STATE PERSONNEL ACT, PUBLIC SCHOOL EMPLOYEES, AND COMMUNITY COLLEGE EMPLOYEES.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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**RECONSIDERATION**

**H.B. 721** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP.

Having voted with the majority on third reading earlier today, Senator Brock offers a motion that the vote by which the Committee Substitute bill No. 2 passed its third reading be reconsidered, which motion prevails (45-0).

The question before the Body is the passage of H.B. 721 on its third reading.

The Committee Substitute bill No. 2 passes its third reading (38-7) and is ordered enrolled.

**CALENDAR** (*continued*)

**S.B. 509** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 15, upon third reading.

**S.B. 700** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, upon second reading.

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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, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, June 15, upon third reading.

**H.B. 1530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND MARCH 31, 2009, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, June 15, upon third reading.

**S.B. 935** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE FEES.

The Committee Substitute bill No. 2 passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 16.

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**H.B. 377** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 379**, A BILL TO BE ENTITLED AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 380** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 381** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

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Senator Nesbitt offers Amendment No. 1.

Upon motion of Senator Nesbitt, the Chair orders, without objection, the Committee Substitute bill temporarily displaced with Amendment No. 1 pending.

**H.B. 576** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED.

Upon motion of Senator Kinnaird, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

**H.B. 631** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

Senator Davis offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 698**, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO PERMIT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE TO PROPERLY TAKE ADVANTAGE OF CERTAIN INNOVATIVE TECHNOLOGIES.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT, temporarily displaced earlier today with Amendment No. 1 pending.

Upon motion of Senator Foriest, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 24, with Amendment No. 1 pending.

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**H.B. 896**, A BILL TO BE ENTITLED AN ACT TO UPDATE THE CANCER COMPENDIA STATUTE TO REFLECT NEW COMPENDIA THAT ARE AVAILABLE.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 576** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED, temporarily displaced earlier today.

Upon motion of Senator Kinnaird, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 16.

**H.B. 1021** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS HIGHWAY: HOME OF THE CAROLINA-BASED MARINES SINCE 1941."

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1032** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE HISTORY AND GEOGRAPHY CURRICULA IN THE PUBLIC SCHOOLS.

The Senate Committee Substitute bill passes its second reading (41-4) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1046** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO ADOPT RULES ESTABLISHING STANDARDS APPLICABLE TO CHILD CARE CENTERS THAT PROVIDE DEVELOPMENTAL DAY PROGRAMS.

The Committee Substitute bill No. 2 passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1087** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPLY CLIENT RIGHTS AND HUMAN RIGHTS COMMITTEE REQUIREMENTS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND LOCAL MANAGEMENT ENTITIES, TO PROVIDER ENTITIES.

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Senator Snow offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1088**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

The bill passes its second reading (44-1).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 15, upon third reading.

**H.B. 1180** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009.

*Without objection, Senator Brunstetter requests to be excused from voting on the Senate Committee Substitute bill No 2 due to a conflict of interest.*

The Senate Committee Substitute bill No. 2 passes its second reading (44-0).

Senator Berger of Franklin objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 15, upon third reading.

**H.B. 1271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING AGENCIES.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 754** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), 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, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock,

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Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, June 15, for concurrence upon third reading.

**S.B. 1027** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT, for concurrence in House Amendment No. 1.

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.

Upon motion of Senator Dannelly, seconded by Senator Hunt, the Senate adjourns at 12:41 P.M. to meet Monday, June 15, at 7:00 P.M.

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### SEVENTY-NINTH DAY

Senate Chamber  
Monday, June 15, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Amanda McCullough, St. Jude's Metropolitan Church, Wilmington, North Carolina as follows:

"Creator God, you have promised a bright future and a hope for us all. But the people of North Carolina will miss some of it if this budget does not help fulfill the visions and dreams that this Senate and these Senators are working hard and must work hard to bring about. So help this session shape the budget into a wise leadership plan for an exciting future. Help these leaders put the money where their best values are and help them to find the right balance. Continue to bless these good people with the sense of the positive difference they have made and they are making. May we all continue to abide in your favor, your grace and prosperity. In God's abundant promise we say Amen and Amen."

The Chair grants leaves of absence for tonight to Senator Goodall, Senator Jenkins, Senator Shaw, and Senator Stevens.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Regina Ford from Henderson, North Carolina, who is serving the Senate as Nurse of the Day.*

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1314**, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE INSURANCE COMMISSIONER'S ABILITY TO MONITOR THE FINANCIAL CONDITION OF 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 50735, is adopted and engrossed.

**H.B. 682** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO, TO ALLOW AUTOMATIC ADJUSTMENTS TO ACCOUNT FOR FUTURE CHANGES IN THE CONSUMER PRICE INDEX, AND TO PROVIDE A UNIFORM PROCEDURE FOR INFLATION INDEXING THAT OTHER PROVISIONS MAY INCORPORATE BY REFERENCE, with an unfavorable report as to Committee Substitute 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. 682** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO, is adopted and engrossed.

**H.B. 780** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS, 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 80466, which changes the title upon concurrence to read **H.B. 780** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS, AND TO PROVIDE THAT IN THE CASE OF A MANDATORY EVACUATION A TENANT SUBJECT TO A VACATION RENTAL AGREEMENT IS ENTITLED TO A REFUND OF THE PRORATED RENT, TAXES, AND OTHER PAYMENTS MADE BY THE TENANT FOR THE OCCUPATION OF THE VACATION RENTAL UNIT, is adopted and engrossed.

**H.B. 1183** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING HEALTH INSURANCE AND MANAGED CARE; TO CHANGE CERTAIN HEALTH INSURANCE LAWS TO COMPORT WITH RECENT CONGRESSIONAL ENACTMENTS; TO MAKE A TECHNICAL CORRECTION IN A CREDIT INSURANCE LAW; TO CONFORM MOTOR VEHICLE INSPECTION COMPLIANCE REQUIREMENT WITH DISCONTINUATION OF STICKERS; AND TO REPEAL THE EXPIRATION DATE OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT 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 11002, is adopted and engrossed.

**H.B. 1313** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, with an unfavorable report 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.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 799** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INTERESTS IN A JOINT TENANCY WITH A RIGHT OF SURVIVORSHIP MAY BE HELD IN UNEQUAL SHARES, with an unfavorable report 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.

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**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**S.B. 202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO PROVIDE FOR TWO NEW PERMANENT UPPER-INCOME TAX BRACKETS WITH BEGINNING THRESHOLDS AT TWICE AND FIVE TIMES THE CURRENT HIGHEST BRACKET EFFECTIVE JANUARY 1, 2009; TO PERMANENTLY PROVIDE FOR MANDATORY COMBINED REPORTING FOR CORPORATE INCOME TAX PURPOSES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY EXPAND THE CORPORATE FRANCHISE TAX BASE TO INCLUDE ALL LIMITED LIABILITY BUSINESS ENTITIES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY MODIFY THE CORPORATE INCOME TAX APPORTIONMENT FORMULA BY REQUIRING THAT SALES BE INCLUDED IN THE NUMERATOR OF THE SALES FACTOR IF THE PROPERTY IS SHIPPED FROM THIS STATE AND THE TAXPAYER IS NOT TAXABLE IN THE STATE WHERE THE PROPERTY IS DELIVERED, EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY CONFORM THE EXEMPTION FOR FINANCIAL INSTITUTIONS FOR INTEREST EXPENSE THAT IS ALLOCABLE TO TAX-EXEMPT INTEREST INCOME TO THE GENERAL FEDERAL TREATMENT OF THIS EXPENSE EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY INCREASE THE STATE GENERAL SALES AND USE TAX RATE BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE AUGUST 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SERVICE CONTRACTS AND ON REPAIR, MAINTENANCE, AND INSTALLATION SERVICES FOR TANGIBLE PERSONAL PROPERTY EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON LOCAL AND INTERSTATE COURIER SERVICES EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SALES OF DIGITAL PRODUCTS EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY REQUIRE A REMOTE SELLER TO COLLECT SALES TAX WHEN THE SELLER ENTERS INTO AN AGREEMENT WITH ONE OR MORE STATE RESIDENTS PROVIDING FOR A COMMISSION WHEN THE RESIDENT REFERS CUSTOMERS TO THE SELLER AND THE SELLER HAS GROSS RECEIPTS OF AT LEAST TEN THOUSAND DOLLARS ANNUALLY FROM SALES TO ALL CUSTOMERS REFERRED TO THE SELLER BY ALL SUCH RESIDENTS, EFFECTIVE WHEN IT BECOMES LAW; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES TAX ON MOVIES AND OTHER AMUSEMENTS IN LIEU OF THE

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PRIVILEGE TAXES CURRENTLY IMPOSED ON THESE ACTIVITIES EFFECTIVE OCTOBER 1, 2009; AND TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON SPIRITUOUS LIQUOR BY ONE AND ONE-HALF PERCENTAGE POINTS EFFECTIVE AUGUST 1, 2009, for concurrence in the House Committee Substitute bill No. 2.

The rules are suspended and the House Committee Substitute is placed on today's Calendar for concurrence.

### 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 15**, Promulgation and Implementation of the North Carolina Emergency Operations Plan.

### 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 TO INCORPORATE THE VILLAGE OF SNEADS FERRY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**H.B. 280**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The bill is ordered enrolled.

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**H.B. 395** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---39.

Voting in the negative: Senators Brock, East, Forrester, Rouzer, Rucho and Tillman---6.

The Committee Substitute bill is ordered enrolled.

**H.B. 422** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H.B. 1079** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE.

Upon motion of Senator Clodfelter, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 16.

**S.B. 509** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S.B. 700** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

**H.B. 1530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND MARCH 31, 2009, upon third reading.

Senator Snow offers Amendment No. 1 which is adopted (45-0), and changes the title upon concurrence to read **H.B. 1530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE

YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND JUNE 30, 2009.

The Senate 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, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

**S.B. 202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO PROVIDE FOR TWO NEW PERMANENT UPPER-INCOME TAX BRACKETS WITH BEGINNING THRESHOLDS AT TWICE AND FIVE TIMES THE CURRENT HIGHEST BRACKET EFFECTIVE JANUARY 1, 2009; TO PERMANENTLY PROVIDE FOR MANDATORY COMBINED REPORTING FOR CORPORATE INCOME TAX PURPOSES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY EXPAND THE CORPORATE FRANCHISE TAX BASE TO INCLUDE ALL LIMITED LIABILITY BUSINESS ENTITIES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY MODIFY THE CORPORATE INCOME TAX APPORTIONMENT FORMULA BY REQUIRING THAT SALES BE INCLUDED IN THE NUMERATOR OF THE SALES FACTOR IF THE PROPERTY IS SHIPPED FROM THIS STATE AND THE TAXPAYER IS NOT TAXABLE IN THE STATE WHERE THE PROPERTY IS DELIVERED, EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY CONFORM THE EXEMPTION FOR FINANCIAL INSTITUTIONS FOR INTEREST EXPENSE THAT IS ALLOCABLE TO TAX-EXEMPT INTEREST INCOME TO THE GENERAL FEDERAL TREATMENT OF THIS EXPENSE EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY INCREASE THE STATE GENERAL SALES AND USE TAX RATE BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE AUGUST 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SERVICE CONTRACTS AND ON REPAIR, MAINTENANCE, AND INSTALLATION SERVICES FOR TANGIBLE PERSONAL PROPERTY EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON LOCAL AND INTERSTATE COURIER SERVICES EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SALES OF DIGITAL PRODUCTS EFFECTIVE OCTOBER 1, 2009;

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TO PERMANENTLY REQUIRE A REMOTE SELLER TO COLLECT SALES TAX WHEN THE SELLER ENTERS INTO AN AGREEMENT WITH ONE OR MORE STATE RESIDENTS PROVIDING FOR A COMMISSION WHEN THE RESIDENT REFERS CUSTOMERS TO THE SELLER AND THE SELLER HAS GROSS RECEIPTS OF AT LEAST TEN THOUSAND DOLLARS ANNUALLY FROM SALES TO ALL CUSTOMERS REFERRED TO THE SELLER BY ALL SUCH RESIDENTS, EFFECTIVE WHEN IT BECOMES LAW; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES TAX ON MOVIES AND OTHER AMUSEMENTS IN LIEU OF THE PRIVILEGE TAXES CURRENTLY IMPOSED ON THESE ACTIVITIES EFFECTIVE OCTOBER 1, 2009; AND TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON SPIRITUOUS LIQUOR BY ONE AND ONE-HALF PERCENTAGE POINTS EFFECTIVE AUGUST 1, 2009, placed earlier on tonight's Calendar for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Garrou, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-45).

Senator Garrou offers a motion that the Senate appoint conferees, which motion prevails.

#### CALENDAR *(continued)*

**H.B. 1180** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is taken up out of its regular order of business and placed before the Senate for immediate consideration.

*Without objection, Senator Brunstetter requests to be excused from voting on the Senate Committee Substitute bill No. 2 due to a conflict of interest.*

Senator Berger of Franklin offers Amendment No. 1 which fails of adoption (10-35).

The Senate Committee Substitute bill No. 2 passes its third reading (45-0) and is ordered sent to the House of Representatives for concurrence.

**H.B. 312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED PROVISIONS.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 615** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING BUSINESS TRUSTS.

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The Committee Substitute bill No. 2 passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 794** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1161** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE LAWS RELATED TO THE FINANCIAL CONDITIONS OF INSURANCE COMPANIES, INCLUDING REINSURANCE INTERMEDIARIES, RECEIVERSHIP, THIRD-PARTY ADMINISTRATORS AND AUDITS OF WORKERS' COMPENSATION SELF-INSURERS, AND FOREIGN INSURERS.

The Committee Substitute bill No. 2 passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1164**, A BILL TO BE ENTITLED AN ACT REQUESTED BY THE COMMISSIONER OF INSURANCE TO ELIMINATE OBSOLETE DATA COLLECTION REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1165** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS SET FORTH IN THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY; MAKE CONFORMING AMENDMENTS; AND REPEAL THE STATUTE THAT CONTAINS THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1210**, A BILL TO BE ENTITLED AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES.

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The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FUTURE ADVANCES STATUTES, BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1390** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1088**, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

The bill passes its third reading (45-0) and is ordered enrolled and sent to the Governor.

**S.B. 754** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA), 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 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

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The House Committee Substitute bill is ordered enrolled and sent to the Governor.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**S.B. 663**, A BILL TO BE ENTITLED AN ACT TO INCREASE ACCESS TO JUSTICE IN THE CIVIL COURTS, AS RECOMMENDED BY THE CHIEF JUSTICE'S NORTH CAROLINA EQUAL ACCESS TO JUSTICE COMMISSION, with a favorable report.

Upon motion of Senator Nesbitt, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 323** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY, with a favorable report.

**H.B. 473** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with an unfavorable report as to 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, 50736, is adopted and engrossed.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Sophie Allen, Cary; Holly Anderson, Greensboro; Vernon Arrington, Rocky Mount; Anna Boone, Mebane; Daniel Boyd V, Gastonia; Khiry Bright, Cary; Abigail Buckner, Gastonia; Kevin Cheung, Taylorsville; Leigh Cranford, Denton; Oliver Fleming, Raleigh; Anderson Gibbons, Gastonia; Ashley Grice, Whiteville; Emily Haggard, New Bern; Gregory Hartman, Concord; Katie Holt, Carrboro; Curtis Hukins II, Huntersville; Ashley Killian, Charlotte; Sara Lane, Garner; Katie Laverdure, Wilmington; Lars Lejerskar, Santa Ana, CA; Andrew Levine, Charlotte; Stephanie Liu, Raleigh; Mary Helen Moore, Nashville; Melissa Moss, Flat Rock; Virginia Perkins, Greensboro; Matthew Ruterbories, Raleigh; Sam Trawick, Cary; Caleb Underwood, Raleigh; Alison Walker, Asheboro and Kaja Williamson, Wilson.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO PROVIDE FOR TWO NEW PERMANENT UPPER-INCOME TAX BRACKETS WITH BEGINNING THRESHOLDS AT TWICE AND FIVE TIMES THE CURRENT HIGHEST BRACKET EFFECTIVE JANUARY 1, 2009; TO PERMANENTLY PROVIDE FOR MANDATORY COMBINED REPORTING FOR CORPORATE INCOME TAX PURPOSES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY EXPAND THE CORPORATE FRANCHISE TAX BASE TO INCLUDE ALL LIMITED LIABILITY BUSINESS ENTITIES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY MODIFY THE CORPORATE INCOME TAX APPORTIONMENT FORMULA BY REQUIRING THAT SALES BE INCLUDED IN THE NUMERATOR OF THE SALES FACTOR IF THE PROPERTY IS SHIPPED FROM THIS STATE AND THE TAXPAYER IS NOT TAXABLE IN THE STATE WHERE THE PROPERTY IS DELIVERED, EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY CONFORM THE EXEMPTION FOR FINANCIAL INSTITUTIONS FOR INTEREST EXPENSE THAT IS ALLOCABLE TO TAX-EXEMPT INTEREST INCOME TO THE GENERAL FEDERAL TREATMENT OF THIS EXPENSE EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY INCREASE THE STATE GENERAL SALES AND USE TAX RATE BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE AUGUST 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SERVICE CONTRACTS AND ON REPAIR, MAINTENANCE, AND INSTALLATION SERVICES FOR TANGIBLE PERSONAL PROPERTY EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON LOCAL AND INTERSTATE COURIER SERVICES EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SALES OF DIGITAL PRODUCTS EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY REQUIRE A REMOTE SELLER TO COLLECT SALES TAX WHEN THE SELLER ENTERS INTO AN AGREEMENT WITH ONE OR MORE STATE RESIDENTS PROVIDING FOR A COMMISSION WHEN THE RESIDENT REFERS CUSTOMERS TO THE SELLER AND THE SELLER HAS GROSS RECEIPTS OF AT LEAST TEN THOUSAND DOLLARS ANNUALLY FROM SALES TO ALL CUSTOMERS REFERRED TO THE SELLER BY ALL SUCH RESIDENTS, EFFECTIVE WHEN IT BECOMES LAW; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES TAX ON MOVIES AND OTHER AMUSEMENTS IN LIEU OF THE PRIVILEGE TAXES CURRENTLY IMPOSED ON THESE ACTIVITIES EFFECTIVE OCTOBER 1, 2009; AND TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON SPIRITUOUS LIQUOR BY ONE AND ONE-HALF PERCENTAGE POINTS EFFECTIVE AUGUST 1, 2009.

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Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 202 earlier tonight and the motion by Senator Garrou to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Albertson, Senator Dannelly, Senator Garrou, and Senator Swindell, Co-Chairs; Senator Atwater; Senator Berger of Franklin; Senator Bingham; Senator Blue; Senator Boseman; Senator Clodfelter; Senator Davis; Senator Dorsett; Senator Foriest; Senator Goss; Senator Graham; Senator Hartsell; Senator Hoyle; Senator Jenkins; Senator Jones; Senator Kinnaird; Senator McKissick; Senator Nesbitt; Senator Purcell; Senator Queen; Senator Rand; Senator Shaw; Senator Snow; Senator Soles; Senator Stein; Senator Stevens; Senator Vaughan and Senator Weinstein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### POINTS OF PERSONAL PRIVILEGE

Upon motion of Senator Atwater, the remarks of Senator McKissick, Lieutenant Governor Dalton, Senator Brown, and Senator Basnight are spread upon the Journal, as follows:

**Senator McKissick:**

“I just wanted to bring to everyone’s attention that this past Thursday in Durham there was a wonderful, wonderful service honoring Dr. John Hope Franklin and his wife. Lieutenant Governor Dalton was there as well as many other dignitaries including Vernon Jordan, Civil Rights activist formerly of the Urban League, as well as President Clinton. I thought it was one of those services which you seldom see which brought together a vast array of people not only from North Carolina but from throughout the United States. I think President Clinton certainly honored him in a very fitting and appropriate manner and spoke of him as being a gentle but angry man at the same time due to his forcefulness and his ability to let those around him know the seriousness of his concerns and his discontent but doing it in a most dignified, gracious way with class at all times. I certainly wanted to bring that to your attention. It was a very fitting and appropriate tribute in his honor, I know, for those that were able to attend. I know Senator Blue, many other honorees and many other guests were there. It was a wonderful occasion.”

**Lieutenant Governor Dalton:**

“I will echo that it was a marvelous ceremony. I will correct you on one thing. It honored a marvelous couple. His wife was also honored and I think that was very fitting, also. He was a remarkable man.”

**Senator Brown:**

“This past Saturday in Jacksonville we had a dedication ceremony for our Vietnam Memorial. I would say that this Memorial would probably challenge

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any Vietnam Memorial anywhere in the Country except maybe in Washington. Retired General Ray Smith was our main speaker at the event and General Smith spent quite a bit of time in Vietnam during the war and he talked about some of those experiences. He mentioned that after he retired and later in life in 1999, he ran into a decorated Russian soldier, probably as decorated as he was, and he had a great conversation with him. This individual from Russia talked to him about how, during that conflict, the Russians were supporting the North Vietnamese and about how the Americans stood out in that fight to protect a Country that was just a small ally of the United States. But the main thing he talked about, General Smith said, was at that time Russia was really on the verge of invading Europe and he said that Russia felt like Germany wouldn't be much of a challenge and that France wouldn't be a challenge. They felt like they could march across Europe until they got to England and they felt like they could push England to the same point they were during World War II. He said what kept them from invading Europe at that time was the American presence in South Vietnam. He said that because we were so resilient to help protect that Country at that time that they never invaded Europe and that was something they were truly considering. He thanked the Vietnam vets for that ceremony because he truly felt that that war prevented a nuclear war from occurring at that time because of their thoughts of invading Europe. It was really an interesting speech from General Smith about what was going on in that time of our history and what could have happened. You know, we look at that war as a negative for most Americans, I think, but he turned it into the positive that it was at what could have happened if we hadn't gone to Vietnam and helped fight for the South Vietnamese. It was very interesting."

**Senator Basnight:**

"Mr. President, members of the Senate, today we honored a Marine, not so much for his service in the war, but that was certainly mentioned, but for his contributions to North Carolina and the gifts that he made. His name was David Stick, a noted author on the Outer Banks, and he came there early in life. He donated to our State the collection of art and prints and newspapers and the history of the coast of that region of North Carolina. It is the greatest collection of papers and publications and record-keeping of the old long-ago lifesaving service on the Outer Banks which later was to become the United States Coast Guard. He also collected papers and writings of the brothers from Ohio and the first maps that were drawn of America by an English artist, John White, and he was an explorer. That collection today is housed by the State of North Carolina in our History Center. It is worth millions of dollars and was when he gave it, but he was a very generous man who cared for all of us in this State. So today, at the Wright Brothers Memorial, there were great words spoken about David Stick. When we leave tonight, let's give thoughts to all the veterans of all wars and the one that you attended, too, Harry. Certainly that would be spoken of to all Americans in conflict today."

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Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns at 7:57 P.M. to meet Tuesday, June 16, at 1:00 P.M.

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### EIGHTIETH DAY

Senate Chamber  
Tuesday, June 16, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, we all can empathize with the traveler who entered a small town that had two hotels. After looking inquiringly around he asked a local, 'So which one is better?' The townspeople responded, 'Sir, no matter which one you choose, you'll wish you had gone to the other.' We all face similar dilemmas. The Members here face them everyday and sometimes, like in the story, there seem to be no good choices. That's why we start each session with prayer, trusting you, O God, to be a lamp unto our feet and light to our pathway. Help us to make good choices today. Amen."

The Chair grants leaves of absence for today to Senator Shaw and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, June 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Marsha D. Ford from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Wanda Avetta from Aberdeen, 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. 754**, AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE

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CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA).

**S.B. 1027**, AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT.

**H.B. 312**, AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED PROVISIONS.

**H.B. 377**, AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**H.B. 379**, AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**H.B. 381**, AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**H.B. 615**, AN ACT TO AMEND THE LAW GOVERNING BUSINESS TRUSTS.

**H.B. 698**, AN ACT TO AMEND THE UMSTEAD ACT TO PERMIT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE TO PROPERLY TAKE ADVANTAGE OF CERTAIN INNOVATIVE TECHNOLOGIES.

**H.B. 794**, AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST.

**H.B. 896**, AN ACT TO UPDATE THE CANCER COMPENDIA STATUTE TO REFLECT NEW COMPENDIA THAT ARE AVAILABLE.

**H.B. 1046**, AN ACT TO TRANSFER THE AUTHORITY TO ADOPT RULES ESTABLISHING STANDARDS APPLICABLE TO CHILD CARE CENTERS THAT PROVIDE DEVELOPMENTAL DAY PROGRAMS.

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**H.B. 1088**, AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

**H.B. 1161**, AN ACT TO MAKE CHANGES IN THE LAWS RELATED TO THE FINANCIAL CONDITIONS OF INSURANCE COMPANIES, INCLUDING REINSURANCE INTERMEDIARIES, RECEIVERSHIP, THIRD-PARTY ADMINISTRATORS AND AUDITS OF WORKERS' COMPENSATION SELF-INSURERS, AND FOREIGN INSURERS.

**H.B. 1164**, AN ACT REQUESTED BY THE COMMISSIONER OF INSURANCE TO ELIMINATE OBSOLETE DATA COLLECTION REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS.

**H.B. 1165**, AN ACT TO CODIFY THE PROVISIONS SET FORTH IN THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY; MAKE CONFORMING AMENDMENTS; AND REPEAL THE STATUTE THAT CONTAINS THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY.

**H.B. 1210**, AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES.

**H.B. 1271**, AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING AGENCIES.

**H.B. 1368**, AN ACT TO AMEND THE FUTURE ADVANCES STATUTES BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES.

**H.B. 1390**, AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT.

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The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 225**, AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION.

**H.B. 280**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT.

**H.B. 395**, AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX.

**H.B. 422**, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS.

**H.B. 702**, AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS.

**H.B. 721**, AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP.

**H.B. 767**, AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN 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:

**H.B. 459**, AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT TO ALLOW THE CITY TO ENACT A FAIR HOUSING ORDINANCE. (Became law upon ratification, June 11, 2009 - S.L. 2009-74.)

**H.B. 701**, AN ACT TO MAKE THE OFFICE OF TAX COLLECTOR IN AVERY COUNTY APPOINTIVE RATHER THAN ELECTIVE; AND TO

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AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS FOR MOORE COUNTY TO DELEGATE THE AUTHORITY TO ISSUE PYROTECHNICS PERMITS TO THE COUNTY FIRE MARSHAL. (Became law upon ratification, June 11, 2009 - S.L. 2009-75.)

**H.B. 747**, AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY AND FOR THE TOWN OF DALLAS FOR CONSTRUCTION OR REPAIR PROJECTS. (Became law upon ratification, June 11, 2009 - S.L. 2009-76.)

**H.B. 888**, AN ACT TO REGULATE BOW HUNTING ON THE LANDS OF ANOTHER IN HYDE COUNTY; TO REGULATE HUNTING WITH GUNS, DOGS, OR BOW AND ARROW ON THE LANDS OF ANOTHER IN WAYNE COUNTY; AND TO EXTINGUISH ANCIENT MINERAL CLAIMS IN HYDE COUNTY. (Became law upon ratification, June 11, 2009 - S.L. 2009-77.)

**H.B. 1621**, AN ACT TO REALIGN THE DISTRICTS IN PENDER AND NEW HANOVER COUNTIES FOR THE ELECTION OF MEMBERS OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES TO BE IN COMPLIANCE WITH THE ORDER OF THE UNITED STATES SUPREME COURT IN BARTLETT V. STRICKLAND. (Became law upon ratification, June 11, 2009 - S.L. 2009-78.)

**S.B. 114**, AN ACT EXEMPTING PRIVATE CLUBS AND RELIGIOUS ORGANIZATIONS FROM CERTAIN PROVISIONS OF THE NORTH CAROLINA STATE BUILDING CODE RELATING TO LIMITED-USE AND LIMITED-ACCESS ELEVATORS AND TO REQUIRE THE ADOPTION OF RULES UNDER THE ELEVATOR SAFETY ACT OF NORTH CAROLINA PROVIDING FOR THE PROMINENT DISPLAY OF IDENTIFYING NUMBERS IN ELEVATORS TO FACILITATE THE EXTRICATION OF PASSENGERS FROM MALFUNCTIONING ELEVATORS. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-79.)

**H.B. 135**, AN ACT PERMITTING CERTAIN BROADBAND SERVICE PROVIDERS THAT PROVIDE VOICE GRADE COMMUNICATIONS SERVICES WITHIN A DEFINED SERVICE TERRITORY OR FRANCHISE AREA TO OFFER SUCH VOICE GRADE SERVICE AS AN INCIDENT TO BROADBAND SERVICE IN AREAS CONTIGUOUS TO THE PROVIDERS' SERVICE TERRITORY OR FRANCHISE AREA. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-80.)

**H.B. 201**, AN ACT TO FACILITATE THE TRANSFER OF MOTOR VEHICLES FROM THE UNITED STATES DEPARTMENT OF DEFENSE

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TO LOCAL GOVERNMENT UNITS, VOLUNTEER FIRE DEPARTMENTS, AND VOLUNTEER RESCUE SQUADS AND TO CLARIFY THAT THE DIVISION OF LAW ENFORCEMENT SUPPORT SERVICES IS A DIVISION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-81.)

**H.B. 360**, AN ACT TO AUTHORIZE THE STATE BAR TO BORROW FUNDS, SUBJECT TO THE APPROVAL OF THE GOVERNOR AND THE COUNCIL OF STATE. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-82.)

**H.B. 439**, AN ACT TO REDUCE THE FINANCIAL LOSS TO COUNTIES AND CITIES FOR UNREIMBURSED COUNTY OR CITY AMBULANCE SERVICES PROVIDED TO STATE HEALTH PLAN MEMBERS BY REQUIRING THE STATE HEALTH PLAN TO MAKE PAYMENTS FOR COUNTY OR CITY AMBULANCE SERVICES DIRECTLY OR CO-PAYABLE TO THE COUNTY OR CITY AMBULANCE SERVICE PROVIDER. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-83.)

**H.B. 461**, AN ACT TO EXTEND THE SUNSET FOR THE PILOT PROGRAM REGARDING ANNUAL INSPECTIONS OF ANIMAL OPERATIONS THAT ARE SUBJECT TO A GENERAL PERMIT FOR AN ANIMAL WASTE MANAGEMENT SYSTEM. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-84.)

**H.B. 960**, AN ACT TO ALLOW SANITARY DISTRICTS THE SAME POWER AS ALL OTHER UNITS OF LOCAL GOVERNMENT IN ACQUIRING PROPERTY BY CONDEMNATION FOR WATER SUPPLY AND DISTRIBUTION SYSTEMS. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-85.)

**H.B. 1039**, AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO REVISE THE "TRANSCRIPT OF PLEA" FORM PROVIDED TO A DEFENDANT WHO ENTERS A PLEA OF GUILTY OR NO CONTEST TO MORE CLEARLY ADDRESS THE RIGHT OF APPEAL LIMITATIONS AND SHORTER BIOLOGICAL EVIDENCE PRESERVATION TIME FRAME THAT MAY APPLY AS A RESULT OF THE PLEA. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-86.)

**H.B. 1108**, AN ACT TO CLARIFY LICENSURE REQUIREMENTS FOR OUT-OF-STATE WEIGHMASTERS UNDER THE LAWS REGULATING PUBLIC WEIGHMASTERS. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-87.)

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**H.B. 1168**, AN ACT TO ESTABLISH TITLE PROTECTION FOR SOCIAL WORKERS AND TO AUTHORIZE ANY GOVERNMENTAL EMPLOYEE WHOSE POSITION IS DERIVED FROM THE OFFICE OF STATE PERSONNEL SOCIAL WORK SERIES, HAS BEEN CERTIFIED TO BE SUBSTANTIALLY EQUIVALENT, OR WAS CREATED BY A COUNTY IN A HUMAN SERVICES AGENCY TO USE THE TITLE "SOCIAL WORKER." (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-88.)

**H.B. 1118**, AN ACT TO STANDARDIZE WILD BOAR HUNTING SEASON AND THE HARVESTING OF FERAL SWINE AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO STUDY ISSUES RELATED TO THE IMPORTATION OF FERAL SWINE IN NORTH CAROLINA. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-89.)

**H.B. 1027**, AN ACT EXTENDING THE SUNSET ON THE COLLECTION OF SERVICE CHARGES FOR PREPAID WIRELESS TELEPHONE SERVICE. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-90.)

**H.B. 1037**, AN ACT TO PERMIT CAPITAL APPELLATE AND POSTCONVICTION COUNSEL REASONABLE ACCESS TO THEIR CLIENTS FOLLOWING DECISIONS BY THE COURTS WITH RESPECT TO THEIR CLIENTS' SENTENCES. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-91.)

**H.B. 1175**, AN ACT TO UPDATE THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITTING REQUIREMENTS FOR CONFINED ANIMAL FEEDING OPERATIONS (CAFOS). (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-92.)

**H.B. 1327**, AN ACT AUTHORIZING LAW ENFORCEMENT AGENCIES TO DISSEMINATE AN ASSESSMENT OF CRIMINAL INTELLIGENCE INFORMATION TO A SCHOOL PRINCIPAL PURSUANT TO FEDERAL LAW. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-93.)

**H.B. 1109**, AN ACT TO ENABLE COMPANY POLICE AGENCIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ENTER INTO MUTUAL AID AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-94.)

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**S.B. 52**, AN ACT AUTHORIZING COUNTIES AND MUNICIPALITIES TO PROVIDE DEVELOPMENT INCENTIVES IN EXCHANGE FOR REDUCTIONS IN ENERGY CONSUMPTION. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-95.)

**H.B. 170**, AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-96.)

**H.B. 867**, AN ACT AFFECTING THE REGULATION OF ABANDONED OR JUNKED MOTOR VEHICLES IN ALL MUNICIPALITIES. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-97.)

**S.B. 703**, AN ACT CONCERNING INVESTMENTS OF THE STATE TREASURER. (Became law upon approval of the Governor, June 11, 2009 - S.L. 2009-98.)

**H.B. 1198**, AN ACT TO CLARIFY THAT PERSONS WHO HAD A THREE-YEAR WAITING PERIOD FOR A HEARING ON CONDITIONAL RESTORATION OF A REVOKED LICENSE WHEN THE LAW WAS CHANGED TO A FIVE-YEAR WAITING PERIOD WERE NOT AFFECTED BY THE CHANGE. (Became law upon approval of the Governor, June 12, 2009 - S.L. 2009-99.)

**S.B. 188**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, IN COLLABORATION WITH THE DIVISION OF MEDICAL ASSISTANCE, DIVISION OF AGING AND ADULT SERVICES, THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND EAST CAROLINA UNIVERSITY SCHOOLS OF DENTISTRY, THE NORTH CAROLINA DENTAL SOCIETY, AND CURRENT SPECIAL CARE DENTAL PROVIDERS, TO EXAMINE DENTAL CARE OPTIONS FOR SPECIAL CARE POPULATIONS. (Became law upon approval of the Governor, June 12, 2009 - S.L. 2009-100.)

**H.B. 1124**, AN ACT RELATING TO UNEMPLOYMENT INSURANCE COMPENSATION FOR CERTAIN SEVERELY DISABLED VETERANS DISCHARGED FOR ACTS OR OMISSIONS ATTRIBUTED TO A SERVICE-CONNECTED DISABILITY. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-101.)

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**H.B. 1104**, AN ACT TO UPDATE NORTH CAROLINA'S MEAT INSPECTION ACT TO BE EQUIVALENT TO FEDERAL STANDARDS BY EXEMPTING OSTRICHES FROM INSPECTION FEES, EXEMPTING RABBITS FROM THE POULTRY PRODUCTS INSPECTION ACT, AND CHANGING THE THRESHOLDS UNDER THE POULTRY PRODUCER EXEMPTION FOR PROCESSING POULTRY PRODUCTS FOR INTERSTATE COMMERCE. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-102.)

**H.B. 1083**, AN ACT TO REMOVE THE SUNSET PROVISION OF THE ACT THAT STRENGTHENED THE AUTHORITY OF THE STATE VETERINARIAN TO PREVENT AND CONTROL AN OUTBREAK OF FOOT-AND-MOUTH DISEASE AND OTHER FOREIGN ANIMAL DISEASES. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-103.)

**H.B. 825**, AN ACT TO PERMIT GARBAGE TRUCKS TO STOP ON THE PAVEMENT OF HIGHWAYS OUTSIDE MUNICIPAL LIMITS WHILE COLLECTING GARBAGE OR RECYCLABLE MATERIAL. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-104.)

**H.B. 759**, AN ACT TO EXTEND THE ONE-YEAR STAY OF COMPLIANCE WITH THE MANDATORY RECYCLING LAW FOR ABC PERMITTEES TO ACCOMMODATE THOSE PERMITTEES WHO DO NOT HAVE ACCESS TO RECYCLING SERVICES. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-105.)

**H.B. 266**, AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS TO COLLECT, MAINTAIN, AND PUBLISH STATISTICS ON THE USE OF DEADLY FORCE BY LAW ENFORCEMENT WHICH RESULTS IN DEATH. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-106.)

**H.B. 43**, AN ACT MAKING IT UNLAWFUL FOR A SCHOOL BOARD MEMBER TO WILLFULLY FAIL TO DISCHARGE THE DUTIES OF THE OFFICE. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-107.)

**S.B. 200**, AN ACT TO ESTABLISH A MINIMUM MOTOR FUELS TAX RATE FOR TWO YEARS. (Became law upon approval of the Governor, June 15, 2009 - S.L. 2009-108.)

### CALENDAR

Bills and a joint resolution on today's Calendar are taken up and disposed of, as follows:

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**H.J.R. 1538**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Dorsett, the joint resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

*The Chair grants leaves of absence for the remainder of today's session to Senator Brunstetter and Senator Garrou.*

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon motion of Senator Dorsett, the Chair extends the courtesies of the gallery to Brian Casey, President and CEO of the High Point Market Authority, and Latimer Alexander, High Point City Council.

**H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 17.

**H.B. 323** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.

*Without objection Senator Clodfelter 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 reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Upon motion of Senator Jenkins, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 25.

#### **REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 723**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF ABANDONED PROPERTY WITH FIFTY OR MORE PROPERTY

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OWNER RECORDS TO FILE ELECTRONICALLY WITH THE OFFICE OF THE STATE TREASURER, TO ALLOW HOLDERS WITH LESS THAN FIFTY PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY, AND TO ALLOW HOLDERS REPORTING ELECTRONICALLY TO FILE AN ELECTRONIC AFFIDAVIT, with a favorable report.

**H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES, with a favorable report.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY, with a favorable report.

**H.B. 1103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Jones for the **State & Local Government Committee**:

**H.B. 969**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM, with a favorable report.

#### **CALENDAR** *(continued)*

**H.B. 473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

June 16, 2009

The Senate Committee Substitute bill No. 2 passes its second reading (40-6).

Senator Boseman objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, June 17, upon third reading.

**H.B. 576** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 682** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 780** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS, AND TO PROVIDE THAT IN THE CASE OF A MANDATORY EVACUATION A TENANT SUBJECT TO A VACATION RENTAL AGREEMENT IS ENTITLED TO A REFUND OF THE PRORATED RENT, TAXES, AND OTHER PAYMENTS MADE BY THE TENANT FOR THE OCCUPATION OF THE VACATION RENTAL UNIT.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

#### WITHDRAWAL FROM CALENDAR

**H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

June 16, 2009

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from the Calendar of Wednesday, June 17, and is placed on the Calendar for Thursday, June 18.

**CALENDAR** *(continued)*

**H.B. 799** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT INTERESTS IN A JOINT TENANCY WITH A RIGHT OF SURVIVORSHIP MAY BE HELD IN UNEQUAL SHARES.

*The Chair grants leaves of absence for the remainder of today's session to Senator Hoyle and Senator Jenkins.*

The Senate Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1079** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE.

*Without objection Senator Brown requests to be excused from voting on the Committee Substitute bill No. 2 due to a conflict of interest.*

Senator Clodfelter offers Amendment No. 1 which is adopted (43-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS

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SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

Senator Goodall offers Amendment No. 1 which is adopted (41-2), and changes the title upon concurrence to read **H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING RENEWAL OF A CONCEALED HANDGUN PERMIT, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns at 1:54 P.M. with bills remaining on the Calendar as unfinished business, to meet Wednesday, June 17, at 3:00 P.M.

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### **EIGHTY-FIRST DAY**

Senate Chamber  
Wednesday, June 17, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"America, America. God shed his grace on thee. O God, I still wish that we might raise our collective voices in song to open a session. Members, staff, visitors in the gallery. America, America. God shed his grace on thee. Because in hard times songs lift our heart. We need to sing. It gives our hearts permission to confess what our heads have forgotten. Sometimes we sing what we cannot say. In the war of the spirit, we must not lose our soul. America, America. May God thy gold refine, till all success be nobleness and every gain divine. Amen."

June 17, 2009

The Chair grants leaves of absence for today to Senator Jenkins and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, June 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Marcella Cherry from Greensboro, 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. 889**, AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS.

**H.B. 315**, AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD.

**H.B. 323**, AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY.

**H.B. 576**, AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED.

**H.B. 673**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES.

**H.B. 722**, AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA.

June 17, 2009

**H.B. 787**, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ALTERING, DESTROYING, OR REMOVING THE PERMANENT SERIAL NUMBER OF A FIREARM AND FOR POSSESSING A FIREARM WITH THE SERIAL NUMBER REMOVED.

**H.B. 1190**, AN ACT TO CLARIFY AND STRENGTHEN THE LAW REGARDING THE PRESERVATION OF DNA AND BIOLOGICAL EVIDENCE THAT IS RELATED TO A CRIMINAL OFFENSE AND A DEFENDANT'S ACCESS TO THAT EVIDENCE.

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. 1538**, A JOINT RESOLUTION HONORING THE MEMORY OF THE FOUNDERS OF THE HIGH POINT FURNITURE MARKET ON THE OCCASION OF ITS ONE HUNDREDTH ANNIVERSARY. (Res. 21)

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 411**, AN ACT TO AMEND THE PROVISION FOR THE SURVIVOR'S ALTERNATE BENEFIT FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE A BENEFIT FOR SURVIVORS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY AFTER THE COMPLETION OF FIFTEEN YEARS OF SERVICE. (Became law upon approval of the Governor, June 16, 2009 - S.L. 2009-109.)

**H.B. 225**, AN ACT TO AUTHORIZE AN INITIAL REVIEW OF APPEALS FOR REFUNDS OF OVERPAYMENT OF EXCISE STAMP TAXES FOR PURPOSES OF STREAMLINING RESOLUTION. (Became law upon ratification, June 16, 2009 - S.L. 2009-110.)

**H.B. 280**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE CITY OF BELMONT. (Became law upon ratification, June 16, 2009 - S.L. 2009-111.)

**H.B. 395**, AN ACT TO CREATE A SPECIAL TAXING DISTRICT MADE UP OF THE UNINCORPORATED AREAS OF SURRY COUNTY AND TO AUTHORIZE THE SPECIAL TAXING DISTRICT IN SURRY COUNTY TO LEVY A SIX PERCENT ROOM OCCUPANCY TAX. (Became law upon ratification, June 16, 2009 - S.L. 2009-112.)

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**H.B. 422**, AN ACT TO ANNEX CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS. (Became law upon ratification, June 16, 2009 - S.L. 2009-113.)

**H.B. 702**, AN ACT TO MAKE FURTHER AMENDMENTS TO THE SULLIVAN ACT, AND TO ALLOW THE CITY OF ASHEVILLE TO USE REVENUES FOR STREET AND SIDEWALK IMPROVEMENTS ASSOCIATED WITH WATERLINE IMPROVEMENTS. (Became law upon ratification, June 16, 2009 - S.L. 2009-114.)

**H.B. 721**, AN ACT AMENDING THE CHARTER OF THE TOWN OF CARRBORO TO ALLOW THE TOWN TO ADOPT ORDINANCES PROHIBITING HOUSING DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS AND HANDICAP. (Became law upon ratification, June 16, 2009 - S.L. 2009-115.)

**H.B. 767**, AN ACT TO PROHIBIT THE DISCHARGING OF FIREARMS FROM OR ACROSS THE RIGHT-OF-WAY OF A PORTION OF STATE ROAD 1862, KNOWN AS JOYNER DRIVE, IN CRAVEN COUNTY. (Became law upon ratification, June 16, 2009 - S.L. 2009-116.)

#### **REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 746** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES, 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 30409, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 543**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PENALTY FOR COMMUNITY COLLEGE AUDIT EXCEPTIONS, with a favorable report.

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**S.B. 860**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55438, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1446** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS, with an unfavorable report 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 Bingham for the **Health Care Committee**:

**H.B. 672** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL MANAGEMENT ENTITIES USE OF STATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

**H.B. 819** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

**H.B. 703** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION AND TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30412, which changes the title upon concurrence to read **H.B. 703** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, TO DISAPPROVE A RULE ADOPTED BY THE DEPARTMENT OF LABOR AND TO AUTHORIZE THE ADOPTION OF A TEMPORARY RULE TO REPLACE THE DISAPPROVED RULE, is adopted and engrossed.

June 17, 2009

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 857**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM CALIBER REQUIREMENTS FOR RIFLES USED IN TAKING BIG GAME, 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 50737, which changes the title upon concurrence to read **H.B. 857** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM BALLISTICS STANDARDS FOR RIFLES USED IN TAKING BIG GAME, is adopted and engrossed.

By Senator Clodfelter for the **Finance Committee**:

**S.B. 943**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, with a favorable report.

**H.B. 203** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF ESTATES THAT MAY BE ADMINISTERED UNDER THE SMALL ESTATES PROVISIONS OF THE GENERAL STATUTES, with a favorable report.

**H.B. 206**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS, with a favorable report.

**H.B. 384**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, with a favorable report.

**H.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS EACH YEAR, with a favorable report.

**H.B. 511**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL, with a favorable report.

June 17, 2009

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON, with a favorable report.

**H.B. 854**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE, with a favorable report.

**H.B. 992**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1112** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD IF THE MOTHER HAS BEEN LIVING SEPARATE AND APART FROM HER HUSBAND AT THE TIME OF THE CHILD'S CONCEPTION OR BETWEEN CONCEPTION AND BIRTH, 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 50738, which changes the title upon concurrence to read **H.B. 1112** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD UNDER CERTAIN CIRCUMSTANCES, is adopted and engrossed.

#### **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 Jones:

**S.J.R. 1104**, A JOINT RESOLUTION HONORING THE TWO HUNDRED FIFTIETH ANNIVERSARY OF HALIFAX COUNTY.

Referred to the **Rules and Operations of the Senate Committee**.

June 17, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 16, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 202** (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, and requests conferees, Speaker Hackney appoints:

**Chairs**

Michaux  
Adams  
M. Alexander  
Crawford  
Haire  
Jeffus  
Tolson  
Yongue  
Luebke  
Gibson  
Wainwright  
Weiss  
Holliman  
Owens

**Appropriations Subcommittee on Capital**

Goforth, Owens, Womble  
Holliman  
Ross  
Wainwright  
Grady

**Appropriations Subcommittee on Education**

Glazier, Rapp, McLawhorn  
Bell  
Lucas  
Parmon  
Tarleton  
Wiley

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**Appropriations Subcommittee on General Government**

Fisher, Underhill  
Tucker  
Whilden  
Floyd  
Steen

**Appropriations Subcommittee on Health and Human Services**

Earle, England, Insko  
Farmer-Butterfield  
Brisson  
Stewart  
Weiss  
Barnhart

**Appropriations Subcommittee on Justice and Public Safety**

Bordsen, Love  
Spear  
Sutton  
R. Warren  
Goodwin  
Jackson  
Mobley  
Moore

**Appropriations Subcommittee on Natural and Economic Resources**

Harrison, Pierce, E. Warren  
Wilkins  
Wray  
Bryant  
Justice

**Appropriations Subcommittee on Transportation**

Cole, Martin  
Allen  
Coates  
Harrell  
Dickson  
Mackey  
Williams  
Frye

**Finance**

Luebke, Gibson, Wainwright, Weiss  
Hill  
Holliman

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Womble  
K. Alexander  
Braxton  
Carney  
Cotham  
Faison  
Hall  
Hughes  
Jones  
Owens  
Ross  
Howard  
McComas  
McGee

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 16, 2009

Mr. 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. 406** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE

June 17, 2009

THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, and requests conferees.

Speaker Hackney has appointed:

Representative Justus,  
Representative Randleman,  
Representative Spear, and  
Representative Williams

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 16, 2009

Mr. President:

On Tuesday, June 2, 2009, the House of Representatives failed to concur in the Senate Committee Substitute for **H.B. 1508**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008. It is ordered that a message be sent your Honorable Body with the information that Speaker Hackney has appointed:

Representative Owens,  
Representative Goforth,  
Representative Womble,  
Representative Michaux,  
Representative Crawford,  
Representative Grady, 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

June 17, 2009

**CALENDAR**

Bills on today's Calendar as unfinished business from June 16 are taken up and disposed of, as follows:

**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION, as amended on June 16.

Senator Dannelly offers Amendment No. 2 which is adopted (44-2).

The Senate Committee Substitute bill, as amended, passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1183** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING HEALTH INSURANCE AND MANAGED CARE; TO CHANGE CERTAIN HEALTH INSURANCE LAWS TO COMPORT WITH RECENT CONGRESSIONAL ENACTMENTS; TO MAKE A TECHNICAL CORRECTION IN A CREDIT INSURANCE LAW; TO CONFORM MOTOR VEHICLE INSPECTION COMPLIANCE REQUIREMENT WITH DISCONTINUATION OF STICKERS; AND TO REPEAL THE EXPIRATION DATE OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT ACT.

Senator Vaughan offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

June 17, 2009

**H.B. 1314** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE INSURANCE COMMISSIONER'S ABILITY TO MONITOR THE FINANCIAL CONDITION OF INSURERS.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 969**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, 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 Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Thursday, June 18, upon third reading.

**H.B. 239** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

The Senate Committee Substitute bill passes its second reading (47-0).

Senator Hoyle objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, June 18, upon third reading.

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**H.B. 723**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HOLDERS OF ABANDONED PROPERTY WITH FIFTY OR MORE PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY WITH THE OFFICE OF THE STATE TREASURER, TO ALLOW HOLDERS WITH LESS THAN FIFTY PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY, AND TO ALLOW HOLDERS REPORTING ELECTRONICALLY TO FILE AN ELECTRONIC AFFIDAVIT.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES.

The Committee Substitute bill passes its second reading (47-0).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, June 18, upon third reading.

#### WITHDRAWAL FROM CALENDAR

**H.B. 239** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

Senator Hoyle withdraws his objection to third reading and upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from the Calendar of June 18 and placed before the Senate for immediate consideration on third reading.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives by special message for concurrence.

#### CALENDAR *(continued)*

**H.B. 1388** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Senator Boseman offers Amendment No. 1.

Senator Jones offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Upon motion of Senator Tillman, the Senate Committee Substitute bill No. 2 with Amendments No. 1 and No. 2 pending is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 23.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Nesbitt for the **Select Committee on Economic Recovery**:

**S.B. 963**, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE USE OF FEDERAL STIMULUS FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with Amendment No. 1.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85245, with Amendment No. 1, which changes the title to read **S.B. 963** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL STIMULUS FUNDS RECEIVED BY THE STATE FOR THE 2008-2009 FISCAL YEAR, is adopted and engrossed. Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Nesbitt, the Committee Substitute bill, as amended, is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO ADOPTION, with a favorable report.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 448** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 18, for concurrence.

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**S.B. 799** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, June 18, for concurrence.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER.

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. 1508 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garrou, Chair; Senator Albertson; Senator Dannelly; Senator Hoyle; Senator Swindell; 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.

#### **WITHDRAWAL FROM COMMITTEE**

**H.B. 1481** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, re-referred to the **State & Local Government Committee** on June 3.

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 **Select Committee on Economic Recovery**, 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 **Select Committee on Economic Recovery**.

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Upon motion of Senator Dannelly, seconded by Senator Blue, the Senate adjourns at 3:49 P.M. to meet Thursday, June 18, at 11:00 A.M.

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**EIGHTY-SECOND DAY**

Senate Chamber  
Thursday, June 18, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Jack D. Tookey, Farmington United Methodist Church, Mocksville, North Carolina as follows:

"Great and merciful God, our creator and our redeemer, we thank you for the abundant blessings you have poured out upon us, for the peace and freedom we have, for our abundant resources, for your grace. We thank you especially for your guidance as we serve as the Senate of the people of North Carolina. Almighty God, we know that all of our wealth, health, wisdom, knowledge and strength are not enough to enable us to carry out these responsibilities. We know that without your help we cannot carry out this service well or even adequately. So gracious God, I humbly ask that you would bless each of these men and women with your guidance and your grace. Grant to each wise and selfless hearts. Strengthen each to be clear-minded, faithful and responsible in carrying out their service to you and the people of our State. And may you receive the glory in all things for it is from you and for you and in you that we serve and we cannot hope to serve well without your help. To our Lord Jesus, Amen."

The Chair grants leaves of absence for today to Senator Albertson, Senator Blue, Senator Jenkins, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, June 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Odette M. Houghton from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Jessica Gerdes from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

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**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 625**, AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS.

**H.B. 380**, AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**H.B. 723**, AN ACT TO REQUIRE HOLDERS OF ABANDONED PROPERTY WITH FIFTY OR MORE PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY WITH THE OFFICE OF THE STATE TREASURER, TO ALLOW HOLDERS WITH LESS THAN FIFTY PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY, AND TO ALLOW HOLDERS REPORTING ELECTRONICALLY TO FILE AN ELECTRONIC AFFIDAVIT.

**H.B. 735**, AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES AND TO PROVIDE THAT A COUNTY MAY OBTAIN A PERMIT FOR THE CONSTRUCTION OF FACILITIES TO BE USED FOR ADMINISTRATIVE PURPOSES UNTIL AUGUST 1, 2009, UNDER THE 2006 NORTH CAROLINA STATE BUILDING CODE.

**H.B. 1021**, AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS HIGHWAY: HOME OF THE CAROLINA-BASED MARINES SINCE 1941."

**H.B. 1087**, AN ACT TO APPLY CLIENT RIGHTS AND HUMAN RIGHTS COMMITTEE REQUIREMENTS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND LOCAL MANAGEMENT ENTITIES, TO PROVIDER ENTITIES.

**H.B. 1388**, AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY.

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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**H.B. 103**, AN ACT PROVIDING THAT ALEXANDER, ALLEGHANY, ANSON, BERTIE, CATAWBA, CHOWAN, STOKES, SURRY, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER.

**H.B. 969**, AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Clodfelter for the **Finance Committee**:

**H.B. 533** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, 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 11004, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

**H.B. 1186** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES TO ENSURE COMPLIANCE WITH STATE AND FEDERAL LAW, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50739, which changes the title upon concurrence to read **H.B. 1186** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 630** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTMENT PROCEEDING MAY COMMENCE NOT SOONER THAN TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT, with a favorable report.

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**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS, with a favorable report.

**H.B. 1091**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS, with a favorable report.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 206**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 22, upon third reading.

**H.B. 384**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 22, upon third reading.

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**H.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS EACH YEAR.

Senator Stein offers Amendment No. 1 which is adopted (45-0), and changes the title upon concurrence to read **H.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 26, noes 19, as follows:

Voting in the affirmative: Senators Atwater, Basnight, Berger of Franklin, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hoyle, Jones, Kinnaird, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein--26.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---19.

The Committee Substitute bill, as amended, remains on the Calendar for Monday, June 22, upon third reading.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 22, upon third reading.

**H.B. 854**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 3, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Brock, East and Rucho---3.

The bill remains on the Calendar for Monday, June 22, upon third reading.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, June 22, upon third reading.

**H.B. 992**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The bill remains on the Calendar for Monday, June 22, upon third reading.

### RECONSIDERATION

**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS

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REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

Having voted with the majority, Senator Goodall offers a motion that the vote by which H.B. 1132 passed its third reading on June 17 be reconsidered, which motion prevails (43-2).

The question before the Body is the passage of H.B. 1132 on its third reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 24.

*The Chair grants a leave of absence for the remainder of today's session to Senator Bingham.*

#### **CALENDAR** *(continued)*

**H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

**S.B. 943**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Upon motion of Senator Garrou, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 23.

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**H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 23.

**H.B. 203** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF ESTATES THAT MAY BE ADMINISTERED UNDER THE SMALL ESTATES PROVISIONS OF THE GENERAL STATUTES.

The Committee Substitute bill No. 2 passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 511**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 23.

**H.B. 543**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PENALTY FOR COMMUNITY COLLEGE AUDIT EXCEPTIONS.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 672** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL MANAGEMENT ENTITIES USE OF STATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 703** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, TO DISAPPROVE A RULE ADOPTED BY THE DEPARTMENT OF LABOR AND TO AUTHORIZE THE ADOPTION OF A TEMPORARY RULE TO REPLACE THE DISAPPROVED RULE.

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The Senate Committee Substitute bill passes its second reading (43-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 857** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO SET MINIMUM BALLISTICS STANDARDS FOR RIFLES USED IN TAKING BIG GAME.

The Senate Committee Substitute bill fails to pass its second reading (15-30).

**H.B. 1106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO ADOPTION.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1112** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD UNDER CERTAIN CIRCUMSTANCES.

*The President, relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.*

The Senate Committee Substitute bill passes its second reading (45-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 22, upon third reading.

**H.B. 1446** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 316** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

The Senate Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives for concurrence.

**H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES

AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES.

Upon motion of Senator McKissick, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 22.

**S.B. 448** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES, 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.

*Upon the appearance of Senator Bingham in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

**S.B. 799** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-46).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Upon motion of Senator Dannelly, seconded by Senator Jacumin, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Monday, June 22, at 7:00 P.M.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 780** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 22, for concurrence.

June 18, 2009

**S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Monday, June 22, for concurrence.

**S.B. 1030** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS, 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 22, for concurrence.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 448**, AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES.

**H.B. 1530**, AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND JUNE 30, 2009.

**H.B. 203**, AN ACT TO INCREASE THE SIZE OF ESTATES THAT MAY BE ADMINISTERED UNDER THE SMALL ESTATES PROVISIONS OF THE GENERAL STATUTES.

**H.B. 543**, AN ACT TO REPEAL THE PENALTY FOR COMMUNITY COLLEGE AUDIT EXCEPTIONS.

**H.B. 672**, AN ACT RELATING TO LOCAL MANAGEMENT ENTITIES USE OF STATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES.

**H.B. 1106**, AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO ADOPTION.

June 18, 2009

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:28 P.M.

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**EIGHTY-THIRD DAY**

Senate Chamber  
Monday, June 22, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, as the conferees from the Senate and House continue to work on a budget for our State, remind them that you are the source of all truth, and wisdom, and justice. Help them constantly to rest their decisions upon the foundations of your love and your presence. Often times in such a contrary, heated environment, we discover we're not always the persons we would like others to think we are. In fact, we realize we're not even the persons we would like to think of ourselves as being. Hear our confession and by your grace help us to live each day, not based on the expectation of others, but based on your expectations of us. In your holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham, Senator Nesbitt, Senator Shaw, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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. Stuart Levin from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Elizabeth Newlin from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

June 22, 2009

**S.B. 457**, AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS AND TO MAKE A CONFORMING CHANGE TO THE ALTERNATIVE FUEL REVOLVING FUND.

**S.B. 648**, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER.

**H.B. 808**, AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT.

**H.B. 1032**, AN ACT MODIFYING THE HISTORY AND GEOGRAPHY CURRICULA IN THE PUBLIC SCHOOLS.

**H.B. 1180**, AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009.

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. 390**, AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES.

**H.B. 464**, AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE CITIES OF RALEIGH AND WINSTON-SALEM TO ENTER INTO A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

**S.J.R. 1101**, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF LORINZO JOYNER, BRYAN BEATTY, AND TONOLA D. BROWN-BLAND TO THE UTILITIES COMMISSION. (Res. 22)

June 22, 2009

**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. 103**, AN ACT PROVIDING THAT ALEXANDER, ALLEGHANY, ANSON, BERTIE, CATAWBA, CHOWAN, STOKES, SURRY, AND TYRRELL COUNTIES MAY PROHIBIT THE ISSUANCE OF A BUILDING PERMIT TO A DELINQUENT TAXPAYER. (Became law upon ratification, June 18, 2009 - S.L. 2009-117.)

**H.B. 969**, AN ACT TO AMEND THE LAW PROHIBITING THE DISCHARGE OF FIREARMS ON REGISTERED LAND IN GRANVILLE COUNTY BY ALLOWING THE TRACTS OF REGISTERED LAND TO BE RECORDED IN THE GEOGRAPHIC INFORMATION SYSTEM. (Became law upon ratification, June 18, 2009 - S.L. 2009-118.)

**H.B. 391**, AN ACT AUTHORIZING COMMUNITY COLLEGES TO OFFER NONCREDIT COURSES IN SAFE DRIVING TO HIGH SCHOOL STUDENTS DURING THE SCHOOL YEAR. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-119.)

**S.B. 1011**, AN ACT TO AMEND THE LAW GOVERNING THE SIZES OF TRAPS FOR TAKING WILD ANIMALS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-120.)

**H.B. 1094**, AN ACT TO REQUIRE THAT SPECIAL PLATES THAT ARE AVAILABLE TO MILITARY VETERANS ARE ISSUED ONLY TO APPROPRIATE APPLICANTS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-121.)

**H.B. 686**, AN ACT TO MODERNIZE NOTICE REQUIREMENTS FOR PROTECTIONS FOR TELEPHONE SUBSCRIBERS WHO WISH TO STOP UNWANTED TELEPHONE SOLICITATIONS AND FOR CONSUMERS WHO ENTER INTO TELEMARKETING TRANSACTIONS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-122.)

**H.B. 1031**, AN ACT TO PROVIDE THAT PUBLIC SCHOOLS SEEKING VOLUNTARY CHILD CARE FACILITY LICENSURE MAY USE THE SAME BUILDING STANDARDS FOR PREKINDERGARTEN CLASSROOMS AS FOR KINDERGARTEN CLASSROOMS MEETING CERTAIN REQUIREMENTS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-123.)

June 22, 2009

**S.B. 141**, AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES CONCERNING WHEN TESTING FOR VOLATILE ORGANIC COMPOUNDS IN NEWLY CONSTRUCTED PRIVATE DRINKING WATER WELLS IS REQUIRED, AND TO LIMIT DRINKING WATER TESTING FOR THE PRESENCE OF VOLATILE ORGANIC COMPOUNDS IN ACCORDANCE WITH THOSE RULES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-124.)

**H.B. 221**, AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO REVIEW THE ACTIVITIES OF OCCUPATIONAL LICENSING BOARDS, TO REQUIRE THAT CERTAIN LICENSING BOARDS BE AUDITED ANNUALLY, TO SPECIFY A DATE FOR FILING OF REPORTS, TO ESTABLISH SANCTIONS FOR FAILURE TO FILE REPORTS, AND TO REQUIRE THAT BOARD MEMBERS RECEIVE TRAINING, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-125.)

**H.B. 659**, AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY EXISTING PROGRAMS RELATING TO CHILDREN AND YOUTH IN NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-126.)

**H.B. 838**, AN ACT TO CREATE AN EXEMPTION FOR SIZE AND WEIGHT RESTRICTIONS OF HAULERS OF SAGE. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-127.)

**S.B. 1000**, AN ACT TO RESTRICT THE OVERALL LENGTH OF A SINGLE VEHICLE WITH TWO OR MORE AXLES TO FORTY FEET, TO REQUIRE THAT VEHICLES TRANSPORTING EQUIPMENT OR POLES FOR EMERGENCY UTILITY REPAIR AT NIGHT HAVE TRAILERS THAT ARE NO LONGER THAN FIFTY-THREE FEET, TO INCREASE THE MAXIMUM LENGTH FOR A COMBINATION OF A HOUSE TRAILER USED AS A MOBILE HOME WITH ITS TOWING VEHICLE, AND TO REQUIRE CERTAIN FARM VEHICLES TO BE SELF-PROPELLED WHEN OPERATING ON A HIGHWAY. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-128.)

**H.B. 1171**, AN ACT TO PROVIDE THAT LAW STUDENT EXTERNS AT THE GENERAL ASSEMBLY ARE SUBJECT TO LEGISLATIVE CONFIDENTIALITY. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-129.)

June 22, 2009

**H.B. 964**, AN ACT TO EXPAND THE DISCRETIONARY POWERS OF THE INSURANCE GUARANTY ASSOCIATION TO ALLOW IT TO CONTRACT AS A SERVICING FACILITY FOR OTHER ENTITIES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-130.)

**S.B. 724**, AN ACT TO ALLOW FOR CERTAIN PAYMENTS OF AN ESTATE WHILE A CAVEAT IS PENDING. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-131.)

**H.B. 490**, AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-132.)

**S.B. 356**, AN ACT TO MAKE VARIOUS REVISIONS TO THE NURSING PRACTICE ACT. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-133.)

**H.B. 1399**, AN ACT TO PROVIDE THAT CIVIL PENALTIES OF UP TO ONE THOUSAND DOLLARS MAY BE ASSESSED FOR VIOLATION OF CAPACITY USE AREA LAWS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-134.)

**H.B. 9**, AN ACT TO MAKE IT UNLAWFUL TO USE A MOBILE TELEPHONE FOR E-MAIL OR TEXT MESSAGING WHILE OPERATING A VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-135.)

**S.B. 484**, AN ACT TO REMOVE THE STATE AUDITOR FROM CERTAIN EX OFFICIO DUTIES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-136.)

**S.B. 204**, AN ACT TO ENABLE RETIREES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM TO RETURN TO EMPLOYMENT AS NURSING INSTRUCTORS WITHOUT LOSING RETIREMENT BENEFITS. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-137.)

**H.B. 18**, AN ACT TO AMEND SPECIFIC EXPERIENCE HOURS OF THE FOUR HUNDRED CLOCK HOURS REQUIRED FOR PERMANENT LICENSURE AS A SPEECH AND LANGUAGE PATHOLOGIST. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-138.)

**H.B. 22**, AN ACT TO ENHANCE YOUTH EMPLOYMENT PROTECTIONS BY REQUIRING THE COMMISSIONER OF LABOR TO REPORT ON ENFORCEMENT ACTIVITIES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-139.)

June 22, 2009

**S.B. 754**, AN ACT TO AMEND THE NORTH CAROLINA GENERAL STATUTES TO ALLOW THE STATE TO TAKE FULL ADVANTAGE OF THE EXPANSION OF EXISTING BOND PROGRAMS AND THE CREATION OF NEW BOND PROGRAMS UNDER THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 (ARRTA). (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-140.)

**H.B. 96**, AN ACT TO AUTHORIZE CITIES, COUNTIES, AND LOCAL BOARDS OF EDUCATION TO DONATE SURPLUS, OBSOLETE, OR UNUSED PERSONAL PROPERTY TO CHARTER SCHOOLS AND TO MAKE TECHNICAL CHANGES TO THAT AUTHORITY. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-141.)

**H.B. 358**, AN ACT TO CLARIFY APPOINTMENT TO CONSECUTIVE TERMS ON THE NORTH CAROLINA STUDY COMMISSION ON AGING AND THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-142.)

**H.B. 1129**, AN ACT TO CLARIFY A SILVER ALERT MAY BE ISSUED FOR A PERSON OF ANY AGE WHO IS BELIEVED TO BE SUFFERING FROM DEMENTIA OR OTHER COGNITIVE IMPAIRMENT. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-143.)

**H.B. 482**, AN ACT RELATING TO THE REINSTATEMENT OF UNUSED SICK LEAVE FOR PUBLIC SCHOOL EMPLOYEES. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-144.)

**H.B. 436**, AN ACT TO EXEMPT FROM CERTIFICATE OF NEED REVIEW CERTAIN CAPITAL EXPENDITURES FOR NURSING HOMES, ADULT CARE HOMES, AND INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED THAT ENTAIL INNOVATIVE RENOVATIONS AND EXPANSIONS TO IMPROVE QUALITY OF LIFE. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-145.)

**S.B. 256**, AN ACT TO CLARIFY THAT COUNTIES AND CITIES HAVE THE AUTHORITY TO ORDER EVACUATIONS IN CERTAIN SITUATIONS, AND THAT THE EMERGENCY MANAGEMENT IMMUNITY STATUTE APPLIES TO THEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 19, 2009 - S.L. 2009-146.)

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

June 22, 2009

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL OF A SMALL CLAIMS ACTION MAY COMMENCE NOT SOONER THAN FIVE DAYS AFTER SERVICE OF THE MAGISTRATE SUMMONS ON THE DEFENDANT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11005, 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 18, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to Proclamations issued by Governor Beverly Perdue, the following have been administered the oath of office as Members of the House of Representatives for the remainder of the 2009 General Assembly. On June 12, 2009, Representative Dan W. Ingle was seated to fill the vacancy created by the resignation of Representative Cary D. Allred from the 64th House District. Today, June 18, 2009, Representative Rosa U. Gill was seated to fill the vacancy created by the resignation of Senator Dan Blue from the 33rd House District and Representative Frank Iler was seated to fill the vacancy that was created by the resignation of Representative Bonner L. Stiller from the 17th House District.

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. 498** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES, for concurrence in the House Committee Substitute bill.

June 22, 2009

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 23, for concurrence.

**S.B. 652** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 23, for concurrence.

**S.B. 763** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 23, for concurrence.

**S.B. 1018** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS, 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 tonight's Calendar for concurrence.

#### **MESSAGE FROM THE GOVERNOR**

The following special message is received from Governor Beverly Perdue:

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
20301MAIL SERVICE CENTER • RALEIGH, NC 7699-0301

BEVERLY EAVES PERDUE  
GOVERNOR

June 15, 2009

Janet Pruitt  
Principal Clerk of the Senate  
NC General Assembly  
Raleigh, NC 27601

Dear Ms. Pruitt:

Pursuant to G.S. § 135-6, I hereby submit to you the names of Randy Sales, Harold Martin, Dennis Ducker and Sterling Primus for consideration to the North Carolina Teachers' and State Employees' Retirement System Board of

June 22, 2009

Trustees. Their Terms will be effective immediately pending confirmation by the North Carolina Senate and will expire as listed below.

Randy Sales, State Law Enforcement Officer, term expiration 3/31/2013  
Dr. Harold Martin, Higher Education Representative, term expiration 6/30/2013  
Dennis Ducker, Not a teacher or State Employee, term expiration 3/31/2012  
Sterling Primus, Retired State Employee, term expiration 6/30/2013

Enclosed is a copy of the biographical information for each individual. If further information is needed or desired, please feel free to contact my office.

With kindest regards, I remain

Very truly yours  
S/Bev Perdue

Referred to the **Pensions & Retirement and Aging Committee.**

### CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1508** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER, 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 1508, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008 AND TO PROVIDE FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER, Senate Finance Committee Substitute Adopted 5/21/09, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 5/21/09, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Finance Committee Substitute and substitute the attached proposed Conference Committee Substitute H1508-PCCS30414-MDx-3.

June 22, 2009

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 22, 2009.

*Conferees for the Senate*

S/Linda Garrou, Chair  
S/Charles W. Albertson  
S/Charlie Smith Dannelly  
S/David W. Hoyle  
S/Tony Rand  
S/A. B. Swindell

*Conferees for the House of Representatives*

S/Bill Owens, Chair  
S/Bruce Goforth  
S/Larry Womble  
S/Henry M. Michaux, Jr.  
S/James W. Crawford, Jr.  
S/W. Robert Grady  
S/Deborah K. Ross

The text of the attached Proposed Conference Committee Substitute, HB1508-PCCS30414-MDx-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 27.9(d) of S.L. 2008-107, as amended by Section 2.7(c) of S.L. 2008-118, reads as rewritten:

**"SECTION 27.9.(d)** Authorization of Bonds and Notes. – The State Treasurer is authorized, by and with the consent of the Council of State, to issue and sell at one time or from time to time ~~in the fiscal year ending June 30, 2009~~ in the biennium ending June 30, 2011, general obligation bonds of the State to be designated "State of North Carolina General Obligation Bonds," with any additional designations as may be determined, or notes of the State, in the aggregate principal amount of ~~one hundred seven million dollars (\$107,000,000),~~ four hundred eighty-seven million seven hundred thousand dollars (\$487,700,000), this amount being not in excess of two-thirds of the amount by which the State's outstanding indebtedness ~~was~~ will be reduced during the biennium ~~ended June 30, 2008,~~ ending June 30, 2009, for the purpose of providing funds, with any other available funds, for the purposes authorized by this section.

June 22, 2009

~~If the one hundred seven million dollars (\$107,000,000) maximum principal amount of bonds and notes authorized by this section shall be in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the biennium ended June 30, 2008, then the maximum amount of bonds and notes authorized in this section is reduced by such excess."~~

**SECTION 1.(b)** Section 27.9(f) of S.L. 2008-107, as amended by Section 2.7(d) of S.L. 2008-118, reads as rewritten:

**"SECTION 27.9.(f)** Allocation of Proceeds. – The proceeds of bonds and notes shall be allocated and expended ~~for paying the cost of the Green Square Project, Department of Environment and Natural Resources, as provided in this subsection:~~

- (1) A maximum aggregate principal amount of ninety-nine million fifty-four thousand five hundred eighty-four dollars (\$99,054,584) to finance the capital facility costs of the Green Square Project, Department of Environment and Natural Resources. The projected allocation may be increased to reflect the availability of other funds, including contingency funds, income earned on the investment of bond and note proceeds, and the proceeds of any grants. ~~The Director of the Budget may, when the Director determines it is in the best interest of the State to do so, use any excess funds, as determined by the Director, to increase the allocation of the project. The Office of State Budget and Management shall provide semiannual reports to the Joint Legislative Oversight Committee on Capital Improvements, the Chairs of the Senate and House of Representatives Appropriation Committees, and the Fiscal Research Division as to the status of the project and allocations made under this subsection.~~
- (2) A maximum aggregate principal amount of two hundred twenty-three million dollars (\$223,000,000) to finance the capital facility costs of the Biomedical Research Imaging Center at the University of North Carolina at Chapel Hill. The project allocation may be increased to reflect the availability of other funds, including contingency funds, income earned on the investment of bond and note proceeds, and the proceeds of any grants.
- (3) A maximum aggregate principal amount of fifty million dollars (\$50,000,000) to finance the capital facility costs of repairing and renovating State facilities and related infrastructure, to be allocated by the General Assembly.
- (4) An amount the Director of the Budget determines is not required for projects listed in subdivisions (1), (2), and (3) of this subsection to finance a portion of those capital projects that have been approved by the General

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Assembly for financing with the proceeds of special indebtedness as hereinafter described."

**SECTION 1.(c)** Section 27.9 of S.L. 2008-107, as amended, is amended by adding a new subsection to read:

**"SECTION 27.9.(f1)** The projects financed with the proceeds of bonds allocated as provided in Section 27.9(f)(4) of this act may include, but are not limited to, the following projects:

- (1) Davis Arena renovation and expansion at The Western North Carolina Agricultural Center.
- (2) School of Education building at Elizabeth City State University.
- (3) General Classroom building at North Carolina Agricultural and Technical State University.
- (4) Nursing Building at North Carolina Central University.
- (5) Energy Production Infrastructure Center at the University of North Carolina at Charlotte.
- (6) Educational Building at Appalachian State University.
- (7) Renovation of Rhoades Hall at the University of North Carolina at Asheville."

**SECTION 1.(d)** Section 27.9 of S.L. 2008-107, as amended, is amended by adding a new subsection to read:

**"SECTION 27.9.(f2)** The State, upon the direction of the Director of the Budget, may finance with the proceeds of bonds authorized pursuant to this act the costs of any capital project approved for financing with special indebtedness, provided that the bonds must be issued in the fiscal biennium ending June 30, 2011. The State, upon the direction of the Director of the Budget, may finance with the proceeds of special indebtedness the costs of any capital project approved for financing with proceeds of bonds authorized pursuant to this act. If the financing is to be provided by special indebtedness, then such indebtedness may be issued or incurred during or beyond the fiscal biennium ending June 30, 2011. The amount of financing for a project from special indebtedness and the proceeds of two-thirds bonds issued pursuant to this act shall not exceed the amount set forth in the legislation that authorizes the project."

**SECTION 1.(e)** Section 27.9 of S.L. 2008-107, as amended, is amended by adding a new subsection to read:

**"SECTION 27.9.(f3)** As used in this act, projects approved for financing with special indebtedness, as authorized by Article 9 of Chapter 142 of the General Statutes, means projects authorized pursuant to this act or to Session Laws 2003-314, 2004-126, 2004-179, 2005-276, 2006-66, 2006-231, 2007-323, and 2008-107."

**SECTION 1.(f)** Section 27.9 of S.L. 2008-107, as amended, is amended by adding a new subsection to read:

**"SECTION 27.9.(f4)** The Office of State Budget and Management shall report to the Joint Legislative Commission on Governmental Operations no more than 30 days after issuing bonds or notes pursuant to Section 27.9 of this act or special indebtedness. Each report shall include the project name, the form

of indebtedness, terms of the sale, the authorizing legislation, and justification for the form of debt selected. This subsection expires on June 30, 2011."

**SECTION 2.(a)** Section 27.8(a) of S.L. 2008-107 reads as rewritten:

"**SECTION 27.8.(a)** The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the projects described in this subsection. In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness:

- (1) In the maximum aggregate principal amount of ~~sixty-nine million dollars (\$69,000,000)~~ sixty-one million five hundred ninety-nine thousand three hundred sixty-nine dollars (\$61,599,369) to finance the capital facility costs of completing a School of Dentistry building at East Carolina University and no more than 10 satellite dental clinics across the State. No more than a maximum aggregate amount of twenty-one million dollars (\$21,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of sixty million dollars (\$60,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.
- (2) In the maximum aggregate principal amount of ~~thirty-six million eight hundred thousand dollars (\$36,800,000)~~ thirty-five million one hundred ninety-eight thousand five hundred thirty-seven dollars (\$35,198,537) to finance the capital facility costs of completing a family medicine building at East Carolina University. No more than a maximum aggregate amount of sixteen million six hundred thousand dollars (\$16,600,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (3) In the maximum aggregate principal amount of ~~eighteen million dollars (\$18,000,000)~~ sixteen million six hundred eighty-nine thousand five hundred seven dollars (\$16,689,507) to finance the capital facility costs of completing a School of Education building at Elizabeth City State University. No more than a maximum aggregate amount of seven million dollars (\$7,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of fifteen million dollars (\$15,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.

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- (4) In the maximum aggregate principal amount of two million four hundred thirty-eight thousand dollars (\$2,438,000) to finance the capital improvement costs of acquiring land and constructing capital facilities for a horse park in Rockingham County for North Carolina Agricultural and Technical State University.
- (5) In the maximum aggregate principal amount of ~~twenty million four hundred ninety thousand dollars (\$20,490,000)~~ nineteen million forty-nine thousand six hundred twenty-eight dollars (\$19,049,628) to finance the capital facility costs of completing a general classroom building at North Carolina Agricultural and Technical State University. No more than a maximum aggregate amount of seven million dollars (\$7,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (6) In the maximum aggregate principal amount of ~~twenty-four million five hundred thousand dollars (\$24,500,000)~~ twenty-two million five hundred thirty-six thousand thirty-nine dollars (\$22,536,039) to finance the capital facility costs of completing a nursing building at North Carolina Central University. No more than a maximum aggregate amount of six million dollars (\$6,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of seventeen million dollars (\$17,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.
- (7) In the maximum aggregate principal amount of ~~eleven million one hundred thousand dollars (\$11,100,000)~~ ten million two hundred thirty-seven thousand one hundred sixteen dollars (\$10,237,116) to finance the capital facility costs of completing a central storage facility at the North Carolina School of the Arts.
- (8) In the maximum aggregate principal amount of ~~twelve million nine hundred thousand dollars (\$12,900,000)~~ eleven million five hundred forty-three thousand eight hundred twenty-eight dollars (\$11,543,828) to finance the capital facility costs of completing a film school production facility at the North Carolina School of the Arts. No special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of two million dollars (\$2,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010. No more than a maximum aggregate amount of seven million

nine hundred thousand dollars (\$7,900,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.

- (9) In the maximum aggregate principal amount of ~~one hundred nine million one hundred thousand dollars (\$109,100,000)~~ ninety-eight million three hundred forty-one thousand one hundred eighty-six dollars (\$98,341,186) to finance the capital facility costs of completing the Centennial Campus library at North Carolina State University. No more than a maximum aggregate amount of forty-nine million dollars (\$49,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. ~~No more than a maximum aggregate amount of sixty eight million one hundred thousand dollars (\$68,100,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.~~ No more than a maximum aggregate amount of ~~one hundred million one hundred thousand dollars (\$100,100,000)~~ sixty-five million three hundred forty-one thousand one hundred eighty-six dollars (\$65,341,186) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.
- (10) In the maximum aggregate principal amount of four million dollars (\$4,000,000) for the capital facility costs of completing the 4-H Campuses at North Carolina State University.
- (11) In the maximum aggregate principal amount of ~~sixty-nine million dollars (\$69,000,000)~~ sixty-one million five hundred ninety-nine thousand three hundred sixty-nine dollars (\$61,599,369) to finance the capital facility costs of completing a School of Dentistry expansion at the University of North Carolina at Chapel Hill. No special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of twenty-five million dollars (\$25,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010. No more than a maximum aggregate amount of ~~sixty one million dollars (\$61,000,000)~~ fifty-five million eight hundred nineteen thousand five hundred fifty-eight dollars (\$55,819,558) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.
- (12) In the maximum aggregate principal amount of ~~fifty-seven million two hundred eighteen thousand dollars~~

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~~(\$57,218,000) fifty-two million four hundred ninety-four thousand one hundred forty-nine dollars (\$52,494,149)~~ to finance the capital facility costs of completing the Energy Production Infrastructure Center at the University of North Carolina at Charlotte. No more than a maximum aggregate amount of ten million dollars (\$10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of thirty-two million two hundred eighteen thousand dollars (\$32,218,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.

- (13) In the maximum aggregate principal amount of forty-two million six hundred seventy thousand dollars (\$42,670,000) to finance the capital facility costs of completing an academic classroom and office building at the University of North Carolina at Greensboro. No more than a maximum aggregate amount of twenty-one million dollars (\$21,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (14) In the maximum aggregate principal amount of ten million dollars (\$10,000,000) to finance the capital facility costs of installing fire sprinklers in The University of North Carolina System residence halls.
- (15) In the maximum aggregate principal amount of twenty-five million dollars (\$25,000,000) to finance the capital improvement costs of acquiring State land throughout The University of North Carolina System. No more than a maximum aggregate amount of ten million dollars (\$10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011.
- (16) In the maximum aggregate principal amount of thirty-four million dollars (\$34,000,000) to finance the capital improvement costs of purchasing State judicial facilities located at 901 Corporate Drive, Raleigh, NC, and more particularly described as Phase Two, Tract A of Raleigh Corporate Center consisting of 17.28 acres and as shown on the map recorded in Map book 1987, page 720, and Map book 1990, page 576, of the Wake County Register of Deeds.
- (17) In the maximum aggregate principal amount of ~~forty-five million one hundred seventy thousand dollars (\$45,170,000)~~ forty-one million six hundred seventy thousand dollars (\$41,670,000) to finance the capital facility costs of completing a health care and mental

health facility at the North Carolina Correctional Institute for Women. No more than a maximum aggregate amount of twenty-seven million dollars (\$27,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.

- (18) In the maximum aggregate principal amount of ~~thirteen million ten thousand dollars (\$13,010,000)~~ twelve million ninety-five thousand four hundred forty-five dollars (\$12,095,445) to finance the capital facility costs of completing a minimum security addition at Scotland Correctional Institution. No more than a maximum aggregate amount of six million dollars (\$6,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of ten million dollars (\$10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.
- (19) In the maximum aggregate principal amount of ~~eighteen million nine hundred fifty thousand dollars (\$18,950,000)~~ seventeen million six hundred seventeen thousand eight hundred eighty-four dollars (\$17,617,884) to finance the capital facility costs of completing a medium security addition at Bertie Correctional Institution. No more than a maximum aggregate amount of seven million dollars (\$7,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of fourteen million dollars (\$14,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.
- (20) In the maximum aggregate principal amount of ~~thirteen million ten thousand dollars (\$13,010,000)~~ twelve million ninety-five thousand four hundred forty-five dollars (\$12,095,445) to finance the capital facility costs of completing a minimum security addition at Tabor Correctional Institution. No more than a maximum aggregate amount of six million dollars (\$6,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of ten million dollars (\$10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.
- (21) In the maximum aggregate principal amount of ~~eighteen million nine hundred fifty thousand dollars (\$18,950,000)~~ seventeen million six hundred seventeen thousand eight hundred eighty-four dollars (\$17,617,884) to finance the

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capital facility costs of completing a medium security addition at Lanesboro Correctional Institution. No more than a maximum aggregate amount of seven million dollars (\$7,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009. No more than a maximum aggregate amount of fourteen million dollars (\$14,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2010.

- (22) In the maximum aggregate principal amount of two million nine hundred twenty-five thousand dollars (\$2,925,000) to finance the capital facility costs of completing Phase I of the CSS Neuse State Historic Site.
- (23) In the maximum aggregate principal amount of seven million dollars (\$7,000,000) to finance the capital facility costs of completing Port of Morehead City Berth Improvements and Phase I of Port of Wilmington Berth 8 Improvements.
- (24) In the maximum aggregate principal amount of three million seven hundred thousand dollars (\$3,700,000) to finance the capital facility costs of completing a Southeastern North Carolina Agriculture Center Pavilion.
- (25) In the maximum aggregate principal amount of ~~eight million one hundred thousand dollars (\$8,100,000)~~ seven million four hundred fifteen thousand four hundred sixty-one dollars (\$7,415,461) to finance the capital facility costs of Department of Agriculture and Consumer Services capital improvements. Sales proceeds shall be allocated between the projects in the following manner:

**Project Allocation of Sales Proceeds**

Bathroom and truckshed expansion at  
The Western North Carolina Farmers'  
Market \$650,000

Davis Arena renovation and expansion at  
The Western North Carolina Agricultural  
Center ~~\$7,450,000~~ \$6,765,461

- (26) In the maximum aggregate principal amount of four million three hundred three thousand nine hundred forty-four dollars (\$4,303,944) to finance the capital facility costs of completing an oyster hatchery.
- (27) In the maximum aggregate principal amount of two million seven hundred thousand dollars (\$2,700,000) to finance the capital improvement costs of completing an

expansion and renovation to the polar bear exhibit at the North Carolina Zoo.

- (28) In the maximum aggregate principal amount of fifty million dollars (\$50,000,000) to finance the capital improvement costs of acquiring State park lands and conservation areas for the Land for Tomorrow initiative in the Department of Environment and Natural Resources. Proceeds shall be allocated to support the conservation priorities of the One North Carolina Naturally program. No more than a maximum aggregate amount of ten million dollars (\$10,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2011."

**SECTION 2.(b)** Section 29.13(a) of S.L. 2007-323, as amended by Section 27.8(d) of S.L. 2008-107, reads as rewritten:

"**SECTION 29.13.(a)** The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the projects described in this subsection. In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness:

- (1) In the maximum aggregate principal amount of thirty-four million dollars (\$34,000,000) to finance the capital facility costs of completing a new educational building at Appalachian State University. No more than a maximum aggregate amount of three million dollars (\$3,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.
- (2) In the maximum aggregate principal amount of ~~twenty-two million five hundred eighty-seven thousand dollars (\$22,587,000)~~ twenty million nine hundred ninety-nine thousand two hundred sixteen dollars (\$20,999,216) to finance the capital facility costs of completing a new Science and Technology Complex at Fayetteville State University. No more than a maximum aggregate amount of five million dollars (\$5,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.
- (3) In the maximum aggregate principal amount of ~~twenty-four million nine hundred twenty thousand dollars (\$24,920,000)~~ twenty-three million forty-three thousand eight hundred ninety dollars (\$23,043,890) to finance the capital facility costs of completing a new library at the North Carolina School of the Arts. No more than a maximum aggregate amount of one million seven

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hundred seventy-five thousand six hundred dollars (\$1,775,600) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of fourteen million three hundred seventy-three thousand six hundred dollars (\$14,373,600) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.

- (4) In the maximum aggregate principal amount of thirty-eight million dollars (\$38,000,000) to finance the capital facility costs of completing the Randall B. Terry Companion Animal Hospital at North Carolina State University. No more than a maximum aggregate amount of twenty-eight million five hundred thousand dollars (\$28,500,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.
- (5) In the maximum aggregate principal amount of ~~thirty-four million dollars (\$34,000,000)~~ thirty-one million six hundred nine thousand nine hundred twenty-four dollars (\$31,609,924) to finance the capital facility costs of completing an addition to Engineering Building III in the School of Engineering at North Carolina State University. No more than a maximum aggregate amount of eight million five hundred thousand dollars (\$8,500,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of twenty-five million five hundred thousand dollars (\$25,500,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (6) In the maximum aggregate principal amount of ~~eight million six hundred eighty-seven thousand dollars (\$8,687,000)~~ eight million four hundred forty-nine thousand seven hundred eighty-six dollars (\$8,449,786) to finance the capital facility costs of renovating Rhoades Hall at the University of North Carolina at Asheville.
- (7) In the maximum aggregate principal amount of ~~one hundred nineteen million six hundred eight thousand two hundred twenty-five dollars (\$119,608,225)~~ one hundred eleven million two hundred thousand two hundred four dollars (\$111,200,204) to finance the capital facility costs of a Genomics Science Building at the University of North Carolina at Chapel Hill. No more than a maximum aggregate amount of thirty-one million dollars (\$31,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No

more than a maximum aggregate amount of eighty-six million dollars (\$86,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.

- (8) In the maximum aggregate principal amount of ~~nineteen million dollars (\$19,000,000)~~ eighteen million three hundred eight thousand three hundred fifty-one dollars (\$18,308,351) to finance the capital facility costs of completing a Nursing and Allied Health Building at the University of North Carolina at Pembroke. No more than a maximum aggregate amount of five million dollars (\$5,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.
- (9) In the maximum aggregate principal amount of ~~thirty-four million five hundred twenty-five thousand dollars (\$34,525,000)~~ thirty-two million eight hundred ninety-nine thousand six hundred ninety-nine dollars (\$32,899,699) to finance the capital facility costs of completing a new teaching laboratory at the University of North Carolina at Wilmington. No more than a maximum aggregate amount of two million five hundred thousand dollars (\$2,500,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of eight million six hundred thirty-one thousand two hundred fifty dollars (\$8,631,250) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (10) In the maximum aggregate principal amount of ~~forty-one million six hundred five thousand dollars (\$41,605,000)~~ thirty-seven million six hundred eighty-seven thousand eight hundred dollars (\$37,687,800) to finance the capital facility costs of completing a new Health and Gerontological Building at Western Carolina University. No more than a maximum aggregate amount of eighteen million eight hundred two thousand five hundred dollars (\$18,802,500) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (11) In the maximum aggregate principal amount of ~~twenty-eight million five hundred seven thousand dollars (\$28,507,000)~~ twenty-seven million thirty-nine thousand one hundred sixty dollars (\$27,039,160) to finance the capital facility costs of completing a new student activities center at Winston-Salem State University. No more than a maximum aggregate amount of two million dollars (\$2,000,000) of special indebtedness may be

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issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of fourteen million seven hundred ninety-nine thousand dollars (\$14,799,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.

- (12) In the maximum aggregate principal amount of ~~fifty-three million dollars (\$53,000,000)~~ forty-nine million two hundred seventy-four thousand two hundred ninety-four dollars (\$49,274,294) to finance the capital facility costs of completing a Nanoscience Building to be used jointly by the University of North Carolina at Greensboro and North Carolina Agricultural and Technical State University. No more than a maximum aggregate amount of twenty-five million dollars (\$25,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (13) In the maximum aggregate principal amount of ~~thirty-two million five hundred thousand dollars (\$32,500,000)~~ thirty-one million three hundred fifty-seven thousand six hundred eighty-four dollars (\$31,357,684) to finance the capital facility costs for completing the Coastal Studies Institute. No more than a maximum aggregate amount of eight million dollars (\$8,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of twenty-three million dollars (\$23,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009.
- (14) In the maximum aggregate principal amount of nineteen million eight hundred sixteen thousand five hundred dollars (\$19,816,500) to finance the capital facility costs of a medium security facility at the Scotland Correctional Institution. No more than a maximum aggregate amount of five million dollars (\$5,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.
- (15) In the maximum aggregate principal amount of thirteen million one hundred ninety-one thousand three hundred dollars (\$13,191,300) to finance the capital facility costs of a minimum security facility at the Alexander Correctional Institution. No more than a maximum aggregate amount of six million five hundred ninety-five thousand six hundred fifty dollars (\$6,595,650) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008.

- (16) In the maximum aggregate principal amount of thirty-five million dollars (\$35,000,000) to finance the capital facility costs of a new education and visitors center at Tryon Palace Historic Sites and Gardens. No more than a maximum aggregate amount of five million dollars (\$5,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2008. No more than a maximum aggregate amount of twenty-five million dollars (\$25,000,000) of special indebtedness may be issued or incurred under this subdivision prior to July 1, 2009."

**SECTION 2.(c)** Section 23.12 of S.L. 2006-66, as amended by Section 27.8(c) of S.L. 2008-107, reads as rewritten:

**"SPECIAL INDEBTEDNESS PROJECTS**

**"SECTION 23.12.(a)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of forty-five million one hundred thirty dollars (\$45,130,000) to finance the costs of constructing new buildings and pavilions and renovating existing buildings at the North Carolina Museum of Art. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the costs of constructing and renovating the project described in this subsection.

**"SECTION 23.12.(b)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of twenty million dollars (\$20,000,000) to finance the capital facility costs of completing the Central Regional Psychiatric Hospital for the Department of Health and Human Services. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection.

**"SECTION 23.12.(c)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of ~~twenty four million eight hundred forty one thousand three hundred dollars (\$24,841,300)~~ twenty-three million eight hundred five thousand seven hundred seventy-six dollars (\$23,805,776) to finance the capital facility costs of a new Secondary State Data Center. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection.

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**"SECTION 23.12.(d)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of forty-five million eight hundred twenty-seven thousand four hundred dollars (\$45,827,400) to finance the capital facility costs of a new Center City Classroom Building at the University of North Carolina – Charlotte. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection.

**"SECTION 23.12.(e)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of ~~one hundred one million dollars (\$101,000,000)~~ninety-eight million seven hundred eighty-two thousand five hundred forty dollars (\$98,782,540) to finance the capital facility costs of the Department of Health and Human Services Public Health Laboratory and Office of Chief Medical Examiner. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection. No more than a maximum aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2007.

**"SECTION 23.12.(f)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of ~~one hundred forty five million five hundred thousand dollars (\$145,500,000)~~one hundred thirty-eight million three hundred twenty-five thousand eight hundred fourteen dollars (\$138,325,814) to finance the capital facility costs of the Eastern Regional Psychiatric Hospital for the Department of Health and Human Services. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection. No more than a maximum aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2007. No more than a maximum aggregate principal amount of one hundred million dollars (\$100,000,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2008.

**"SECTION 23.12.(g)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of one hundred thirty-two million two hundred thousand dollars (\$132,200,000) to finance the capital facility costs of the Regional Medical Center and Mental Health Center of the Department of Correction. The State, with the prior approval of the State Treasurer and the

Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection. No more than a maximum aggregate principal amount of eight million two hundred thousand dollars (\$8,200,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2007. No more than a maximum aggregate principal amount of fifty-eight million two hundred thousand dollars (\$58,200,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2008. No more than a maximum aggregate principal amount of ninety-eight million two hundred thousand dollars (\$98,200,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2009.

**"SECTION 23.12.(h)** In accordance with G.S. 142-83, this subsection authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of ~~one hundred sixty-two million eight hundred thousand dollars (\$162,800,000)~~ one hundred fifty-four million seven hundred seventy-two thousand eight hundred one dollars (\$154,772,801) to finance the capital facility costs of the Western Regional Psychiatric Hospital for the Department of Health and Human Services. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the capital facility costs of the project described in this subsection. No special indebtedness may be issued or incurred under this subsection prior to July 1, 2008. No more than a maximum aggregate principal amount of twenty million dollars (\$20,000,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2009. No more than a maximum aggregate principal amount of fifty-four million dollars (\$54,000,000) of special indebtedness may be issued or incurred under this subsection prior to July 1, 2011.

**"SECTION 23.12.(i)** This section is effective when it becomes law."

**SECTION 2.(d)** Section 1.1 of S.L. 2004-179, as amended by Section 30.3A of S.L. 2005-276, Section 2.1 of S.L. 2006-146, and Section 27.8(b) of S.L. 2008-107, reads as rewritten:

**"SECTION 1.1.** In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the following maximum aggregate principal amounts to finance the costs of the following projects. The table below provides the maximum principal amounts. The first column is the aggregate maximum principal amount. The second column is the maximum portion of this amount that can be issued or incurred before July 1, 2005. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of these projects.

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**Aggregate Maximum Project  
Maximum before 7/1/05**

\$180,000,000	\$110,000,000	Acquiring, constructing, and equipping a new cancer rehabilitation and treatment center, a nearby physicians' office building, and a walkway between the two, all to be located at the University of North Carolina Hospitals at Chapel Hill.
60,000,000	30,000,000	Acquiring, constructing, and equipping the North Carolina Cardiovascular Diseases Institute at East Carolina University.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Bioinformatics Center at the University of North Carolina at Charlotte.
28,000,000	25,000,000	Acquiring, constructing, and equipping a stand-alone facility to house the new Pharmacy School program to be located at Elizabeth City State University, and interim temporary facilities to house the program during construction of the facility.
35,000,000	25,000,000	Acquiring, constructing, and equipping a Center for Health Promotion and Partnerships at the University of North Carolina at Asheville.
10,000,000	10,000,000	Land acquisition, site preparation, engineering, architectural, and other consulting services, and construction for the Southeastern North

10,000,000

10,000,000

Carolina Nursing Education and Research Center at Fayetteville State University.

Site preparation, engineering, architectural, and other consulting services and the construction of a research building on the joint Millennial Campus of North Carolina Agricultural and Technical State University and the University of North Carolina at Greensboro.

10,000,000

10,000,000

Land acquisition, site preparation, engineering, architectural, and other consulting services, and construction of a Nursing and Allied Health Building at the University of North Carolina at Pembroke.

~~10,000,000~~ 9,279,037 ~~10,000,000~~ 9,279,037

To Western Carolina University for land acquisition, site preparation, engineering, architectural, and other consulting services, and construction of a building for Western Carolina University and the Mountain Area Health Education Consortium for the North Carolina Center for Health and Aging to be operated as a consortium among Western Carolina University, the University of North Carolina at Asheville, and the Mountain Area Health Education Consortium.

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11,500,000

10,000,000

Land acquisition, site preparation, engineering, architectural, and other consulting services, and construction of a Center for Design Innovation in the Piedmont Triad Research Park to be operated jointly by Winston-Salem State University and the North Carolina School of the Arts.

**TOTAL:**

~~\$389,500,000~~ ~~\$388,797,037~~ ~~\$265,000,000~~ ~~\$264,297,037~~"

**SECTION 2.(e)** Section 1.2 of S.L. 2004-179, as amended by Section 1 of S.L. 2006-231, reads as rewritten:

"**SECTION 1.2.** In accordance with G.S. 142-83, this section authorizes the issuance or incurrence of special indebtedness in the maximum aggregate principal amount of ~~forty-two million dollars (\$42,000,000)~~ thirty-five million two hundred thousand dollars (\$35,200,000) to finance the costs of constructing up to five youth development centers totaling up to 224 beds to be operated by the Department of Juvenile Justice and Delinquency Prevention and to be located as determined by that Department. The State, with the prior approval of the State Treasurer and the Council of State, as provided in Article 9 of Chapter 142 of the General Statutes, is authorized to issue or incur special indebtedness in order to provide funds to the State to be used, together with other available funds, to pay the cost of constructing the projects described by this section. Of the special indebtedness authorized by this section, no more than thirteen million dollars (\$13,000,000) may be issued or incurred before July 1, 2005."

**SECTION 2.(f)** Notwithstanding anything in Section 47.1 of S.L. 2003-284 to the contrary, the maximum amount of special indebtedness authorized by that section for the capital facilities cost of Columbus County Correctional Institution is one hundred one million fifty-six thousand four hundred ninety dollars (\$101,056,490).

**SECTION 3.** G.S. 116-29.5 is repealed.

**SECTION 4.** This act is effective when it becomes law.

The Conference Report, which changes the title, is placed on the Calendar for Tuesday, June 23, for adoption, upon second reading.

**CALENDAR**

Bills on tonight's Calendar are taken up and disposed of, as follows:

**S.B. 780** (House Committee Substitute). A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY

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ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

Upon motion of Senator Soles, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, June 24, for concurrence.

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 23.

**H.B. 206**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS, 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, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill is ordered enrolled.

**ROLL-CALL BILLS ORDERED SENT TO THE HOUSE**

Upon motion of Senator Rand, all roll-call bills ordered sent to the House will be sent by special message, effective today through the end of June.

**CALENDAR** (*continued*)

**H.B. 384**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater,

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Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 394** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS EACH YEAR, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 30, noes 16, as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Blake, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Vaughan and Weinstein--30.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman--16.

The Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON, 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, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 854**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater,

Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 986** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H.B. 992**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 533** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight,

Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---39.

Voting in the negative: Senators Allran, Brock, East, Forrester, Garrou, Rouzer and Rucho---7.

The Senate Committee Substitute bill remains on the Calendar for Tuesday, June 23, upon third reading.

**H.B. 630** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTMENT PROCEEDING MAY COMMENCE NOT SOONER THAN TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1091**, A BILL TO BE ENTITLED AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1186** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES.

Senator McKissick offers Amendment No. 1 which is adopted (46-0), and changes the title upon concurrence to read **H.B. 749** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN

THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES, AND TO CLARIFY MINORITY BUSINESS PURPOSES FOR PUBLIC CONTRACTS.

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 1112** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD UNDER CERTAIN CIRCUMSTANCES.

The Senate Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives for concurrence.

**S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, for concurrence in House Amendment No. 1.

Upon motion of Senator Berger of Rockingham, the Senate fails to concur in House Amendment No. 1 (0-46).

Senator Berger of Rockingham offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 1030** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS, for concurrence in the House Committee Substitute bill No. 2.

*Without objection, Senator Brunstetter requests to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.*

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill No. 2 (44-1) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1018** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS, placed earlier on tonight's Calendar for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill No. 2 (44-2) and the bill is ordered enrolled and sent to the Governor by special message.

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**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**H.J.R. 1653**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM OLIVER SWOFFORD, AMERICAN POP SINGER AND NATIVE SON OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

**SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Oceania Anderson, Charlotte; Jessica Atkinson, Charlotte; Ellie Brown, Fayetteville; Studie Brown, Fayetteville; Mark Burgess II, Fayetteville; Ashton Carrick, Charlotte; Anthony Chiles, Clayton; Steph Cistrunk, Concord; Tyler Dykes, Charlotte; Nicole Graham, Charlotte; Catherine Guy, Fayetteville; Allyx Herring, Fayetteville; Katie James, Wilmington; Bradley James, Wilmington; Drew Kitchens, Harrisburg; Sy McRae, Sanford; Juliann Mellin, Raleigh; Laura Miller, Gastonia; Zack Miller, Trinity; Amber Neely, Charlotte; Naa'stasiah Ogbuneke, Charlotte; Madison Page, Wilmington; Olivia Parker, Charlotte; Madison Pulliam, Charlotte; Adonna T. Rowland, Durham; Maya Alyn Rowland, Durham; Hussein Sharafi, Fayetteville; Emilee Smith, Salisbury; Ben Snoterly, Raleigh; Kali Snuggs, Wendell; Taylor Spencer, Gastonia; Hiram Webb, Knightdale and Devon Winslow, Charlotte.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 406** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

Pursuant to the message from the House of Representatives received Wednesday, June 17, that the House fails to concur in the Senate Committee Substitute bill for H.B. 406 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Apodaca, Chair; Senator East; Senator Snow; 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.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT.

Pursuant to the Senate having failed to concur in the House Amendment No. 1 for S.B. 863 earlier tonight and the motion by Senator Berger of Rockingham to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Rockingham, Chair; Senator Apodaca; Senator Rand; and Senator Vaughan as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 7:36 P.M. to meet Tuesday, June 23, at 3:00 P.M.

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**EIGHTY-FOURTH DAY**

Senate Chamber  
Tuesday, June 23, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, I once prayed in the Senate that compromise is a good tent but a poor roof. That prayer must have resulted from a fleeting moment of idealism. The reality is that compromise is our business because we seek identical ends by different means and we need the knowledge and experience that differing views bring to the issues. But keep us, O God, from compromising with error. Deliver us from the pragmatism which defers to expediency and allows us to justify any means, however wrong, because we seek a good end. Amen."

The Chair grants leaves of absence for today to Senator Shaw and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, June 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

June 23, 2009

*The Chair extends privileges of the floor to Dr. Keith H. Nelson from Greenville, North Carolina, who is serving the Senate as Doctor of the Day, and to Christy Gee from Pisgah Forest, 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. 258**, AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**S.B. 268**, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC APPLICANTS IN COUNTIES WITH MORE THAN FIVE THOUSAND TWO HUNDRED AND FIFTY NOTARIES PUBLIC.

**S.B. 482**, AN ACT TO CLARIFY THAT A PERMISSIBLE APPOINTEE UNDER A POWER OF APPOINTMENT IS NOT A TRUST BENEFICIARY, AND TO CLARIFY THAT A LOAN OR PLEDGE BY A TRUSTEE MAY BE MADE IN CONNECTION WITH A LOAN OF THE TRUSTEE'S OWN FUNDS.

**S.B. 1018**, AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS.

**S.B. 1030**, AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS.

**H.B. 239**, AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR.

**H.B. 630**, AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTION PROCEEDING MAY COMMENCE NOT SOONER THAN

TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT.

**H.B. 1079**, AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE.

**H.B. 1091**, AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 60**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE.

**S.B. 91**, AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES.

**S.B. 364**, AN ACT RELATING TO ILLEGALLY PARKED VEHICLES IN THE TOWN OF APEX TO ALLOW USE OF WHEEL LOCKS.

**S.B. 432**, AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN.

**H.B. 206**, AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS.

**H.B. 384**, AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS.

**H.B. 646**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON.

**H.B. 854**, AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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**H.B. 986**, AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE.

**H.B. 992**, AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS.

### 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. 440**, AN ACT TO PROVIDE FOR THE USE OF AUTOMATED CAMERA OR VIDEO RECORDING SYSTEMS TO DETECT AND PROSECUTE INDIVIDUALS WHO PASS STOPPED SCHOOL BUSES, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, AND TO INCREASE THE PENALTY FOR STRIKING AND CAUSING THE DEATH OF A PERSON WHEN PASSING A STOPPED SCHOOL BUS. (Became law upon approval of the Governor, June 22, 2009 - S.L. 2009-147.)

**S.B. 390**, AN ACT TO AUTHORIZE THE TOWN OF MIDLAND TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO ITS EMPLOYEES. (Became law upon ratification, June 22, 2009 - S.L. 2009-148.)

**H.B. 464**, AN ACT TO MAKE PERMANENT AN ACT EXEMPTING THE CITY OF RALEIGH FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF ANY PILOT PROGRAM AUTHORIZED BY THE CITY COUNCIL TO TEST THE EFFICIENCY AND EFFECTIVENESS OF LIGHT-EMITTING DIODE TECHNOLOGIES, TO EXPAND THE ACT TO ALL RALEIGH PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, AND TO AUTHORIZE THE CITIES OF RALEIGH AND WINSTON-SALEM TO ENTER INTO A LEASE FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION. (Became law upon ratification, June 22, 2009 - S.L. 2009-149.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

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**H.B. 309**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, with a favorable report.

**H.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS, with a favorable report.

**H.B. 98** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A THIRTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY, 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 11006, which changes the title upon concurrence to read **H.B. 98** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 1419** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS, with a favorable report.

**H.B. 1196** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, with an unfavorable report as to Committee Substitute 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.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

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**WITHDRAWAL FROM COMMITTEE**

**H.B. 67** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME, referred to the **Transportation Committee** on April 20.

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**.

The Senate recesses at 3:13 P.M., subject to receipt of messages from the House for the purpose of an Appropriations/Base Budget Committee meeting and a Rules and Operations of the Senate Committee meeting, to reconvene at 3:45 P.M.

**RECESS****MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 453** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 24, for concurrence.

**S.B. 503** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 24, for concurrence.

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**S.B. 543** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, June 24, for concurrence.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1409** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN SIMPLE WIRING ACTIVITIES AND APPLIANCE REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS WHEN THE APPLIANCE IS OF THE SAME ELECTRICAL RATING AND REQUIRES NO CHANGE TO EXISTING ELECTRICAL CIRCUITS AND THE WORK IS PERFORMED BY A LICENSED ELECTRICIAN, 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 50746, which changes the title upon concurrence to read **H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS, is adopted and engrossed.

By Senator Dannelly for the **Appropriations/Base Budget Committee**:

**S.B. 311**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SPECIAL FOCUS UNIVERSITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15306, which changes the title to read **S.B. 311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2009, is adopted and engrossed.

Upon motion of Senator Dannelly, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

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**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 533** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: Senators Allran, Brock, East, Forrester, Rouzer and Rucho---6.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

**H.B. 79** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC 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 80471, which changes the title upon concurrence to read **H.B. 79** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING, is adopted and engrossed.

**CALENDAR** *(continued)*

**S.B. 498** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL

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HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES, 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. 943**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

*The Chair grants a leave of absence for the remainder of today's session to Senator Albertson.*

Senator Goss announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Goss votes "aye".

The bill passes its second reading (26-19).

Senator Garrou objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, June 24, upon third reading.

**H.B. 88** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

Senator Brown offers Amendment No. 1 which fails of adoption (19-28).

Senator Goodall offers Amendment No. 2 which fails of adoption (22-25).

Senator Berger of Rockingham offers Amendment No. 3.

Senator Brock offers Amendment No. 4 as a Substitute Amendment for Amendment No. 3.

Amendment No. 4 which fails adoption (19-28).

Amendment No. 3 is adopted (41-6).

Senator Rand calls the previous question on the passage of the Senate Committee Substitute bill, seconded by Senator Clodfelter, which motion prevails (28-19).

Senator Rand announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Rand votes "aye".

The Senate Committee Substitute bill, as amended, passes its second reading (25-21) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

## REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1330** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND

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CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON, with a favorable report.

**H.B. 1267**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY, 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 70455, which changes the title upon concurrence to read **H.B. 1267** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD-FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY, is adopted and engrossed.

#### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 526**, AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR

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INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 394**, AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS.

**CALENDAR** *(continued)*

**H.B. 511**, A BILL TO BE ENTITLED AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 629** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TRIAL OF A SMALL CLAIMS ACTION MAY COMMENCE NOT SOONER THAN FIVE DAYS AFTER SERVICE OF THE MAGISTRATE SUMMONS ON THE DEFENDANT.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

*The Chair grants a leave of absence for the remainder of today's session to Senator Vaughan.*

The Committee Substitute bill No. 2 passes its second reading (34-12).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, June 24, upon third reading.

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**H.B. 473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, with Amendment No. 1 and Substitute Amendment No. 2 pending.

Amendment No. 2 fails of adoption (18-27).

Amendment No. 1 fails of adoption (19-27).

The Senate Committee Substitute bill No. 2 passes its third reading (35-11) and is ordered sent to the House of Representatives for concurrence.

**S.B. 652** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in the House Committee Substitute No. 2.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill No. 2 (43-3) and the bill is ordered enrolled and sent to the Governor.

**S.B. 763** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**H.B. 1508** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER, for adoption upon second reading.

Senator Berger of Rockingham announces a pair vote. If Senator Stevens were present, he would vote "aye"; Senator Berger of Rockingham votes "no".

Upon motion of Senator Garrou, the Senate adopts the Conference Report on its second reading, by roll-call vote, ayes 33, noes 12, as follows:

Voting in the affirmative: Senators Atwater, Basnight, Berger of Franklin, Bingham, Blue, Boseman, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins,

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Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell and Weinstein---33.

Voting in the negative: Senators Allran, Apodaca, Blake, Brock, Brown, Clary, East, Goodall, Hunt, Preston, Rucho and Tillman---12.

The Conference Report remains on the Calendar for Wednesday, June 24, for adoption, upon third reading.

**S.B. 311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2009, placed earlier on today's Calendar.

*Upon the appearance of Senator Vaughan in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

The Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

#### WITHDRAWAL FROM CALENDAR

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS, placed on the Calendar for Wednesday, June 24.

Senator Hartsell, offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Wednesday, June 24, and placed on the Calendar for Monday, June 29.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the Calendar for Wednesday, June 24, and placed on the Calendar for Monday, June 29.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 5:48 P.M. subject to ratification of bills and receipt of committee reports, to meet Wednesday, June 24, at 3:00 P.M.

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June 23, 2009

**EIGHTY-FIFTH DAY**

Senate Chamber  
Wednesday, June 24, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, last Sunday, Eugene, came by the church for help. When he couldn't find me he helped himself by stealing a wallet from a 90-year old woman's purse. Thirty minutes later, after disposing of the wallet, he was found a few blocks away. The police arrested Eugene, handcuffed him and took him to jail. I thought about all the times Eugene had gotten free clothing and financial assistance from our church, only to betray my trust out of desperation. We all understand betrayal, but few of us know desperation. Admirably, the majority of those in desperate straights don't break the law; they work through their difficult times. I couldn't help but think, though, that if those of us who are so blessed understood desperation better, we would be better mentors to the Eugenes of the world. Amen."

The Chair grants leaves of absence for today to Senator Dorsett, Senator Hartsell, Senator Shaw, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Carol Taylor 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. 652**, AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

**S.B. 763**, AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES.

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**H.B. 511**, AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL.

**H.B. 631**, AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL.

**H.B. 682**, AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO.

**H.B. 1186**, AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 498**, AN ACT TO AUTHORIZE THE EDGEcombe COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES.

**H.B. 924**, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY AND PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE.

#### 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. 60**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF WHITE LAKE. (Became law upon ratification, June 23, 2009 - S.L. 2009-150.)

**S.B. 91**, AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF PINE KNOLL SHORES. (Became law upon ratification, June 23, 2009 - S.L. 2009-151.)

**S.B. 364**, AN ACT RELATING TO ILLEGALLY PARKED VEHICLES IN THE TOWN OF APEX TO ALLOW USE OF WHEEL LOCKS. (Became law upon ratification, June 23, 2009 - S.L. 2009-152.)

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**S.B. 432**, AN ACT TO ANNEX THE MIDWAY COMMUNITY TO THE TOWN OF ABERDEEN. (Became law upon ratification, June 23, 2009 - S.L. 2009-153.)

**H.B. 206**, AN ACT TO AUTHORIZE THE CITY OF BREVARD, THE TOWN OF ROSMAN, TRANSYLVANIA COUNTY, AND THE TRANSYLVANIA COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE HOUSING FOR CITY AND COUNTY EMPLOYEES AND FOR PUBLIC SCHOOLTEACHERS. (Became law upon ratification, June 23, 2009 - S.L. 2009-154.)

**H.B. 384**, AN ACT AUTHORIZING THE TOWN OF FUQUAY-VARINA TO USE THE PROCEDURE AND AUTHORITY OF CHAPTER 136 OF THE GENERAL STATUTES IN CONDEMNATION PROCEEDINGS CONCERNING PUBLIC STREETS AND ROADS. (Became law upon ratification, June 23, 2009 - S.L. 2009-155.)

**H.B. 646**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF BRIDGETON. (Became law upon ratification, June 23, 2009 - S.L. 2009-156.)

**H.B. 854**, AN ACT TO MODIFY THE FORSYTH COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, June 23, 2009 - S.L. 2009-157.)

**H.B. 986**, AN ACT AMENDING THE DESCRIPTION OF A RIGHT-OF-WAY THAT THE TOWN OF SPENCER WAS PREVIOUSLY AUTHORIZED TO ANNEX BY ORDINANCE. (Became law upon ratification, June 23, 2009 - S.L. 2009-158.)

**H.B. 992**, AN ACT TO REPEAL THE ANNEXATION OF CERTAIN PROPERTY BY THE TOWN OF LANDIS. (Became law upon ratification, June 23, 2009 - S.L. 2009-159.)

**H.B. 394**, AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO INCREASE ITS GENERAL MOTOR VEHICLE TAX BY UP TO FIVE DOLLARS. (Became law upon ratification, June 23, 2009 - S.L. 2009-160.)

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**H.B. 456** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW

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REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

**H.B. 243** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE, 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, is adopted and engrossed.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 468** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, for concurrence in the House Committee Substitute bill.

Referred to the **Rules and Operations of the Senate Committee**.

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**S.B. 649** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE DESIGNATION OF SEGMENTS OF WORK ZONES SUBJECT TO ADDITIONAL PENALTIES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, June 25, for concurrence.

**S.B. 1010** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, June 25, for concurrence.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 1508** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER, upon third reading.

Upon motion of Senator Rand, the Conference Report is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Senator Berger of Rockingham announces a pair vote. If Senator Stevens were present, he would vote "aye"; Senator Berger of Rockingham votes "no".

Upon motion of Senator Garrou, the Conference Report is adopted on its third reading, by roll-call vote, ayes 37, noes 8, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Blue, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Foriest, Forrester, Garrou, Goss, Graham, Hoyle,

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Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---37.

Voting in the negative: Senators Apodaca, Brock, Brown, East, Goodall, Hunt, Preston and Rucho---8.

The Conference Report is adopted.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**S.B. 453** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (45-1) and the bill is ordered enrolled.

**S.B. 503** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

**H.B. 1330** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON.

Upon motion of Senator Nesbitt, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

**S.B. 543** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (36-10) and the bill is ordered enrolled.

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**H.B. 79** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING.

The Senate Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 309**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 755** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SPECIAL REGISTRATION PLATE ACCOUNT FUNDS DESIGNATED FOR BEAUTIFICATION ON ALL HIGHWAYS, referred to the **Appropriations/Base Budget Committee** on May 19.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for June 25, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for June 25.

#### CALENDAR *(continued)*

**H.B. 98** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT

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CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT, with Amendment No. 1 pending.

Senator Nesbitt withdraws Amendment No. 1.

Senator Foriest offers Amendment No. 2 which is adopted (28-18), and changes the title upon concurrence to read **H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SCHOOL OFFICIALS TO MAKE A REASONABLE ATTEMPT TO NOTIFY A PARENT OR GUARDIAN BEFORE ADMINISTERING CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT.

Senator Nesbitt offers Amendment No. 3 which is adopted (45-1), and changes the title upon concurrence to read **H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT, TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON A STUDENT WHOSE PARENT OR GUARDIAN HAS STATED IN WRITING THAT CORPORAL PUNISHMENT SHALL NOT BE ADMINISTERED ON THAT STUDENT, AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO REPORT OCCURRENCES OF CORPORAL PUNISHMENT.

The Committee Substitute bill, as amended, fails to pass its second reading (21-25).

**H.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS.

The Committee Substitute bill passes its second reading (45-1).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, June 25, upon third reading.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jones for the **State & Local Government Committee**:

**H.B. 994** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADVISE THE HOUSING AUTHORITY OF THE CITY OF WILSON ON THE REQUIREMENTS FOR REGISTRATION AS A MULTIUNIT ASSISTED HOUSING WITH SERVICES PROGRAM AND ON THE REQUIREMENTS FOR LICENSURE AS A HOME CARE AGENCY IN

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ORDER TO ASSIST THE HOUSING AUTHORITY WITH THEIR EFFORTS TO HELP INDIVIDUALS AGE IN PLACE, with a favorable report.

**S.B. 994**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA STATE ATHLETICS COMMISSION, 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 **Finance Committee**.

**H.B. 866** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL MUNICIPALITIES THE AUTHORITY TO ADOPT AN ORDINANCE DECLARING RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS TO BE UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

**H.B. 870**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MEMBER OF THE BOARD OF COMMISSIONERS OF STANLY COUNTY WHO SERVES AS A MEMBER OF THE STANLY COUNTY AIRPORT AUTHORITY SERVES AT THE PLEASURE OF THE BOARD OF COMMISSIONERS, TO PROVIDE THE SAME FOR THE CHAIRMAN OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION, AND TO ALLOW THE STANLY COUNTY BOARD OF COMMISSIONERS TO DESIGNATE AN ALTERNATE FOR BOTH THOSE POSITIONS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

**H.B. 632**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS, 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 80472, which changes the title upon concurrence to read **H.B. 632** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS AND TO AUTHORIZE A GENERAL STATUTES COMMISSION STUDY ON REFERENCES TO THE NAMES OF MILITARY ORGANIZATIONS IN THE GENERAL STATUTES, is adopted and engrossed.

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**H.B. 121** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50745, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 881** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE CITIES AND COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11007, which changes the title upon concurrence to read **H.B. 881** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1009** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30415, is adopted and engrossed.

**H.B. 1453** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ADJACENT TO THE CAPITOL GROUNDS AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON THE STATE CAPITOL GROUNDS IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50744, which changes the title upon concurrence to read **H.B. 1453** (Senate Committee

Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ON THE STREET BLOCKS BORDERING CAPITOL SQUARE AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON CAPITOL SQUARE IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS, is adopted and engrossed.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 881** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS, re-referred to the **Appropriations/Base Budget Committee** on June 24.

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 Thursday, June 25, 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 Thursday, June 25.

#### CALENDAR *(continued)*

**H.B. 1267** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD-FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY.

The Senate Committee Substitute bill passes its second reading (41-5) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS.

Senator Jacumin offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0).

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Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, June 25, upon third reading.

**H.B. 1419** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 943**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (17-29).

*The Chair grants a leave of absence for the remainder of today's session to Senator Stein.*

Senator Goss announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Goss votes "aye".

The bill passes its third reading (27-17) and is ordered sent to the House of Representatives.

**H.B. 1132** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A PERSON MUST APPLY TO RENEW A CONCEALED HANDGUN PERMIT WITHIN THE THIRTY-DAY PERIOD PRIOR TO THE EXPIRATION DATE OF THE PERMIT, TO PROVIDE THAT IF A RENEWAL APPLICANT REMAINS ELIGIBLE FOR A CONCEALED HANDGUN PERMIT, THE SHERIFF MUST RENEW THE PERMIT WITHIN THIRTY DAYS OF RECEIPT OF THE COMPLETED RENEWAL APPLICATION, TO PROVIDE THAT THE PERMIT OF A PERSON WHO COMPLIES WITH THE RENEWAL REQUIREMENTS REMAINS VALID BEYOND THE EXPIRATION DATE OF THE PERMIT UNTIL THE PERSON IS EITHER GRANTED OR DENIED A RENEWAL PERMIT BY THE SHERIFF, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION, as amended on June 16 and June 17.

Senator Goodall offers Amendment No. 3 which is adopted (41-2), and changes the title upon concurrence to read **H.B. 1132** (Senate Committee

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Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW CONCERNING RENEWAL OF A CONCEALED HANDGUN PERMIT, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

The Senate Committee Substitute bill, as amended, passes its third reading (43-1) and is ordered engrossed and sent to the House of Representatives for concurrence.

**S.B. 780** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

Upon motion of Senator Soles, the Senate fails to concur in the House Committee Substitute bill (0-44).

Senator Soles offers a motion that the Senate appoint conferees, which motion prevails.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 799** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 799 on Thursday, June 18, 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 Purcell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 780** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY

June 24, 2009

ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 780 earlier today and the motion by Senator Soles to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Soles, Chair, Senator Berger of Franklin and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 4:26 P.M. to meet Thursday, June 25, at 1:00 P.M.

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**EIGHTY-SIXTH DAY**

Senate Chamber  
Thursday, June 25, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Dennis P. Levin, Ayden United Methodist Church, Ayden, North Carolina, as follows:

"O God, You created this fair earth and set us here to tend it. You gave us the law that we might do it well. You are the author of our freedom and our mentor to treasure it. We marvel at your trust in us and are grateful for your continuing desire to help us overcome our imperfections. All that we have done and all that we intend to do is known to you. You know our choices and the consequences we cannot anticipate. Therefore, help us in our deliberations to listen to your voice. For it is not the voice of special privilege, nor the voice of malice. In your counsel are grace and justice, wisdom and righteousness. Be with this Body in a season of trial. Let each member set aside temporal loyalties for the good of the citizenry of this great State. May the debates be honest and devoid of manipulative antagonisms, the pettiness of privilege and the tyranny that majority can sometimes impose. Let us not forget the sacred oath we have taken, for the constituents we represent are the children of your creation. We are accountable to them and to the God who loves them. Our responsibility is commensurate with our power. Let us, therefore, proceed with the humility of servants, knowing that without your guidance, we shall surely fail. This we pray in the name of the God who loves us all. Amen."

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The Chair grants leaves of absence for today to Senator Dorsett, Senator Hartsell, Senator Shaw, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, June 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Preecha Bhotiwihok from Kinston, 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.*

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 24, 2009

Mr. 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. 1508** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER.

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

June 25, 2009

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 412**, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT.

**H.B. 316**, AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS.

**H.B. 780**, AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS, AND TO PROVIDE THAT IN THE CASE OF A MANDATORY EVACUATION A TENANT SUBJECT TO A VACATION RENTAL AGREEMENT IS ENTITLED TO A REFUND OF THE PRORATED RENT, TAXES, AND OTHER PAYMENTS MADE BY THE TENANT FOR THE OCCUPATION OF THE VACATION RENTAL UNIT.

**H.B. 1419**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS.

**H.B. 1446**, AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS.

**H.B. 1508**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 453**, AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING

June 25, 2009

METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES.

**S.B. 503**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

**S.B. 543**, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY.

### 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. 498**, AN ACT TO AUTHORIZE THE EDGECOMBE COUNTY BOARD OF EDUCATION TO CONSTRUCT AND PROVIDE AFFORDABLE RENTAL HOUSING FOR TEACHERS AND OTHER SCHOOL SYSTEM EMPLOYEES. (Became law upon ratification, June 24, 2009 - S.L. 2009-161.)

**H.B. 924**, AN ACT CONCERNING PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR PARK INFRASTRUCTURE DEVELOPMENT BY MECKLENBURG COUNTY AND PUBLIC-PRIVATE REIMBURSEMENT AGREEMENTS FOR INFRASTRUCTURE DEVELOPMENT BY THE CITY OF CHARLOTTE. (Became law upon ratification, June 24, 2009 - S.L. 2009-162.)

**S.B. 1018**, AN ACT TO REDUCE PLASTIC AND NONRECYCLED PAPER BAG USE ON NORTH CAROLINA'S OUTER BANKS. (Became law upon approval of the Governor, June 24, 2009 - S.L. 2009-163.)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**H.B. 1187**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES PERTAINING TO HEALTH

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CARE PERSONNEL AND HEALTH CARE FACILITIES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80475, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Upon motion of Senator Jenkins, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 1.

**H.B. 243** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 29.

### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1094**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WATHA ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY, referred to the **Rules and Operations of the Senate Committee** on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the Calendar for Monday, June 29, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Monday, June 29.

### CALENDAR *(continued)*

**H.B. 870**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MEMBER OF THE BOARD OF COMMISSIONERS OF STANLY COUNTY WHO SERVES AS A MEMBER OF THE STANLY COUNTY AIRPORT AUTHORITY SERVES AT THE PLEASURE OF THE BOARD OF COMMISSIONERS, TO PROVIDE THE SAME FOR THE CHAIRMAN OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION,

June 25, 2009

AND TO ALLOW THE STANLY COUNTY BOARD OF COMMISSIONERS TO DESIGNATE AN ALTERNATE FOR BOTH THOSE POSITIONS, as amended by the State & Local Government Committee.

Senator Purcell offers Amendment No. 2 which is adopted (46-0).

The bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H.B. 632** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS AND TO AUTHORIZE A GENERAL STATUTES COMMISSION STUDY ON REFERENCES TO THE NAMES OF MILITARY ORGANIZATIONS IN THE GENERAL STATUTES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 755** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF SPECIAL REGISTRATION PLATE ACCOUNT FUNDS DESIGNATED FOR BEAUTIFICATION ON ALL HIGHWAYS.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 866** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL MUNICIPALITIES THE AUTHORITY TO ADOPT AN ORDINANCE DECLARING RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS TO BE UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS, as amended by the State & Local Government Committee.

The Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 881** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS.

June 25, 2009

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 994** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADVISE THE HOUSING AUTHORITY OF THE CITY OF WILSON ON THE REQUIREMENTS FOR REGISTRATION AS A MULTIUNIT ASSISTED HOUSING WITH SERVICES PROGRAM AND ON THE REQUIREMENTS FOR LICENSURE AS A HOME CARE AGENCY IN ORDER TO ASSIST THE HOUSING AUTHORITY WITH THEIR EFFORTS TO HELP INDIVIDUALS AGE IN PLACE.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1009** (Senate Committee Substitute ), A BILL TO BE ENTITLED AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

Upon motion of Senator Jones, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, June 29.

**H.B. 1453** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ON THE STREET BLOCKS BORDERING CAPITOL SQUARE AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON CAPITOL SQUARE IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1093** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS.

The Committee Substitute bill passes its third reading (45-1) and is ordered enrolled and sent to the Governor.

**H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS, as amended on second reading.

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Senator Rand offers Amendment No. 2 which is adopted (40-6).

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives for concurrence.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1330** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON, 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 80474, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 649** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE DESIGNATION OF SEGMENTS OF WORK ZONES SUBJECT TO ADDITIONAL PENALTIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goss, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1010** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

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**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 25, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 780** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS, and requests conferees, Speaker Hackney appoints:

Representative Faison, Chair  
Representative Haire, and  
Representative Daughtry

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
June 25, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 799**, A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND

June 25, 2009

SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, and requests conferees, Speaker Hackney appoints:

Representative Glazier, Chair  
Representative Jackson, and  
Representative Blackwell

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. 43** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION, for concurrence in House Amendments No. 1 and No. 2.

The Committee Substitute bill is placed on the Calendar for Monday, June 29, for concurrence.

**S.B. 634** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 1019** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, June 29, for concurrence.

June 25, 2009

Upon motion of Senator Basnight, seconded by Senator Foriest, the Senate adjourns subject to ratification of bills, to meet Monday, June 29, at 7:00 P.M.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 324**, AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS.

**S.B. 649**, AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE DESIGNATION OF SEGMENTS OF WORK ZONES SUBJECT TO ADDITIONAL PENALTIES.

**S.B. 893**, AN ACT TO ALLOW THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION TO COLLECT GROUP SELF-INSURER ASSESSMENTS; TO EXCLUDE FROM PARTICIPATION IN THE ASSOCIATION AGGREGATE SECURITY SYSTEM INDIVIDUAL SELF-INSURERS THAT FAIL TO SUBMIT CERTAIN FINANCIAL INFORMATION; AND TO ADJUST DEPOSIT REQUIREMENTS FOR ALL INDIVIDUAL SELF-INSURERS.

**S.B. 1010**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS.

**H.B. 88**, AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE.

**H.B. 749**, AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE USE OF CISTERNS FOR THESE USES, AND TO CLARIFY MINORITY BUSINESS PURPOSES FOR PUBLIC CONTRACTS.

June 25, 2009

**H.B. 755**, AN ACT TO AUTHORIZE THE USE OF SPECIAL REGISTRATION PLATE ACCOUNT FUNDS DESIGNATED FOR BEAUTIFICATION ON ALL HIGHWAYS.

**H.B. 994**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADVISE THE HOUSING AUTHORITY OF THE CITY OF WILSON ON THE REQUIREMENTS FOR REGISTRATION AS A MULTIUNIT ASSISTED HOUSING WITH SERVICES PROGRAM AND ON THE REQUIREMENTS FOR LICENSURE AS A HOME CARE AGENCY IN ORDER TO ASSIST THE HOUSING AUTHORITY WITH THEIR EFFORTS TO HELP INDIVIDUALS AGE IN PLACE.

**H.B. 1093**, AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 540**, AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO CHANGE THE STAGGERING OF TERMS OF THE TOWN COUNCIL.

**H.B. 502**, AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER DISPOSITION AND TO AUTHORIZE BEAUFORT COUNTY COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH BEAUFORT COUNTY.

**H.B. 533**, AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:28 P.M.

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**EIGHTY-SEVENTH DAY**

Senate Chamber  
Monday, June 29, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty God, be real to each of us this week, especially this week, that we may become aware of how near you are and how practical your help may be. Keep us from going through the motions. Keep us from becoming frustrated when we try unsuccessfully to change others' minds. With the right spirit, an adventuresome faith and complete trust, remind us that all things are possible through you. Let it be so, O God. In your Holy name we pray. Amen."

The Chair grants leaves of absence for tonight to Senator Graham, Senator Stevens, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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.

*The Chair extends privileges of the floor to Dr. Liana Puscas from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Nina Davis from Silver Spring, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**S.B. 1009**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL EVENTS.

**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:

June 29, 2009

**S.B. 453**, AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES. (Became law upon ratification, June 25, 2009 - S.L. 2009-164.)

**S.B. 503**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S MINORITY OR WOMEN'S BUSINESS ENTERPRISE REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS. (Became law upon ratification, June 25, 2009 - S.L. 2009-165.)

**S.B. 543**, AN ACT TO AUTHORIZE THE CITY OF DURHAM TO COLLECT A MUNICIPAL TAX FOR PUBLIC TRANSPORTATION OF TEN DOLLARS ON VEHICLES RESIDENT IN THE CITY. (Became law upon ratification, June 25, 2009 - S.L. 2009-166.)

**S.B. 540**, AN ACT AMENDING THE CHARTER OF THE TOWN OF PLEASANT GARDEN TO CHANGE THE STAGGERING OF TERMS OF THE TOWN COUNCIL. (Became law upon ratification, June 25, 2009 - S.L. 2009-167.)

**H.B. 502**, AN ACT TO ALLOW THE CITY OF ASHEVILLE TO DISPOSE OF PROPERTY AND LIMIT USE OF THE PROPERTY AFTER DISPOSITION AND TO AUTHORIZE BEAUFORT COUNTY COMMUNITY COLLEGE TO ENTER INTO A COLLABORATIVE AGREEMENT WITH BEAUFORT COUNTY. (Became law upon ratification, June 25, 2009 - S.L. 2009-168.)

**H.B. 533**, AN ACT TO AUTHORIZE THE CITIES OF HICKORY AND CONOVER TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, June 25, 2009 - S.L. 2009-169.)

**H.B. 896**, AN ACT TO UPDATE THE CANCER COMPENDIA STATUTE TO REFLECT NEW COMPENDIA THAT ARE AVAILABLE. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-170.)

**H.B. 1165**, AN ACT TO CODIFY THE PROVISIONS SET FORTH IN THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY; MAKE CONFORMING AMENDMENTS; AND REPEAL THE STATUTE THAT CONTAINS THE PHOTOGRAPHIC VERSION OF THE STANDARD FIRE INSURANCE POLICY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-171.)

June 29, 2009

**H.B. 1161**, AN ACT TO MAKE CHANGES IN THE LAWS RELATED TO THE FINANCIAL CONDITIONS OF INSURANCE COMPANIES, INCLUDING REINSURANCE INTERMEDIARIES, RECEIVERSHIP, THIRD-PARTY ADMINISTRATORS AND AUDITS OF WORKERS' COMPENSATION SELF-INSURERS, AND FOREIGN INSURERS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-172.)

**H.B. 1164**, AN ACT REQUESTED BY THE COMMISSIONER OF INSURANCE TO ELIMINATE OBSOLETE DATA COLLECTION REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-173.)

**H.B. 615**, AN ACT TO AMEND THE LAW GOVERNING BUSINESS TRUSTS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-174.)

**H.B. 203**, AN ACT TO INCREASE THE SIZE OF ESTATES THAT MAY BE ADMINISTERED UNDER THE SMALL ESTATES PROVISIONS OF THE GENERAL STATUTES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-175.)

**H.B. 794**, AN ACT TO AMEND THE LAW GOVERNING SUBSTITUTION OF TRUSTEES IN MORTGAGES AND DEEDS OF TRUST. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-176.)

**H.B. 723**, AN ACT TO REQUIRE HOLDERS OF ABANDONED PROPERTY WITH FIFTY OR MORE PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY WITH THE OFFICE OF THE STATE TREASURER, TO ALLOW HOLDERS WITH LESS THAN FIFTY PROPERTY OWNER RECORDS TO FILE ELECTRONICALLY, AND TO ALLOW HOLDERS REPORTING ELECTRONICALLY TO FILE AN ELECTRONIC AFFIDAVIT. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-177.)

**S.B. 1027**, AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-178.)

**H.B. 315**, AN ACT TO PROVIDE THAT REJECTION OF A PLEA ARRANGEMENT BY A JUDGE IN SUPERIOR COURT SHALL BE NOTED ON THE PLEA TRANSCRIPT AND BE MADE PART OF THE COURT RECORD. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-179.)

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**H.B. 1530**, AN ACT TO VALIDATE THE SCHEDULE OF VALUES USED TO APPRAISE REAL PROPERTY FOR THE TAXABLE YEAR BEGINNING JULY 1, 2009, BY A COUNTY THAT ADOPTED A RESOLUTION TO POSTPONE A 2009 REAPPRAISAL BETWEEN JANUARY 1, 2009, AND JUNE 30, 2009. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-180.)

**H.B. 1388**, AN ACT TO EXPAND THE PUBLIC NOTICE REQUIREMENT REGARDING A PROSPECTIVE DEVELOPER'S INTENT TO REDEVELOP A BROWNFIELDS PROPERTY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-181.)

**H.B. 1390**, AN ACT TO RENDER VOID ANY BEQUEST OR DEVISE IN A WILL TO THE ATTORNEY WHO DRAFTED THE WILL UNLESS THE ATTORNEY IS A RELATIVE OF THE TESTATOR, AND TO REQUIRE ATTORNEYS WHO DRAFT A WILL OR CODICIL TO STATE THEIR NAME ON THE DOCUMENT. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-182.)

**H.B. 312**, AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE AND TO MAKE CONFORMING CHANGES TO RELATED PROVISIONS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-183.)

**H.B. 1088**, AN ACT TO EXEMPT FROM THE PURCHASES AND CONTRACTS LAW PURCHASES BY CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-184.)

**H.B. 1106**, AN ACT AMENDING AND CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO ADOPTION. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-185.)

**H.B. 673**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO TAKE CERTAIN ACTIONS TO IMPROVE SUPPORTS FOR PERSONS WITH DEVELOPMENTAL DISABILITIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-186.)

**H.B. 1046**, AN ACT TO TRANSFER THE AUTHORITY TO ADOPT RULES ESTABLISHING STANDARDS APPLICABLE TO CHILD CARE CENTERS THAT PROVIDE DEVELOPMENTAL DAY PROGRAMS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-187.)

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**H.B. 1271**, AN ACT TO CLARIFY AUTHORITY OF THE SOCIAL SERVICES COMMISSION IN SETTING QUALIFICATIONS FOR STAFF OF RESIDENTIAL CHILD CARE AGENCIES, RESIDENTIAL MATERNITY CARE AGENCIES, AND CHILD PLACING AGENCIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-188.)

**H.B. 576**, AN ACT TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY'S AUTHORITY INCLUDES THE RIGHT OF ACCESS TO A PROVIDER FOR MONITORING AND IN RESPONSE TO COMPLAINTS OR EMERGENCIES AND TO CLARIFY THAT A LOCAL MANAGEMENT ENTITY MAY REMOVE A PROVIDER'S ENDORSEMENT IF ACCESS FOR THESE PURPOSES IS DENIED. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-189.)

**H.B. 1087**, AN ACT TO APPLY CLIENT RIGHTS AND HUMAN RIGHTS COMMITTEE REQUIREMENTS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, AND LOCAL MANAGEMENT ENTITIES, TO PROVIDER ENTITIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-190.)

**H.B. 672**, AN ACT RELATING TO LOCAL MANAGEMENT ENTITIES USE OF STATE FUNDS FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-191.)

**H.B. 377**, AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY EMERGENCY MANAGEMENT CERTIFICATION PROGRAM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-192.)

**H.B. 381**, AN ACT TO EXPAND THE POWERS OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-193.)

**H.B. 379**, AN ACT TO ALLOW MUTUAL AID AGREEMENTS BETWEEN THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-194.)

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**H.B. 1210**, AN ACT TO FACILITATE OBTAINING FEDERAL WAIVERS THAT ARE NECESSARY TO ENSURE ADEQUATE GASOLINE SUPPLIES THROUGHOUT THE STATE; TO ALLOW THE GOVERNOR TO ENABLE BUSINESSES THAT SELL ITEMS CONSUMED OR USED TO SUSTAIN LIFE, HEALTH, SAFETY, OR ECONOMIC WELL-BEING TO BE EXEMPT FROM LOCAL CURFEWS; AND TO MAKE VARIOUS OTHER CHANGES THAT WILL FACILITATE POPULACE ACCESS TO EMERGENCY SUPPLIES AND SERVICES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-195.)

**H.B. 380**, AN ACT TO STRENGTHEN LOCAL EMERGENCY MANAGEMENT CAPABILITIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-196.)

**H.B. 1368**, AN ACT TO AMEND THE FUTURE ADVANCES STATUTES BY DISTINGUISHING BETWEEN A FUTURE ADVANCE AND A FUTURE OBLIGATION AND BY MAKING VARIOUS OTHER CHANGES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-197.)

**H.B. 1021**, AN ACT TO DESIGNATE A PORTION OF U.S. HIGHWAY 17 AND U.S. HIGHWAY 70 AS "THE U.S. MARINE CORPS HIGHWAY: HOME OF THE CAROLINA-BASED MARINES SINCE 1941." (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-198.)

**S.B. 625**, AN ACT TO PROHIBIT DECEPTIVE ADVERTISING ABOUT GEOGRAPHICAL LOCATION BY BUSINESSES THAT SUPPLY PERISHABLE PRODUCTS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-199.)

**H.B. 323**, AN ACT TO STRENGTHEN THE REQUIREMENTS REGARDING SECONDARY METALS RECYCLING OF REGULATED METALS PROPERTY IN ORDER TO PREVENT THE THEFT OF THIS PROPERTY. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-200.)

**S.B. 448**, AN ACT AMENDING THE LAWS REGULATING SELF-SERVICE STORAGE FACILITIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-201.)

**S.B. 889**, AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-202.)

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**H.B. 1190**, AN ACT TO CLARIFY AND STRENGTHEN THE LAW REGARDING THE PRESERVATION OF DNA AND BIOLOGICAL EVIDENCE THAT IS RELATED TO A CRIMINAL OFFENSE AND A DEFENDANT'S ACCESS TO THAT EVIDENCE. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-203.)

**H.B. 787**, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR ALTERING, DESTROYING, OR REMOVING THE PERMANENT SERIAL NUMBER OF A FIREARM AND FOR POSSESSING A FIREARM WITH THE SERIAL NUMBER REMOVED. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-204.)

**H.B. 722**, AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN DEVICES THAT MAY BE USED AS DRUG PARAPHERNALIA. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-205.)

**H.B. 735**, AN ACT TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COMMUNITY COLLEGE CAMPUSES AND TO PROVIDE THAT A COUNTY MAY OBTAIN A PERMIT FOR THE CONSTRUCTION OF FACILITIES TO BE USED FOR ADMINISTRATIVE PURPOSES UNTIL AUGUST 1, 2009, UNDER THE 2006 NORTH CAROLINA STATE BUILDING CODE. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-206.)

**H.B. 698**, AN ACT TO AMEND THE UMSTEAD ACT TO PERMIT FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE TO PROPERLY TAKE ADVANTAGE OF CERTAIN INNOVATIVE TECHNOLOGIES. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-207.)

**H.B. 543**, AN ACT TO REPEAL THE PENALTY FOR COMMUNITY COLLEGE AUDIT EXCEPTIONS. (Became law upon approval of the Governor, June 26, 2009 - S.L. 2009-208.)

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1438**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES, with a favorable report.

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**H.B. 1347**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHIEF COURT COUNSELOR IN EACH DISTRICT TO DELEGATE CERTAIN RESPONSIBILITIES, 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, is adopted and engrossed.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 159** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY THE SECOND AND THIRD CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 248** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 389** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE AND THE ROBESON COUNTY HOUSING AUTHORITY TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO THEIR EMPLOYEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 658** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

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**S.B. 661** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 691** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER AND TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 828** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 981** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

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**H.B. 852** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFER A PORTION OF THE PROPERTY TAX DUE ON REAL PROPERTY HELD FOR SALE BY A BUILDER.

Referred to the **Finance Committee**.

### CALENDAR

Bills and a joint resolution on tonight's Calendar are taken up and disposed of, as follows:

**S.J.R. 1094**, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF WATHA ON THE OCCASION OF THE TOWN'S ONE HUNDREDTH ANNIVERSARY.

Upon motion of Senator Soles, the joint resolution is read in its entirety.

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

### WITHDRAWAL FROM COMMITTEE

**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA, referred to the **Appropriations/Base Budget Committee** on June 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, July 1, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, July 1.

**H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS, re-referred to the **Appropriations/Base Budget Committee** on May 27.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, July 1, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, July 1.

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**H.B. 1387** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY, referred to the **Commerce Committee** on May 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Select Committee on Economic Recovery**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Select Committee on Economic Recovery**.

#### CALENDAR *(continued)*

**H.B. 243** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.

Senator Brunstetter offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1009** (Senate Committee Substitute ), A BILL TO BE ENTITLED AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, June 30.

**H.B. 1187** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES.

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The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1330** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON.

Senator Blue offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**S.B. 43** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Jones, the Senate concurs in House Amendments No. 1 and No. 2 (39-8) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1019** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (46-1) and the bill is ordered enrolled and sent to the Governor.

*The Chair grants a leave of absence for the remainder of tonight's session to Senator Boseman.*

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Trey Anderson, Apex; Jamar Barnes, Goldsboro; Kate Chamblee, Greensboro; Emma Curtis, Clyde; Hillary Davis, Garner; Jon Edwards, Jacksonville; Jessi Edwards, Smithfield; Zach Farmer, Trinity; Herman Fernandez, Fayetteville; Abigail Green, Waynesville; Grant Jared, Winston-Salem; Jessica Jewell, Clayton; Shaquila Jones, Maysville; Ken Marshall, Cary;

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Nia Matherson, Greensboro; Addison McDowell, Laurinburg; Tiffany Owens, Durham; Julia Quirin, Cary; Kathleen Reittinger, Greensboro; Michael Rhodes, Goldsboro; Robby Rucho, Matthews; Kaitlyn Shaw, Summerfield; Scott Stewart, West End; Dodge Story, Kitty Hawk; Aubrey Tsao, Clinton; Allisan Tyndall, Selma; Jackson Walsh, Durham; Kiyana Watts, Durham; Brittany Wheeling, Gastonia; Ian Whitson, Snow Hill; Brea Wilkerson, Durham and Megan Yeargin, Harrisburg.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**H.J.R. 1655**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE BLUE RIDGE PARKWAY.

Upon motion of Senator Rand, the rules are suspended and the joint resolution is placed on tonight's Calendar for immediate consideration.

The joint resolution passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Tuesday, June 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. 495** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, AND TO ALLOW FOR VOLUNTARY ANNEXATION OF ANY OF THAT PROPERTY UPON PETITION OF THE PROPERTY OWNER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

**S.B. 311** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, UNTIL JULY 15, 2009, AT 11:59 P.M., for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, June 30, for concurrence.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 8:59 P.M.

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**EIGHTY-EIGHTH DAY**

Senate Chamber  
Tuesday, June 30, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County, as follows:

"God of all that is good and true and hopeful and joyful in our lives, you have created us and Father you have given us so much of the goodness of life. Father, we know you as our true spirit of what life is all about, whether it be the days we have lived or today or days yet to come. You know the promises we have made to you and you know the promises we have kept. Father, we know the promises you have made to us as well that lo' you will be with us always and into the ends of the earth and through one servant, Paul, you told us that certainly your grace is sufficient. May we take that with us today and forevermore. Amen."

The Chair grants leaves of absence for today to Senator Basnight and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, 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. Walter Pories from Macclesfield, North Carolina, who is serving the Senate as Doctor of the Day, and to Doris Duterte 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:

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**S.B. 43**, AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.

**S.B. 1008**, AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS.

**S.B. 1019**, AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS.

**H.B. 799**, AN ACT TO CLARIFY THAT INTERESTS IN A JOINT TENANCY WITH A RIGHT OF SURVIVORSHIP MAY BE HELD IN UNEQUAL SHARES.

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. 560**, AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS.

**H.J.R. 1655**, A JOINT RESOLUTION HONORING THE SEVENTY-FIFTH ANNIVERSARY OF THE BLUE RIDGE PARKWAY. (Res. 23)

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 1508**, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE TWO-THIRDS BONDS ACT OF 2008; TO PROVIDE FOR THE ISSUANCE OF ADDITIONAL GENERAL OBLIGATION BONDS TO FINANCE THE COSTS OF THE BIOMEDICAL RESEARCH IMAGING CENTER AND REPAIRS AND RENOVATIONS OF STATE FACILITIES; TO PROVIDE AUTHORITY FOR THE STATE TO SELECT THE APPROPRIATE FORM OF DEBT TO ISSUE IN ORDER TO FINANCE VARIOUS PROJECTS; TO REDUCE THE SPECIAL INDEBTEDNESS AUTHORIZATIONS FOR VARIOUS PROJECTS IN ORDER TO GENERATE ADDITIONAL DEBT CAPACITY; AND TO REPEAL THE STATUTORY APPROPRIATION FOR THE BIOMEDICAL RESEARCH IMAGING CENTER. (Became law upon approval of the Governor, June 29, 2009 - S.L. 2009-209.)

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**S.B. 324**, AN ACT TO REMOVE THE SUNSET ON AN ACT TO EXEMPT FROM PRIOR AUTHORIZATION REQUIREMENTS FOR PRESCRIPTION DRUGS UNDER THE MEDICAID PROGRAM ANTIHEMOPHILIC DRUGS PRESCRIBED FOR THE TREATMENT OF HEMOPHILIA AND BLOOD DISORDERS. (Became law upon approval of the Governor, June 29, 2009 - S.L. 2009-210.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER, with a favorable report.

**H.B. 1287** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS; REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION; AND BAN MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS, with a favorable report.

**H.B. 1478**, A BILL TO BE ENTITLED AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS, 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 30420, is adopted and engrossed.

**H.B. 291** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR BRAIDING, 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 30421, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 882** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM 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 30419, is adopted and engrossed.

**H.B. 1034** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50752, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 684** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES, with a favorable report.

**H.B. 569** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30418, is adopted and engrossed.

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By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 581**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, AND TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, AS RECOMMENDED BY THE PARTITION SALES STUDY 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 80479, which changes the title upon concurrence to read **H.B. 581** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, TO PROVIDE NOTICE OF RIGHT TO SEEK COUNSEL, AND TO CLARIFY THE TIME PERIOD FOR APPEALING A CONFIRMATION ORDER, is adopted and engrossed.

**H.B. 765** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE EXISTING ELECTIVE SHARE 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 80458, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 2.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **State & Local Government Committee**:

**H.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF

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ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS, with a favorable report.

**H.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS, with a favorable report.

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

**H.B. 951**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES, 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 70458, is adopted and engrossed.

By Senator Nesbitt for the **Select Committee on Economic Recovery**:

**H.B. 1481** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11012, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 937**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY

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GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS, 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 70456, is adopted and engrossed.

**H.B. 192** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30417, is adopted and engrossed.

**H.B. 1185** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80476, is adopted and engrossed.

**H.B. 1269** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11010, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1329** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, 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 50749, which changes the title upon concurrence to read **H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL

STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, is adopted and engrossed.

**H.B. 1464** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11009, is adopted and engrossed.

### CONFERENCE REPORT

Senator Rand, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 799** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, 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 799, A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, House Committee Substitute #2 Favorable 6/11/09, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute #2 Favorable 6/11/09, as amended:

On page 1, line 12, by deleting the phrase

"the death of any former client of a facility who dies within 21

days",

and substituting the phrase

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"the death of any former client of a facility who dies within 14 days".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 30, 2009.

*Conferees for the Senate*

*Conferees for the House of Representatives*

S/Tony Rand, Chair

S/Rick Glazier, Chair

S/Tom Apodaca

S/Darren G. Jackson

S/William R. Purcell

S/Hugh Blackwell

Upon motion of Senator Rand, the rules are suspended and the Conference Report is placed on today's Calendar for adoption.

#### WITHDRAWAL FROM COMMITTEE

**S.J.R. 1104**, A JOINT RESOLUTION HONORING THE TWO HUNDRED FIFTIETH ANNIVERSARY OF HALIFAX COUNTY, referred to the **Rules and Operations of the Senate Committee** on June 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 Thursday, July 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 Thursday, July 2.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 208** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 1, for concurrence.

**S.B. 357** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR

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ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE, 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 1, for concurrence.

**S.B. 564** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE A SINGLE NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 1, for concurrence.

**H.B. 1135** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DETER AND PUNISH PERSONS WHO MAKE FALSE OR FRAUDULENT CLAIMS FOR PAYMENT BY THE STATE AND TO PROVIDE REMEDIES IN THE FORM OF TREBLE DAMAGES AND CIVIL PENALTIES WHEN MONEY IS OBTAINED FROM THE STATE BY REASON OF SUCH CLAIMS.

Referred to the **Judiciary I Committee**.

#### MESSAGE FROM THE GOVERNOR

The following special message is received from Governor Beverly Perdue:

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
20301 MAIL SERVICE CENTER • RALEIGH, NC 7699-0301

BEVERLY EAVES PERDUE  
GOVERNOR

June 29, 2009

Ms. Janet Pruitt  
Principal Clerk of the Senate  
North Carolina General Assembly  
Raleigh, NC 2761

Dear Ms. Pruitt:

Pursuant to G.S. § 106-2, I hereby appoint Elbert Ray Pitt, Jr., Kirk Mathis, Casey Armstrong, and William F. Johnston to the North Carolina State Board of

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Agriculture and submit their names for confirmation by the North Carolina Senate. Their terms will be effective immediately pending confirmation and will expire on May 1, 2015.

Enclosed is biographical information on each of these individuals. If further information is needed or desired, please feel free to call on him or her, or contact Jackie Kohler, Director of Boards and Commissions, at (919) 715-0275.

With kindest regards, I remain

Very truly yours,  
S/Bev Perdue

cc: The Honorable Walter Dalton  
The Honorable Marc Basnight

Referred to the **Agriculture/Environment/Natural Resources Committee**.

**CALENDAR** (*continued*)

**S.B. 311** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, UNTIL JULY 15, 2009, AT 11:59 P.M., for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Upon motion of Senator Garrou, the Senate concurs in the House Committee Substitute bill (35-13) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 495** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, AND TO ALLOW FOR VOLUNTARY ANNEXATION OF ANY OF THAT PROPERTY UPON PETITION OF THE PROPERTY OWNER, for concurrence in the House Committee Substitute bill upon second reading.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest,

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Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: Senator Brunstetter---1.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

**S.B. 389** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE AND THE ROBESON COUNTY HOUSING AUTHORITY TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO THEIR EMPLOYEES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled.

**H.B. 1347** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CHIEF COURT COUNSELOR IN EACH DISTRICT TO DELEGATE CERTAIN RESPONSIBILITIES.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1438**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES.

The bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 159** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY THE SECOND AND THIRD CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 248** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A

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1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Foriest, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 634** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Weinstein, 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. 658** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Atwater offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 661** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, 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. 691** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF

LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER AND TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 828** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE, 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 (48-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 981** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, 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. 799** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS, placed earlier on today's Calendar for adoption.

Upon motion of Senator Rand, 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.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

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By Senator Jenkins for the **Finance Committee**:

**H.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with a favorable report.

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, with a favorable report.

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT, with a favorable report.

**H.B. 743**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY, with a favorable report.

**H.B. 886**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

**S.B. 807** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD ANIMALS POSE TO THE COMMUNITY, 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, 15313, is adopted and engrossed.

**H.B. 23** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR 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 50630, is adopted and engrossed.

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**WITHDRAWAL FROM CALENDAR**

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, placed earlier on the Calendar for Wednesday, July 1.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Wednesday, July 1, 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, July 1, and re-refers the measure to the **Appropriations/Base Budget Committee**.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 658** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 658 earlier today and the motion by Senator Atwater to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Atwater, Chair, Senator Foriest and Senator Rucho as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Dannelly, seconded by Senator Snow, the Senate adjourns subject to ratification of bills, receipt of committee reports and receipt of messages from the House of Representatives, to meet Wednesday, July 1, at 2:30 P.M.

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 311**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF

June 30, 2009

GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, UNTIL JULY 15, 2009, AT 11:59 P.M.

**H.B. 703**, AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, TO DISAPPROVE A RULE ADOPTED BY THE DEPARTMENT OF LABOR AND TO AUTHORIZE THE ADOPTION OF A TEMPORARY RULE TO REPLACE THE DISAPPROVED RULE.

#### 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. 560**, AN ACT TO AUTHORIZE THE CITY COUNCIL OF THE CITY OF GREENVILLE TO APPOINT SOME OF THE CITY'S HOUSING AUTHORITY COMMISSIONERS. (Became law upon ratification, June 30, 2009 - S.L. 2009-211.)

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:19 P.M.

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#### EIGHTY-NINTH DAY

Senate Chamber  
Wednesday, July 1, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the stress of hammering out our State's budget was evident in Senator Garrou's quote this morning in the N & O that if the budget isn't decided by the new deadline, she might drop dead. Well, I don't see her here, but we want her to know that we are praying for her and for Senator Basnight who leads all our conferees. Sometimes we do earnestly pray that 2 and 2 not equal 4 because no matter how hard the math, when the numbers and the bottom line are

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both correct, we still don't like the answer. This may be one of those years. Lord, as our conferees continue to negotiate, measure out to them needed amounts of both tough-mindedness and compassion, so that in the end, a just conclusion may be reached. Amen."

The Chair grants a leave of absence for today to Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, June 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Ann Mabe Newman from Charlotte, North Carolina and Barbara Nellis from Williamston, North Carolina, who is serving the Senate as Nurses of the Day.*

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 159**, AN ACT TO UPDATE AND CLARIFY THE SECOND AND THIRD CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS.

**S.B. 248**, AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS.

**S.B. 586**, AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES.

**S.B. 634**, AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY.

**S.B. 661**, AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES

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HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED.

**S.B. 691**, AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER AND TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009.

**S.B. 828**, AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE.

**S.B. 981**, AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS.

**H.B. 1112**, AN ACT TO AMEND BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD UNDER CERTAIN CIRCUMSTANCES.

**H.B. 1294**, AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO PROVIDE PREMIUM SUBSIDIES IF FUNDS ARE AVAILABLE AND TO REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE COVERAGE ABOUT THE EXISTENCE OF THE POOL.

**H.B. 1438**, AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES.

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The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 389**, AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE AND THE ROBESON COUNTY HOUSING AUTHORITY TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO THEIR EMPLOYEES.

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 526**, AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT AND TO DEFINE BULLYING OR HARASSING BEHAVIOR AS USED IN THE ACT AS ANY PATTERN OF GESTURES OR WRITTEN, ELECTRONIC, OR VERBAL COMMUNICATIONS, OR ANY PHYSICAL ACT OR ANY THREATENING COMMUNICATION, THAT TAKES PLACE ON SCHOOL PROPERTY, AT ANY SCHOOL-SPONSORED FUNCTION, OR ON A SCHOOL BUS, AND THAT PLACES A STUDENT OR SCHOOL EMPLOYEE IN ACTUAL AND REASONABLE FEAR OF HARM TO HIS OR HER PERSON OR DAMAGE TO HIS OR HER PROPERTY; OR CREATES OR IS CERTAIN TO CREATE A HOSTILE ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH OR IMPAIRING A STUDENT'S EDUCATIONAL PERFORMANCE, OPPORTUNITIES, OR BENEFITS; TO DEFINE HOSTILE ENVIRONMENT AS USED IN THE ACT AS MEANING THE VICTIM SUBJECTIVELY VIEWS THE CONDUCT AS BULLYING OR HARASSING BEHAVIOR AND THE CONDUCT IS OBJECTIVELY SEVERE OR PERVASIVE ENOUGH THAT A REASONABLE PERSON WOULD AGREE THAT IT IS BULLYING OR HARASSING BEHAVIOR; TO PROVIDE THAT BULLYING OR HARASSING BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO, ACTS REASONABLY PERCEIVED AS BEING MOTIVATED BY ANY ACTUAL OR PERCEIVED DIFFERENTIATING CHARACTERISTIC, SUCH AS RACE, COLOR, RELIGION, ANCESTRY, NATIONAL ORIGIN, GENDER, SOCIOECONOMIC STATUS, ACADEMIC STATUS, GENDER IDENTITY, PHYSICAL APPEARANCE, SEXUAL ORIENTATION, OR MENTAL, PHYSICAL, DEVELOPMENTAL, OR SENSORY DISABILITY, OR BY ASSOCIATION WITH A PERSON WHO HAS OR IS PERCEIVED TO HAVE ONE OR MORE OF THESE CHARACTERISTICS; AND TO REQUIRE ALL LOCAL SCHOOL ADMINISTRATIVE UNITS TO ADOPT A POLICY PROHIBITING BULLYING AND HARASSING BEHAVIOR AS REQUIRED BY THE ACT. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-212.)

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**H.B. 88**, AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE REPRODUCTIVE HEALTH AND SAFETY EDUCATION IN GRADES SEVEN THROUGH NINE. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-213.)

**S.B. 1008**, AN ACT TO PROVIDE FOR A FEE FOR BONUS ANTLERLESS DEER TAGS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-214.)

**S.B. 311**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, UNTIL JULY 15, 2009, AT 11:59 P.M. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-215.)

**H.B. 239**, AN ACT TO PROVIDE FOR IMPROVEMENTS IN THE MANAGEMENT OF THE JORDAN WATERSHED IN ORDER TO RESTORE WATER QUALITY IN THE JORDAN RESERVOIR. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-216.)

**H.B. 703**, AN ACT TO DISAPPROVE RULES ADOPTED BY THE NORTH CAROLINA MEDICAL BOARD AND APPROVED BY THE RULES REVIEW COMMISSION, TO REQUIRE THE NORTH CAROLINA BOARD OF MEDICINE TO PUBLISH CERTAIN JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, TO DISAPPROVE A RULE ADOPTED BY THE DEPARTMENT OF LABOR AND TO AUTHORIZE THE ADOPTION OF A TEMPORARY RULE TO REPLACE THE DISAPPROVED RULE. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-217.)

**H.B. 1093**, AN ACT TO AUTHORIZE CERTAIN HOUSING AUTHORITIES TO PROVIDE HOUSING FOR MODERATE-INCOME PERSONS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-218.)

**H.B. 1419**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO DEVELOP A BAT EVICTION AND EXCLUSION CURRICULUM TO BE USED BY OTHER ASSOCIATIONS OR ORGANIZATIONS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-219.)

**H.B. 994**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADVISE THE HOUSING AUTHORITY OF THE CITY OF WILSON ON THE REQUIREMENTS FOR REGISTRATION AS A MULTIUNIT ASSISTED HOUSING WITH SERVICES PROGRAM AND ON

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THE REQUIREMENTS FOR LICENSURE AS A HOME CARE AGENCY IN ORDER TO ASSIST THE HOUSING AUTHORITY WITH THEIR EFFORTS TO HELP INDIVIDUALS AGE IN PLACE. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-220.)

**S.B. 1010**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ADOPT SEASON STRUCTURES FOR MIGRATORY GAME BIRD SEASONS AND TO ALLOW THE USE OF UNPLUGGED SHOTGUNS AND ELECTRONIC CALLS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-221.)

**S.B. 482**, AN ACT TO CLARIFY THAT A PERMISSIBLE APPOINTEE UNDER A POWER OF APPOINTMENT IS NOT A TRUST BENEFICIARY, AND TO CLARIFY THAT A LOAN OR PLEDGE BY A TRUSTEE MAY BE MADE IN CONNECTION WITH A LOAN OF THE TRUSTEE'S OWN FUNDS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-222.)

**H.B. 1446**, AN ACT TO AMEND THE LAW RELATING TO SCHOOL IMPROVEMENT PLANS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-223.)

**H.B. 1091**, AN ACT TO CLARIFY LAWS PERTAINING TO CIVIL ACTIONS ON BEHALF OF AN INCOMPETENT SPOUSE AS RELATED TO DIVORCE PROCEEDINGS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-224.)

**S.B. 258**, AN ACT TO AUTHORIZE THE DIVISION OF EMERGENCY MANAGEMENT TO ESTABLISH A VOLUNTARY MODEL REGISTRY FOR USE BY COUNTIES AND MUNICIPALITIES IN IDENTIFYING FUNCTIONALLY AND MEDICALLY FRAGILE PERSONS IN NEED OF ASSISTANCE DURING A DISASTER; AND TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO OPERATE SIMILAR REGISTRIES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-225.)

**H.B. 682**, AN ACT TO ADJUST THE EXEMPTION LIMITS FOR SMALL LOCAL GOVERNMENTS IN THE PUBLIC CONTRACTING STATUTES TO ACCOUNT FOR INFLATION SINCE LAST ADJUSTED SEVEN YEARS AGO. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-226.)

**S.B. 268**, AN ACT TO ELIMINATE THE REQUIREMENT OF AN ELECTED OFFICIAL RECOMMENDATION FOR NOTARY PUBLIC

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APPLICANTS IN COUNTIES WITH MORE THAN FIVE THOUSAND TWO HUNDRED AND FIFTY NOTARIES PUBLIC. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-227.)

**H.B. 755**, AN ACT TO AUTHORIZE THE USE OF SPECIAL REGISTRATION PLATE ACCOUNT FUNDS DESIGNATED FOR BEAUTIFICATION ON ALL HIGHWAYS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-228.)

**H.B. 808**, AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE FACILITIES MORE EFFICIENT. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-229.)

**S.B. 652**, AN ACT TO PROHIBIT THE RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-230.)

**S.B. 763**, AN ACT TO CLARIFY THE AUTHORIZATION FOR CERTAIN NONPROFIT CORPORATIONS TO RENDER LEGAL SERVICES. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-231.)

**H.B. 1186**, AN ACT TO AUTHORIZE COUNTY DEPARTMENTS OF SOCIAL SERVICES TO CONDUCT FOLLOW-UP MONITORING OF ADULT CARE HOMES. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-232.)

**H.B. 511**, AN ACT TO REENACT THE SALES TAX REFUND FOR CERTAIN VOLUNTEER EMERGENCY RESPONSE PERSONNEL. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-233.)

**S.B. 649**, AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE DESIGNATION OF SEGMENTS OF WORK ZONES SUBJECT TO ADDITIONAL PENALTIES. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-234.)

**S.B. 648**, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTNER WITH PRIVATE DEVELOPERS ON TRANSPORTATION IMPROVEMENT PROJECTS AND PROVIDE FUNDING DIRECTLY TO THE PRIVATE DEVELOPER. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-235.)

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**H.B. 1032**, AN ACT MODIFYING THE HISTORY AND GEOGRAPHY CURRICULA IN THE PUBLIC SCHOOLS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-236.)

**S.B. 457**, AN ACT TO ADD THE DEFINITION OF BIODIESEL TO THE ENERGY CREDIT BANKING AND SELLING PROGRAM FOR THE QUALITY AND SAFETY OF MOTORISTS AND TO MAKE A CONFORMING CHANGE TO THE ALTERNATIVE FUEL REVOLVING FUND. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-237.)

**H.B. 1180**, AN ACT ESTABLISHING THE CONSUMER CHOICE AND INVESTMENT ACT OF 2009. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-238.)

**H.B. 316**, AN ACT AUTHORIZING CHARTER SCHOOLS TO GIVE PRIORITY FOR ADMISSION TO MULTIPLE BIRTH SIBLINGS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-239.)

**H.B. 631**, AN ACT TO FACILITATE THE WEARING OF MILITARY MEDALS BY PUBLIC SAFETY PERSONNEL. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-240.)

**H.B. 1079**, AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO GIVE PREFERENCE TO NEW PASSENGER MOTOR VEHICLES THAT HAVE A FUEL ECONOMY THAT IS IN THE TOP FIFTEEN PERCENT OF THAT CLASS OF COMPARABLE AUTOMOBILES FOR PASSENGER MOTOR VEHICLES PURCHASED BY THE STATE. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-241.)

**S.B. 893**, AN ACT TO ALLOW THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION TO COLLECT GROUP SELF-INSURER ASSESSMENTS; TO EXCLUDE FROM PARTICIPATION IN THE ASSOCIATION AGGREGATE SECURITY SYSTEM INDIVIDUAL SELF-INSURERS THAT FAIL TO SUBMIT CERTAIN FINANCIAL INFORMATION; AND TO ADJUST DEPOSIT REQUIREMENTS FOR ALL INDIVIDUAL SELF-INSURERS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-242.)

**H.B. 749**, AN ACT TO AUTHORIZE THE STATE BUILDING CODE TO PERMIT THE USE OF CISTERNS TO PROVIDE WATER FOR FLUSHING TOILETS AND FOR OUTDOOR IRRIGATION IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS OR STRUCTURES AND TO PROHIBIT ANY STATE, COUNTY, OR LOCAL BUILDING CODE OR REGULATION FROM PROHIBITING THE

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USE OF CISTERNS FOR THESE USES, AND TO CLARIFY MINORITY BUSINESS PURPOSES FOR PUBLIC CONTRACTS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-243.)

**S.B. 1030**, AN ACT CLARIFYING THE MEANING OF PUBLIC SCHOOL BUILDINGS AS RELATED TO AFTER-SCHOOL CHILD CARE PROGRAMS AND ESTABLISHING PROCEDURES FOR APPROVING EDUCATION CRITERIA FOR AFTER-SCHOOL CHILD CARE PROGRAM COORDINATORS AND GROUP LEADERS. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-244.)

**H.B. 780**, AN ACT TO CLARIFY THE NORTH CAROLINA BUILDING CODE EXEMPTION FOR FARM BUILDINGS TO INCLUDE EQUINE ARENAS USED FOR LESSONS OFFERED TO THE GENERAL PUBLIC, AND OTHER EQUINE ACTIVITIES, BUT NOT FOR SPECTATOR EVENTS, AND TO PROVIDE THAT IN THE CASE OF A MANDATORY EVACUATION A TENANT SUBJECT TO A VACATION RENTAL AGREEMENT IS ENTITLED TO A REFUND OF THE PRORATED RENT, TAXES, AND OTHER PAYMENTS MADE BY THE TENANT FOR THE OCCUPATION OF THE VACATION RENTAL UNIT. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-245.)

**H.B. 630**, AN ACT PROVIDING THAT THE TRIAL IN A SUMMARY EJECTMENT PROCEEDING MAY COMMENCE NOT SOONER THAN TWO BUSINESS DAYS AFTER SERVICE OF THE COMPLAINT AND SUMMONS ON THE DEFENDANT. (Became law upon approval of the Governor, June 30, 2009 - S.L. 2009-246.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**H.B. 1309** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY, 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 30422, which changes the title upon concurrence to read **H.B. 1309** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH,

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DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY AND TO MAKE CHANGES TO THE NORTH CAROLINA TRAUMATIC BRAIN INJURY ADVISORY COUNCIL, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 385** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

**H.B. 804**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE, 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.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

#### INTRODUCTION OF A RESOLUTION

A Senate resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Atwater and Weinstein:

**S.R. 1105**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 886**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD, re-referred to the **Finance Committee** on June 30.

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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 Tuesday, July 7, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for Tuesday, July 7.

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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 WHERE THE PROTECTED PARTY IS RESIDING, re-referred to the **Appropriations/Base Budget Committee** on March 3.

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 7, 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 7.

**H.B. 182** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION, re-referred to the **Appropriations/Base Budget Committee** on June 2.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, July 7, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Tuesday, July 7.

**H.J.R. 1653**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM OLIVER SWOFFORD, AMERICAN POP SINGER AND NATIVE SON OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on June 22.

Pursuant to Rule 47(a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and

placed on the Calendar for Thursday, July 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 Thursday, July 2.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, upon second reading.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 743**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE

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GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 23** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.

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 8.

**H.B. 192** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES.

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 8.

**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 569** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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 8.

**H.B. 581** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A

PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, TO PROVIDE NOTICE OF RIGHT TO SEEK COUNSEL, AND TO CLARIFY THE TIME PERIOD FOR APPEALING A CONFIRMATION ORDER.

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 8.

**H.B. 684** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 765** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE EXISTING ELECTIVE SHARE STATUTES.

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 8.

**H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 882** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES.

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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 8.

**H.B. 937** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS.

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 8.

**H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES.

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 8.

**H.B. 1034** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE.

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 8.

**H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS.

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 8.

**H.B. 1185** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS.

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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 8.

**H.B. 1287** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS; REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION; AND BAN MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

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 8.

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

**H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE.

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 8.

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**H.B. 1478** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS.

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 8.

#### **BILLS ORDERED SENT TO THE GOVERNOR**

Upon motion of Senator Rand, all bills ordered sent to the Governor today will be sent by special message.

#### **CALENDAR** (*continued*)

**S.B. 495** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, AND TO ALLOW FOR VOLUNTARY ANNEXATION OF ANY OF THAT PROPERTY UPON PETITION OF THE PROPERTY OWNER, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: Senator Brunstetter---1.

The House Committee Substitute bill is ordered enrolled.

**S.B. 807** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PROTECTION OF THE PUBLIC AGAINST THE HEALTH AND SAFETY RISKS THAT CERTAIN CHARACTERISTICALLY WILD ANIMALS POSE TO THE COMMUNITY.

The Committee Substitute bill No. 2 passes its second reading (43-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 208** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES, for concurrence in the House Committee Substitute bill.

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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. 357** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 564** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE A SINGLE NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Davis, 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.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1595** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE, 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, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

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Upon motion of Senator Basnight, seconded by Senator Davis, the Senate adjourns subject to receipt of committee reports and receipt of messages from the House of Representatives, to meet Thursday, July 2, at 11:00 A.M.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Kinnaird for the **Mental Health & Youth Services Committee:**

**H.B. 115** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RENAME THE NORTH CAROLINA COUNCIL FOR WOMEN/DOMESTIC VIOLENCE COMMISSION AND CLARIFY ITS ROLE AND RESPONSIBILITIES, TO EXPAND THE ROLE OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND DESIGNATE THE QUALIFICATIONS FOR MEMBERSHIP, TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30423, which changes the title upon concurrence to read **H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

By Senator Purcell for the **Health Care Committee:**

**H.B. 878**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY

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PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE, 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 70461, which changes the title upon concurrence to read **H.B. 878** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE AND TO MAKE CHANGES TO THE NORTH CAROLINA PHYSICIANS HEALTH PROGRAM, is adopted and engrossed.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

By Senator Hoyle for the **Finance Committee**:

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 205** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

**H.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

**H.B. 447**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FROM STATUTORY COPY COSTS TO PRISONER LEGAL SERVICES AND OTHER ATTORNEYS WORKING UNDER CONTRACT WITH THE OFFICE OF INDIGENT DEFENSE SERVICES, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Wednesday, July 8.

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**H.B. 746** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES, with a favorable report.

Upon motion of Senator Rand, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

**H.B. 852** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFER A PORTION OF THE PROPERTY TAX DUE ON REAL PROPERTY HELD FOR SALE BY A BUILDER, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES, with a favorable report.

Upon motion of Senator Rand, the bill is placed on the Calendar for Wednesday, July 8.

**H.B. 1105** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS, with a favorable report.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

**S.B. 308**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ENHANCED ECONOMIC DEVELOPMENT INCENTIVES TO ENDANGERED MANUFACTURERS AND TO CLARIFY THAT A LOW-PROFIT LIMITED LIABILITY COMPANY IS A LIMITED LIABILITY COMPANY UNDER STATE 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 75283, which changes the title to read **S.B. 308** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FORMATION OF A LIMITED LIABILITY COMPANY AS A LOW-PROFIT LIMITED LIABILITY COMPANY, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

**S.B. 460** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE THE COMMERCIAL BREEDING OF DOGS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 75282, which changes the title to read **S.B. 460** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE PUPPY MILLS, is adopted and engrossed.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is placed on the Calendar for Wednesday, July 8.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:53 P.M.

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### **NINETIETH DAY**

Senate Chamber  
Thursday, July 2, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, 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. Allow us to fully appreciate what we will celebrate on our Country's birthday Saturday at parades, picnics and fireworks displays. Grant that the blessing of freedom, which was purchased at a tremendous cost and which we are privileged to enjoy in such an abundant measure, may always be coordinated with the spirit of self-discipline. Remind us that liberty, justice and equality are not goals already achieved, but tasks yet to be fulfilled. George Washington, in his farewell address, proclaimed that religion and morality are indispensable to our National greatness. We pray never to subvert or do away with those sacred principles. We pray in your holy name. Amen."

### **PLEDGE OF ALLEGIANCE**

Led by the President, members and guests remain standing and pledge allegiance to the flag of the United States of America.

The Chair grants leaves of absence for today to Senator Apodaca, Senator Bingham, Senator East, Senator Graham, Senator Stevens, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, July 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

July 2, 2009

*The Chair extends privileges of the floor to Sue Moore 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. 208**, AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES.

**S.B. 357**, AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE.

**S.B. 483**, AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A).

**S.B. 564**, AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE A SINGLE NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES.

**S.B. 694**, AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY AS PERFORMED BY PERSONS PRACTICING DENTISTRY OUT OF STATE UNDER CERTAIN CIRCUMSTANCES.

**H.B. 866**, AN ACT TO ALLOW ALL MUNICIPALITIES THE AUTHORITY TO ADOPT AN ORDINANCE DECLARING RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS TO BE UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS.

**H.B. 1453**, AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ON THE STREET BLOCKS BORDERING CAPITOL SQUARE AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON CAPITOL SQUARE IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS.

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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. 437**, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY.

**S.B. 495**, AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, AND TO ALLOW FOR VOLUNTARY ANNEXATION OF ANY OF THAT PROPERTY UPON PETITION OF THE PROPERTY OWNER.

**S.B. 504**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS.

**H.B. 870**, AN ACT TO PROVIDE THAT THE MEMBER OF THE BOARD OF COMMISSIONERS OF STANLY COUNTY WHO SERVES AS A MEMBER OF THE STANLY COUNTY AIRPORT AUTHORITY SERVES AT THE PLEASURE OF THE BOARD OF COMMISSIONERS, TO PROVIDE THE SAME FOR THE CHAIRMAN OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION, AND TO ALLOW THE STANLY COUNTY BOARD OF COMMISSIONERS TO DESIGNATE AN ALTERNATE FOR BOTH THOSE POSITIONS.

#### 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. 412**, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT. (Became law upon approval of the Governor, July 1, 2009 - S.L. 2009-247.)

**S.B. 1009**, AN ACT TO AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO PROVIDE EXEMPTIONS FROM HUNTING LICENSE REQUIREMENTS FOR SPECIAL EVENTS. (Became law upon approval of the Governor, July 1, 2009 - S.L. 2009-248.)

**S.B. 389**, AN ACT TO AUTHORIZE THE HOUSING AUTHORITY OF THE CITY OF CHARLOTTE AND THE ROBESON COUNTY HOUSING AUTHORITY TO PARTICIPATE IN THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WITHOUT PROVIDING PRIOR SERVICE CREDITS TO THEIR EMPLOYEES. (Became law upon ratification, July 1, 2009 - S.L. 2009-249.)

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 116**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A DANIEL STOWE BOTANICAL GARDEN SPECIAL REGISTRATION PLATE FOR THE DANIEL STOWE BOTANICAL GARDEN FOUNDATION, INC, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75286, which changes the title to read **S.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

**S.B. 580**, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55459, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

**S.B. 860** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS, 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, 35355, is adopted and engrossed.

Upon motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

**H.B. 67** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME, 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 80484, which changes the title upon concurrence to read **H.B. 67** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME

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AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES, is adopted and engrossed.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

By Senator Albertson for the **Appropriations/Base Budget Committee**:

**S.B. 20**, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT, with a favorable report.

Upon motion of Senator Albertson, the bill is placed on the Calendar for Tuesday, July 7.

**S.B. 137**, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35353, is adopted and engrossed.

Upon motion of Senator Albertson, the Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

**H.B. 1005** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30424, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, July 7.

**H.B. 1342** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM, with an unfavorable report as to Senate Committee Substitute bill, but favorable as to Senate Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 50727, is adopted and engrossed.

Upon motion of Senator Albertson, the Senate Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, July 7.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE, with a favorable report.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

### CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 1, 2009

Mr. 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. 799** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS..

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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. 799 on June 30, the President orders the bill enrolled and sent to the Governor.

#### **WITHDRAWAL FROM COMMITTEE**

**H.B. 309**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, re-referred to the **Finance Committee** on June 24.

Pursuant to Rule 47(a), Senator Hoyle offers a motion that the bill be withdrawn from the **Finance Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Finance Committee** and places it on today's Calendar.

#### **MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 467** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 7, for concurrence.

**S.B. 1021** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS, 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 7, for concurrence.

**H.B. 1516** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

Referred to the **Finance Committee**.

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**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY.

Referred to the **Appropriations/Base Budget Committee**.

**CALENDAR** (*continued*)

**S.J.R. 1104**, A JOINT RESOLUTION HONORING THE TWO HUNDRED FIFTIETH ANNIVERSARY OF HALIFAX COUNTY.

Upon motion of Senator Jones, the joint resolution is read in its entirety.

The joint resolution passes its second reading (42-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Jones the Chair extends the courtesies of the gallery to The Honorable Gene W. Minton, Chairman, Halifax County Commissioners; The Honorable James H. Pierce, Vice Chairman, Halifax County Commissioners; The Honorable Rachel K. Hux, Commissioner; The Honorable J. Rives Manning, Jr., Commissioner and wife Judy Manning; Tony N. Brown, Halifax County Manager; Dia H. Denton, Assistant County Manager of Operational Services; Frank Avent, Chairman of Halifax County Economic Development; The Honorable D. N. Beale, Mayor of Roanoke Rapids; and The Honorable Warnie Bishop, Mayor of Enfield.

**H.J.R. 1653**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM OLIVER SWOFFORD, AMERICAN POP SINGER AND NATIVE SON OF NORTH CAROLINA.

The joint resolution passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 309**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET, placed earlier on today's Calendar.

*Without objection, Senator Brunstetter requests to be excused from voting on the bill due to a conflict of interest.*

The bill passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 960**, A BILL TO BE ENTITLED AN ACT TO ENSURE ACCOUNTABILITY IN THE USE OF FEDERAL STIMULUS FUNDS BY LOCAL GOVERNMENTS AND NONPROFIT ENTITIES, referred to the **Appropriations/Base Budget Committee** on March 26.

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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 re-referred to the **Select Committee on Economic Recovery**, 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 **Select Committee on Economic Recovery**.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 309**, AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET.

Upon motion of Senator Basnight, seconded by Senator Jones, the Senate adjourns subject to ratification of bills and receipt of committee reports, to meet Monday, July 6, at 4:30 P.M.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1098** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS H FELONY TO WILLFULLY KILL OR ATTEMPT TO KILL A SEARCH AND RESCUE ANIMAL AND TO MAKE IT AN AGGRAVATING CIRCUMSTANCE FOR OTHER CRIMINAL OFFENSES THAT A SEARCH AND RESCUE ANIMAL WAS SERIOUSLY HARMED OR KILLED WHILE THE ANIMAL WAS ENGAGED IN PERFORMING OFFICIAL DUTIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80485, which changes the title upon concurrence to read **H.B. 1098** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED, is adopted and engrossed.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, July 8.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:38 P.M.

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**NINETY-FIRST DAY**

Senate Chamber  
Monday, July 6, 2009

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 Tony Rand, who presides in the absence of the Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, this afternoon the few of us here have the opportunity to pray for all the Senate family, even the entire Legislative family. So we pray for answers to the differing opinions that still exist regarding the budget. If there can be unanimity among the six Senators gathered today, would it be too much to ask that 170 legislators come to a consensus? We thank you for being a God of miracles. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Goodall, Senator Graham, Senator Stevens, and Senator Weinstein.

Senator Stein announces that the Journal of Thursday, 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 Diana Perry from Rolesville, North Carolina and Lisa Purrell-Morris from Franklinton, North Carolina, who are serving the Senate as Nurses of the Day.*

Upon motion of Senator Blue, seconded by Senator Queen, the Senate adjourns at 4:33 P.M. to meet Tuesday, July 7, at 3:00 P.M.

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**NINETY-SECOND DAY**

Senate Chamber  
Tuesday, July 7, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the Israelites had been in exile from their land too long, held captive by the Babylonians. They were ready to go home so they prayed to you

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urgently for help. But instead of being released by their captors, they were encouraged to be patient by the Prophet Isaiah. Isaiah reminded them that God's timing is not always our own when he wrote: 'Have you not known, have you not heard? God does not faint or grow weary; His understanding is unsearchable. He gives power to the faint and strengthens the powerless. Those who wait for the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.' Help us all to find encouragement this week in that powerful portrait of your availability to be with us. Amen."

The Chair grants leaves of absence for today to Senator Kinnaird and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 605**, AN ACT TO PROVIDE FOR THE DEPOSIT OF MONEY OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES.

**S.B. 799**, AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS.

**S.B. 1089**, AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION.

**H.B. 79**, AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING.

**H.B. 632**, AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS'

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AFFAIRS AND TO AUTHORIZE A GENERAL STATUTES COMMISSION STUDY ON REFERENCES TO THE NAMES OF MILITARY ORGANIZATIONS IN THE GENERAL STATUTES.

**H.B. 1009**, AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE.

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. 1104**, A JOINT RESOLUTION HONORING THE TWO HUNDRED FIFTIETH ANNIVERSARY OF HALIFAX COUNTY. (Res. 24)

**H.J.R. 1653**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM OLIVER SWOFFORD, AMERICAN POP SINGER AND NATIVE SON OF NORTH CAROLINA. (Res. 25)

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 870**, AN ACT TO DIRECT THE GENERAL STATUTES COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ANY CHANGES NEEDED TO MAKE THE GENERAL STATUTES AND CONSTITUTION GENDER NEUTRAL.

**H.B. 98**, AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY.

**H.B. 1132**, AN ACT TO AMEND THE LAW CONCERNING RENEWAL OF A CONCEALED HANDGUN PERMIT, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION.

**H.B. 1330**, AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP

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CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 29**, AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD.

#### 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. 437**, AN ACT TO INCREASE THE FORCE ACCOUNT LIMIT FOR MECKLENBURG COUNTY. (Became law upon ratification, July 2, 2009 - S.L. 2009-250.)

**S.B. 495**, AN ACT TO AUTHORIZE THE EXTENSION OF THE EXTRATERRITORIAL JURISDICTION OF THE TOWN OF OAK RIDGE, AND TO ALLOW FOR VOLUNTARY ANNEXATION OF ANY OF THAT PROPERTY UPON PETITION OF THE PROPERTY OWNER. (Became law upon ratification, July 2, 2009 - S.L. 2009-251.)

**S.B. 504**, AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO GRANT THE CITY MANAGER THE AUTHORITY TO INCLUDE THE CITY'S ANTI-SWEATSHOP REQUIREMENTS IN THE SPECIFICATIONS FOR CITY CONTRACTS. (Became law upon ratification, July 2, 2009 - S.L. 2009-252.)

**H.B. 870**, AN ACT TO PROVIDE THAT THE MEMBER OF THE BOARD OF COMMISSIONERS OF STANLY COUNTY WHO SERVES AS A MEMBER OF THE STANLY COUNTY AIRPORT AUTHORITY SERVES AT THE PLEASURE OF THE BOARD OF COMMISSIONERS, TO PROVIDE THE SAME FOR THE CHAIRMAN OF THE STANLY COUNTY ECONOMIC DEVELOPMENT COMMISSION, AND TO ALLOW THE STANLY COUNTY BOARD OF COMMISSIONERS TO DESIGNATE AN ALTERNATE FOR BOTH THOSE POSITIONS. (Became law upon ratification, July 2, 2009 - S.L. 2009-253.)

**S.B. 981**, AN ACT TO GIVE THE COMMISSIONER OF INSURANCE DISCRETION TO WAIVE THE MINIMUM POLICYHOLDERS POSITION

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REQUIREMENT UNDER CERTAIN CIRCUMSTANCES FOR MORTGAGE GUARANTY INSURERS. (Became law upon approval of the Governor, July 6, 2009 - S.L. 2009-254.)

**H.B. 309**, AN ACT TO REMOVE THE SUNSET ON AN ACT TO PROTECT CUSTOMERS PURCHASING TICKETS VIA THE INTERNET. (Became law upon approval of the Governor, July 6, 2009 - S.L. 2009-255.)

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 32**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EMPLOYERS IN THIS STATE USE THE FEDERAL E-VERIFY PROGRAM OR A SIMILAR VERIFICATION OF WORK AUTHORIZATION PROGRAM; AND TO APPROPRIATE FUNDS TO ESTABLISH AND SUPPORT A POSITION TO ASSIST IN THE IMPLEMENTATION AND EXECUTION OF THIS ACT, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1090**, A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE EMPLOYMENT SECURITY LAWS 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 30426, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES, with a favorable report.

July 7, 2009

**H.B. 1299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC COMMUNICATION, with a favorable report.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 1342** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

Upon motion of Senator Rand, the Senate Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 8.

### WITHDRAWAL FROM COMMITTEE

**H.B. 104** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, referred to the **Rules and Operations of the Senate Committee** on March 5.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES, re-referred to the **Appropriations/Base Budget Committee** on July 1.

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 Wednesday, July 8, which motion prevails with unanimous consent.

July 7, 2009

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, July 8.

#### INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Dorsett; Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Stevens, Swindell, Tillman, Vaughan and Weinstein:

**S.J.R. 1106**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF VERNON MALONE, STATE SENATOR.

Upon motion of Senator Rand, the joint resolution is placed on the Calendar for Thursday, July 9.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 6, 2009

Mr. 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. 1409** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN SIMPLE WIRING ACTIVITIES AND APPLIANCE REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS WHEN THE APPLIANCE IS OF THE SAME ELECTRICAL RATING AND REQUIRES NO CHANGE TO EXISTING ELECTRICAL CIRCUITS AND THE WORK IS PERFORMED BY A LICENSED ELECTRICIAN, and requests conferees.

Speaker Hackney has appointed:

Rep. Justice, Chair  
Rep. Gibson  
Rep. Grady, and  
Rep. Owens

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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

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 6, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 658** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES, and requests conferees, Speaker Hackney appoints:

Rep. Bell, Chair  
Rep. Tucker,  
Rep. Wilkins, and  
Rep. McGee

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. 295** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, 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 8, for concurrence.

**S.B. 332** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE; AND TO ANNEX CERTAIN PROPERTY OWNED BY THE NC ZOOLOGICAL SOCIETY INTO THE CITY OF ASHEBORO, 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 8, for concurrence.

**S.B. 481** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 8, for concurrence.

**S.B. 570** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 8, for concurrence.

**S.B. 584** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, TO MAKE CONFORMING CHANGES TO THE ALARM SYSTEMS LICENSING ACT WITH RESPECT TO CRIMINAL BACKGROUND CHECKS, AND TO AUTHORIZE THE STUDY OF DIGITAL FORENSICS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 8, for concurrence.

**S.B. 674** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH

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VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 8, for concurrence.

**S.B. 689** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION AND TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COLLEGE OR UNIVERSITY CAMPUSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 8, for concurrence.

### 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 16**, Designating the Office of Economic Recovery and Investment as the Authorized Entity Under the American Recovery and Reinvestment Act Strengthening Communities Fund.

### CALENDAR *(continued)*

**S.B. 20**, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT.

Senator Brock offers Amendment No. 1.

Senator Berger of Rockingham offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

The Chair rules Amendment No. 2 to be not germane.

Senator Berger of Rockingham appeals the non-germane ruling of the chair and calls for the ayes and noes. The ruling of the chair is sustained (29-19) as follows:

Voting in the affirmative: Senators Albertson, Atwater, Basnight, Berger of Franklin, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hoyle, Jenkins, Jones, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---29.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---19.

Amendment No. 1 fails adoption (18-30).

Upon motion of Senator Garrou, the bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

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**S.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 13.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 1100** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY, with a favorable report.

**S.R. 1105**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE, favorable, as to adoption.

**S.B. 1068**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE SITING OF WIND ENERGY 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 85258, which changes the title to read **S.B. 1068** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE COASTAL RESOURCES COMMISSION FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, is adopted and engrossed.

Upon motion of Senator Atwater, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1378** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF EFFLUENT FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL

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DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS, 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 70465, which changes the title upon concurrence to read **H.B. 1378** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 81** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS UNDER THE OPEN MEETINGS 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 70463, is adopted and engrossed.

**H.B. 506** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS TO THE ENTITLEMENT TO COUNSEL AND THE PROCEDURES FOR APPOINTMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50755, which changes the title upon concurrence to read **H.B. 506** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITY FOR PAYMENT OF WITNESS FEES AND GUARDIAN

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AD LITEM FEES IN INCOMPETENCY PROCEEDINGS; AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS ADJUDICATED INCOMPETENT; PROVIDE FOR APPOINTMENT OF COUNSEL FOR AN INDIGENT PERSON IN CERTAIN PROCEEDINGS INVOLVING SATELLITE-BASED MONITORING OF SEX OFFENDERS; PROVIDE FOR REPRESENTATION FOR THE DEPARTMENT OF CORRECTION AND APPOINTMENT OF COUNSEL FOR INDIGENT OFFENDERS IN SATELLITE-BASED MONITORING PROCEEDINGS; AND PROVIDE FOR APPOINTMENT OF COUNSEL BY THE OFFICE OF INDIGENT DEFENSE SERVICES IN CAPITAL CASES, is adopted and engrossed.

**H.B. 1110** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROCEDURES IN CIVIL ACTIONS FOR ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION, 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 50758, is adopted and engrossed.

#### **CALENDAR** *(continued)*

**S.B. 137** (Committee Substitute), 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.

Senator Hunt offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

(Senator Allran requests that the Journal reflect that he votes "aye" on third reading voice vote.)

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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

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PREMISES OF A SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE WHERE THE PROTECTED PARTY IS RESIDING.

The bill passes its second reading (48-0).

Senator Berger of Rockingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, July 8, upon third reading.

**S.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND.

The Committee Substitute bill passes its second reading (44-4).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, July 8, upon third reading.

**S.B. 860** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS.

The Committee Substitute bill No. 2 passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 67** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES.

The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 182** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION.

The Committee Substitute bill No. 2 passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 886**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 1005** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS.

The Senate Committee Substitute bill passes its second reading (44-4).

Senator Rucho objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, July 8, upon third reading.

**S.B. 467** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (40-8) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1021** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) 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:

Parker Adams, Clayton; Alyssa Barrera, Gastonia; Kyri Beasley, Raleigh; Caitlin Biddell, Raleigh; J.R. Borders III, Cornelius; John Davis, Oak Ridge; Meredith Dinkins, Mocksville; Jamie Fleming IV, Concord; Tisha Funderburk, Mocksville; Ethan Grant, Chapel Hill; Sarah Hinton, Elon; Tayla Howard, Garner; Courtney Jennings, Clayton; Peter Kenna, Raleigh; Patrick Kenna, Raleigh; Chelsey Kennedy, Jacksonville; Haylee McLean, Willow Spring; Baker Mills IV, Raleigh; McLeod Phillips, Concord; Cole Rainey, Midlothian, VA; Kara Reece, Fayetteville; Brysen Rush, Hickory; Caitie Safrit, Chapel Hill; Elizabeth Safrit, Kannapolis; Will Safrit, Kannapolis; Andrew Schuett, Jr., Wrightsville Beach; Holly Setzer, Cullowee; Kareem Shaw, Rigelwood; DJ Smith, Raleigh and Caroline Ward, Charlotte.

Upon motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 4:23 P.M. to meet Wednesday, July 8, at 2:00 P.M.

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**NINETY-THIRD DAY**

Senate Chamber  
Wednesday, July 8, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Eternal God, I heard a preacher, a friend who had left his sermon manuscript at home, step up to his pulpit and say, 'I'm going to have to rely on the inspiration of the Lord today, but I promise to do better next week.' Unintentional or not, we would also like to go on our own sometimes. With sixty-four bills on the Calendar today, we stand unashamedly in need of prayer and your inspiration. May the members not be staggered by statistics they face each day, but rather may they find hope by the implications of the power available from the prayers we pray before each session. When we receive your inspiration, we can do all things to become building blocks, not stumbling blocks. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Hoyle, Senator Shaw, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Linda Rogers from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 467**, AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS.

**S.B. 1021**, AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS.

**H.B. 182**, AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION.

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**H.B. 886**, AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD.

**H.B. 1267**, AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD-FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY.

### 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. 29**, AN ACT MODIFYING THE STANDARDS FOR SATELLITE ANNEXATIONS FOR THE TOWN OF NORWOOD. (Became law upon ratification, July 7, 2009 - S.L. 2009-256.)

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**S.B. 962** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS, 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 9, for concurrence.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE 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 39, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss,

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Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---39.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The Committee Substitute bill remains on the Calendar for Thursday, July 9, upon third reading.

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, 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, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, July 9, upon third reading.

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: Senator Rucho---1.

The bill remains on the Calendar for Thursday, July 9, upon third reading.

**S.B. 460** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE PUPPY MILLS.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1287** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS; REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY

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THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION; AND BAN MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The Committee Substitute bill passes its second reading.

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 9, upon third reading.

**H.B. 385** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

Senator Snow offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 566**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 650** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 743**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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**H.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS.

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**S.B. 570** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goodall, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 187** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION, with a favorable report.

**H.B. 582** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION, with a favorable report.

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**H.B. 661**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION, with a favorable report.

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY, with a favorable report.

**H.B. 1078**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE, 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 70466, which changes the title upon concurrence to read **H.B. 1078** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ON NOTIFICATION TO THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ALLEGED TO BE VICTIMS OF ANY ACT REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AND THE SUPERINTENDENT, is adopted and engrossed.

#### CALENDAR *(continued)*

**H.B. 205** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT, upon second reading.

Upon motion of Senator Rand, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 14, upon second reading.

**H.B. 1105** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

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Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Thursday, July 9, upon third reading.

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES.

Upon motion of Senator Snow, the Chair orders, without objection, the bill temporarily displaced.

**H.B. 1005** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS.

Upon motion of Senator Jenkins, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 15.

**S.B. 308** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FORMATION OF A LIMITED LIABILITY COMPANY AS A LOW-PROFIT LIMITED LIABILITY COMPANY.

The Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**H.B. 23** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 81** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS UNDER THE OPEN MEETINGS ACT.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE

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ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The Senate Committee Substitute bill passes its second reading (45-1).

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 Thursday, July 9, upon third reading.

**H.B. 192** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES.

Senator Clodfelter offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 447**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE EXEMPTION FROM STATUTORY COPY COSTS TO PRISONER LEGAL SERVICES AND OTHER ATTORNEYS WORKING UNDER CONTRACT WITH THE OFFICE OF INDIGENT DEFENSE SERVICES.

Senator Tillman offers Amendment No. 1 which is adopted (45-0).

The bill, as amended passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 506** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITY FOR PAYMENT OF WITNESS FEES AND GUARDIAN AD LITEM FEES IN INCOMPETENCY PROCEEDINGS; AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS ADJUDICATED INCOMPETENT; PROVIDE FOR APPOINTMENT OF COUNSEL FOR AN INDIGENT PERSON IN CERTAIN PROCEEDINGS INVOLVING SATELLITE-BASED MONITORING OF SEX OFFENDERS; PROVIDE FOR REPRESENTATION FOR THE DEPARTMENT OF CORRECTION AND APPOINTMENT OF COUNSEL FOR INDIGENT OFFENDERS IN SATELLITE-BASED MONITORING PROCEEDINGS; AND PROVIDE FOR APPOINTMENT OF COUNSEL BY THE OFFICE OF INDIGENT DEFENSE SERVICES IN CAPITAL CASES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

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**H.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

Senator Jenkins offers Amendment No. 1 which is adopted (46-0).

The bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H.B. 569** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 581** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, TO PROVIDE NOTICE OF RIGHT TO SEEK COUNSEL, AND TO CLARIFY THE TIME PERIOD FOR APPEALING A CONFIRMATION ORDER.

The Senate Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 684** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 746** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 765** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE EXISTING ELECTIVE SHARE STATUTES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 804** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 852** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEFER A PORTION OF THE PROPERTY TAX DUE ON REAL PROPERTY HELD FOR SALE BY A BUILDER.

The Committee Substitute bill No. 2 passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 877** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER.

The Committee Substitute bill passes its second reading (43-3) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 878** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN

SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE AND TO MAKE CHANGES TO THE NORTH CAROLINA PHYSICIANS HEALTH PROGRAM.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 882** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 937** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS.

The Senate Committee Substitute bill passes its second reading (33-13) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Jones, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 9.

**H.B. 1034** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

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**H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1090** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

The Senate Committee Substitute bill passes its second reading (28-17) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

### RECONSIDERATION

**H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS.

Having voted with the majority, Senator Rand offers a motion that the vote by which H.B. 1073 passed its third reading earlier today be reconsidered, which motion prevails (45-1).

The question before the Body is the passage of H.B. 1073 on its third reading.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 9.

### CALENDAR *(continued)*

**H.B. 1098** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1100** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND

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NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

The Committee Substitute bill No. 2 passes its second reading (46-0).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 9, upon third reading.

**H.B. 1110** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROCEDURES IN CIVIL ACTIONS FOR ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

Senator Tillman offers Amendment No. 1.

Upon a tied vote on the adoption of Amendment No. 1 (23-23), the President of the Senate votes no and Amendment No. 1 fails of adoption (23-24).

The Senate Committee Substitute bill passes its second reading (32-14) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1185** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS.

Senator Blue offers Amendment No. 1 which is adopted (43-2).

Senator East offers Amendment No. 2 which is adopted (45-1).

The Senate Committee Substitute bill, as amended, passes its second reading (25-20) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1189** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 1299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC COMMUNICATION.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1309** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY AND TO MAKE CHANGES TO THE NORTH CAROLINA TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

The Senate Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

The Senate Committee Substitute bill passes its second reading (46-0).

Senator Rand objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 9, upon third reading.

**H.B. 1342** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

Senator Kinnaird offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

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*The Chair grants a leave of absence for the remainder of today's session to Senator Berger of Rockingham.*

**H.B. 1378** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

*Without objection, Senator Jenkins 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 (42-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1449** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE.

The Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading 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 Kinnaird.*

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 9.

**H.B. 1464** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A

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LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE.

The Senate Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1478** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS.

The Senate Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**S.B. 140**, 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 WHERE THE PROTECTED PARTY RESIDES AND THAT IS OPERATED AS A SAFE HOUSE OR HAVEN FOR DOMESTIC VIOLENCE VICTIMS WITHOUT REGARD AS TO WHETHER THE PERSON COVERED BY THE PROTECTIVE ORDER IS 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 WHERE THE PROTECTED PARTY IS RESIDING.

The bill passes its third reading (43-0) and is ordered sent to the House of Representatives.

**S.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LIFE SCIENCE LOAN FUND.

The Committee Substitute bill passes its third reading (39-4) and is ordered sent to the House of Representatives.

**H.B. 885** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

Senator Nesbitt offers Amendment No. 1 which fails of adoption (16-26).

The Committee Substitute bill No. 2 passes its third reading (37-6) and is ordered enrolled and sent to the Governor.

**S.B. 332** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING

AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE; AND TO ANNEX CERTAIN PROPERTY OWNED BY THE NC ZOOLOGICAL SOCIETY INTO THE CITY OF ASHEBORO, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill No. 2 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 Franklin, Bingham, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence, upon third reading.

**S.B. 584** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, TO MAKE CONFORMING CHANGES TO THE ALARM SYSTEMS LICENSING ACT WITH RESPECT TO CRIMINAL BACKGROUND CHECKS, AND TO AUTHORIZE THE STUDY OF DIGITAL FORENSICS, for concurrence in the House Committee Substitute bill, upon second reading.

*Without objection, Senator Jones requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.*

Upon motion of Senator Snow, 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 Franklin, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--42.

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. 674** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, 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 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence, upon third reading.

**S.B. 295** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate fails to concur in the House Committee Substitute bill (0-43).

Senator Jenkins offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 481** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (43-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 689** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION AND TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COLLEGE OR UNIVERSITY CAMPUSES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (43-0) and the bill is ordered enrolled and sent to the Governor.

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**S.R. 1105**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE, upon adoption.

The Senate Resolution is adopted (43-0).

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES, temporarily displaced earlier today.

Senator Queen offers Amendment No. 1 which is adopted (26-16), and changes the title to read **S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL PLATES ON A BACKGROUND OTHER THAN "FIRST IN FLIGHT".

The bill, as amended, passes its second reading (40-2).

Senator Dorsett objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, July 9, upon third reading.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS.

Pursuant to the message from the House of Representatives received July 7 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1409 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Apodaca, Chair; Senator Bingham; Senator Queen; 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.

#### **REMOVAL OF BILL CO-SPONSOR**

Senator Berger of Franklin requests that he be removed as a sponsor of previously introduced legislation:

**S.B. 460**, A BILL TO BE ENTITLED AN ACT TO REGULATE THE COMMERCIAL BREEDING OF DOGS.

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Upon motion of Senator Basnight, seconded by Senator Brown, the Senate adjourns at 5:07 P.M. in respect and honor for every injured soldier and those in this Country in harms way to meet Thursday, July 9, at 11:00 A.M.

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## NINETY-FOURTH DAY

Senate Chamber  
Thursday, July 9, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear Lord, we pray today's prayer in memory of Senator Vernon Malone, whose life was a sermon to us. I can almost hear him praying this way. We pray, O God, that you will fill this sacred minute of prayer on today's Calendar with meaning. Refresh our souls from the noise and clatter. Clean the windows of our vision. Recharge the batteries of our spirit. Sometimes we need less talking and more thinking. Less work and more worship. When we are too busy to pray, we are far busier than we have any right to be. Through your spirit, who is waiting to lead us we pray. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Goodall, Senator Hoyle, Senator Kinnaird, Senator Shaw, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, July 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Masoud S. Hejazi from Greensboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Debbie Gilbert from Mill Springs, 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. 3, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY**

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MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL PLATES ON A BACKGROUND OTHER THAN 'FIRST IN FLIGHT', as amended on July 8.

The Chair orders Amendment No. 1 engrossed and, upon motion of Senator Jenkins, the bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 481**, AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY.

**S.B. 689**, AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION AND TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COLLEGE OR UNIVERSITY CAMPUSES.

**S.B. 835**, AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

**H.B. 535**, AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA.

**H.B. 684**, AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES.

**H.B. 852**, AN ACT TO DEFER A PORTION OF THE PROPERTY TAX DUE ON REAL PROPERTY HELD FOR SALE BY A BUILDER.

**H.B. 877**, AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A

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SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER.

**H.B. 885**, AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS.

**H.B. 1187**, AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES.

**H.B. 1189**, AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES.

**H.B. 1299**, AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC COMMUNICATION.

**H.B. 1449**, AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 570**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL.

**H.B. 566**, AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT.

**H.B. 650**, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS.

**H.B. 743**, AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

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**H.B. 898**, AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**H.B. 816** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70468, which changes the title upon concurrence to read **H.B. 816** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is adopted and engrossed.

By Senator Swindell for the **Appropriations/Base Budget Committee**:

**S.B. 488**, 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, with a favorable report.

**S.B. 489**, 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, with a favorable report.

**H.B. 378** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, with a favorable report.

**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE

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AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY, with a favorable report.

**S.B. 1083** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LITTLE TENNESSEE RIVER BASIN ADVISORY COMMISSION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

#### **CALENDAR** *(continued)*

**H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 14.

#### **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 17**, Notice and Report of Economic Development Consulting Relationships.

**Executive Order Number 18**, E-Mail Retention and Archiving Policy.

#### **CALENDAR** *(continued)*

**H.B. 401** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

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The Committee Substitute bill passes its third reading, by roll-call vote, ayes 37, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Preston, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---37.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The Committee Substitute bill is ordered enrolled.

**H.B. 403**, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: None.

The bill is ordered enrolled.

**S.J.R. 1106**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF VERNON MALONE, STATE SENATOR.

Upon motion of Senator Rand, the joint resolution is taken 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 Weinstein, the remarks of the members, are spread upon the Journal, as follows:

**Senator Dorsett:**

“You just heard in the resolution a lot about the accomplishments of Vernon Malone during his life and when thinking about what I would say to you today about my friend, or our friend, and our beloved colleague, there are several things that come to mind. Vernon was a very caring person. He took the time for all of those who sought his advice. Vernon had many loves in his life. He dearly loved his wife, Susan. He loved his family and his grandchildren were very special to him. He talked about them all the time. He loved his church and he was very active in his church. He loved his community and as you heard from the resolution, he was heavily involved in his community. Vernon loved being a public servant and most of all he loved being a member of this Body, the Senate. Vernon was a public servant in the very best sense. He spent his entire life in service to his County, this State, and the Nation. There are those who run

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for office for recognition or just for power, but not Vernon Malone. He ran for office to serve and, indeed, he served his entire life to make sure that every child receives a solid education, to make sure that every generation is better off than the one that comes before it, to give everyone, regardless of where you came from or what you looked like, an equal opportunity for success. Vernon worked tirelessly for over fifty years to achieve these goals. None other than Gandhi said that 'The best way to find yourself is to lose yourself in the service of others.' That sounds like Vernon Malone to me. There are few people that I have met who are so comfortable with who they are and what they are doing. Those of us who knew him well know that he was always working. He spoke softly, sometimes unassuming and we recognize that. But you couldn't let that fool you. Sometimes he'd surprise all of us with that booming voice that you forgot that he had. You knew if you heard that voice you'd better stop and listen because he meant it and he was right. Vernon and I sat together from the very beginning of our tenure here in the Senate in 2003 and there are just so many memories. He, Jeanne Lucas and I sat back here together and one of the things that I remember the most about Vernon as he was telling me something, he'd start pointing at the person he was talking to and I always hit his hand and he'd say, 'be quiet.' So, he said that's what Jeanne always said so there are many memories but that one sticks out in particular. I miss him everyday and I know all of you do, too. His life was certainly cut short when there is so much more work to do and so much more to live for. Now, more than ever, we need his wisdom and we certainly need his sense of humor. But we can be proud that we had the honor to know him and to learn from him and to serve with him. Our State is a better place because of Vernon Malone and to his family and friends, thank you for sharing him with us. And to Vernon, thank you. We love you and God loves you, too. I commend this resolution to you and ask for your support. Thank you."

**Senator Swindell:**

"Ladies and gentlemen of the Senate and to the family and friends I see in the gallery of Vernon Malone, on April 18, I'll never forget that Saturday morning when I got an early morning call from Amy telling me that we had lost Vernon. Shortly thereafter I had another call from Senator Basnight. Vernon Malone and I were friends before I came to this Body. Many years ago we became friends and I often thought about Vernon as he lived not after his death, but what made him tick and what made him the person that he is. We talked about how as a child growing up he could not go to the Olivia Raney Library in Raleigh and he could not go to places where a lot of white people could go. Yet, he was a man whose parents encouraged him to get an education and to work hard. One night, Mr. Basnight and myself and Vernon went to Greensboro and this was not long before his death. We were talking about the presidential campaign and Mr. Basnight, as he does to all of us, he challenges us in many ways and he asked Vernon to talk about what it was like growing up as a young black at the time he came along and he talked about what he had, not what he didn't have. As I served as a Co-chair of Education with Vernon Malone the one thing that I had

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said to Vernon face-to-face many, many times and I've said this to Don Davis sitting beside me before about Vernon and others, he cared so deeply about his people. He cared so deeply about the African-Americans, not only in our community, but throughout this Country and throughout the World. But it was not just about African-Americans. Now, he held that up here but right there beside it was for all races and all people. He believed in what he did and every day I would see Vernon we would have a little code between ourselves. I would say 'Yo' and he would say 'Yo' back to me. I miss Jeanne Lucas calling me Sweeney for years and years and I miss Vernon and our 'Yo, Yo.' But when we would sit down to look at bills in this Body, he didn't look to see if they were introduced by republicans, he didn't look to see who introduced them. He would ask staff, what does this bill do and do we need it. On Monday morning after his death I went over to his house and I sat down, I don't know if it was the chair Vernon was sitting in or not, but I sat down in that white chair there beside the back door and read my News and Observer. I took a bag of fruit over there and put by the door that I know you got later. But I sat there because I was trying to vision myself what it was maybe Vernon was thinking about that morning and I will bet you it had to do with what he could do for somebody. So I want to thank you for allowing me to speak on this resolution. Vernon Malone will long be remembered for many reasons but to take a short sentence from Shakespeare, 'He was my friend, faithful and just to me.' Thank you."

**Senator Albertson:**

"Members of the Senate, in all the words that have been spoken I think have described Vernon so very well and I find it hard really to find the right words and combinations to really describe to you how this man came across to me. He was such a wonderful, caring, generous, loving person. I always knew that Vernon loved me and I think he knew I cared deeply for him. But he had so many good qualities that it's just hard to describe all of them to someone. But, Senator Garrou, I will never forget the morning that we were in Room 605 and we, of course, were debating the budget. The committee had come in and had given us their recommendations, and as Vernon started to leave the room, you said to him, 'Well, Senator Malone, be on standby. We might be calling you back this weekend for some work.' And, without saying a word, without cracking a smile, he said, 'Well, the battery is dead,' meaning, that we couldn't reach him. Then he had that little ole' pretty smile and little chuckle, unlike anyone, I think I have ever known. I was privileged to be down in this section and I got to speak to Vernon almost every day but I will always remember him for his kindness, his goodness, and that little special smile and chuckle that he had. He was a wonderful human being."

**Senator Garrou:**

"I loved Vernon Malone. You know, when you get to be an old lady like I am, you appreciate nice things that are said to you and he used to write me mash notes, that's what I called them, because that's what I called them when I was in school, mash notes! He would write me silly things about, you know, he liked

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that outfit or he did this or that and he had beautiful handwriting and I've kept all those notes because I think they're so much fun. After Susan died, I learned that his favorite fruit was apples and so for the first month or so after Susan died I would carry some apples to his office to put them in there and just leave a note and tell him I loved him and that those apples were from Susan and that she was thinking about him. He was such a gentleman. He was a lovely, lovely man and we will miss him terribly. I urge you to support this resolution."

**Senator Blue:**

"My colleagues, you know Vernon was a native of Wake County and those who've followed Wake County over the past 20-30 years know that that is sort of a rare thing. In thinking about a few minutes ago the comments that would be appropriate about Vernon, I was reminded of the story from Mark 6 beginning at Verse 1 where Jesus came back to his hometown and started trying to heal and trying to teach and trying to do the things that he had done everywhere else and because of the skepticism and folks saying, you know, just a carpenter's son, just a common fellow, why should we believe this stuff that he says or that we see him do. We get that famous quote that 'A prophet is not without honor except in his hometown and among his own relatives and in his own household.' I think about how Jesus was perplexed and vexed by that. But, you know, Vernon didn't have that problem. I've known Vernon and Susan since 1973 and he and Susan were dear friends of Earle and me. We were political friends, social friends, and however you might measure it. Vernon was instrumental in my getting involved in politics in Wake County. But let me share a particular story with you about why Vernon was not an unappreciated prophet in his hometown. In 1974, Wake County and Raleigh were basically butting up against each other with our school districts - a city school district that had city out rules which means the city had begun to grow but all the new areas that were annexed to Raleigh were in the county school system, a recipe for choking the life out of the city school system. The voters of Wake County had it put to them in a referendum and voted by greater than two to one against merging the Raleigh and Wake County school districts, two to one! Now, what sensible politician in the face of those kinds of results would still plow on? Well, fortunately, Vernon, on the Raleigh City School Board along with his colleagues on the Wake County School Board pushed on because they could see the future and realized what merging this school district would do for this County and do for this State, as a matter of fact. And so, in 1976, the legislature, 1975, effective in 1976, the legislature, both House and Senate, with a resolution from the city and county school boards against the wishes of the overwhelming majority of the population, merged this school district. I don't need to tell you what happened to Wake County and this little area of the State as a result of that. Last year, Wake County was the 18th or 19th largest school district in the Country. It's the largest school district in North Carolina with over 138,000-140,000 students and, by most measures, most objective measures, in fact, all that I've seen, Wake County is consistently rated in the top five large school districts in this Country. We have some challenges still in this County but many of you saw

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some of the recent articles on the performance of our kids compared to other school districts in the State, other large school districts in the Country. It was phenomenal and that was partly brought about because of Vernon's ability to play prophet in his own land, to have a vision of what the future could be if we did the right thing. Let me tell you one other point that I would bring to you. You know, many that I could, but one other that I would point out specifically to you. In the early 1990's, we chose, that is, the County Commissioners, the residents of Raleigh primarily and Wake County, chose to go about attracting people to this area in a much more aggressive way than we had done, both for economic development as well as recreational activities and we chose to put an occupancy and food tax on the residents of this County. It was not very popular when it was done but the County Commissioners, led by Vernon Malone as the Chairman of that Board, hunkered down and even with serious opposition within the Commission, asked us to do that special tax. We passed it as a General Assembly but I will tell you it even failed in the House. Charlie, you were there. It failed in the House and at one o'clock in the morning when we had those marathon sessions, it was resurrected with Vernon Malone participating and convincing members it was something that we ought to do. I mention that to you because you see the results of it now, a tax that generates millions and millions of dollars per year and has generated over hundreds of millions of dollars for facilities around this County, RBC Center, Convention Center where we had a reception earlier this year, parks for soccer, Mudcats Stadium, and all of these recreational facilities across this County and cultural arts activities, that have received hundreds of millions of dollars because, first, Vernon had a vision, and secondly, he had the courage to help implement that vision. I will tell you, my friends, you, in life rarely have the opportunity to rub shoulders on a daily or at least weekly basis and talk about things that really matter for the future with someone of Vernon's caliber. I feel fortunate to have been able to do that and I think that all of the members in this Chamber have been especially blessed to have served with Vernon, to witness firsthand his passion in education. But I share with you his passion across a broad range of issues. In closing, each Christmastime before Susan got sick, Vernon and Susan would have a dessert party and if you wanted to see what Wake County really looked like, if you wanted to see what healing communities looked like, and the conversation that occurred at those dessert parties around Christmastime, then you missed the greatest opportunity by not being at Vernon and Susan's party during the Christmas holidays. Mr. President, I commend this resolution to you and proudly sit in the seat that Vernon Malone occupied so admirably in this Chamber."

**Senator Jenkins:**

"As my friend would want me to be, I will be brief. Everyone has always heard several things, don't judge a book by its cover, don't reach a conclusion on a first impression, and I can tell you Vernon Malone contradicts both of these old pieces of wisdom. The first time I ever met Vernon was in Chapel Hill at the freshman legislative training sessions. When I walked into the room and

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saw that white-haired gentleman, I knew he had a lot of experience and lot of wisdom. He never proved that not to be the case. Vernon was always available to give me any help and advice I wanted. We will all miss him and I commend this resolution to you. Thank you very much.”

**Senator Stein:**

“Senator Stevens couldn’t be here today and so he asked me to read a short statement that he had written and before I do that I’ll offer my own personal words. Although I had known of Vernon for many years, I didn’t have the opportunity to meet him personally until last year through my campaign and then joining the Senate this year. He was everything that a rookie Senator would want a veteran Senator from a home county to be, advising me on matters large and small. When we had our first caucus meeting over here in Senator Soles’ office, when I walked in I had no idea of what the protocol is, where I was supposed to go. Vernon immediately pulled me over and sat me down right beside him so I had my place and he explained to me, whispered in my ear what was going on and when I should be quiet! He also advised me occasionally on what committees I should sit in, and he would pull me over and whisper in my ear on matters, policy or political. He was great. Vernon was a gentleman, he was a steely gentleman. We in Wake County owe some large measure of our good fortune to Vernon Malone. We’re routinely one of the fastest growing counties. We have so many large and successful businesses and a substantial factor in Wake County’s success is the quality of our public school system. As Senator Blue noted, Vernon was a major advocate for unifying the city and county schools at a time when not everyone saw the wisdom in doing that. He believed strongly that our schools should remain strong and that they should not become re-segregated so I’m grateful to Vernon for the personal grace he demonstrated to me and to others and for his leadership in helping to make our community and State what it is today. And now I’d like to read you all what Senator Stevens wrote in memory of Vernon Malone.”

**Senator Stevens (read by Senator Stein):**

“Mr. President and members of the Senate, I regret very much that I am unable to be with you today as the General Assembly honors the life and memory of my dear friend, Vernon Malone. I had the honor and privilege of knowing and working with Vernon for over twenty-five years. He was elected to the Wake County Board of Commissioners in 1984, the same year I became County Manager. We worked together on dozens and dozens of difficult and challenging issues and I learned so much from him. He was truly a dedicated and outstanding public servant. While I worked with many County Commissioners and several board chairs, somehow Vernon and I developed a special bond like no other. We shared our dreams, our hopes, and our desires for a better community, and yes, we sometimes shared our frustrations. Throughout all the years of working together in Wake County, I looked to Vernon for guidance, inspiration and vision, but most of all, I valued his friendship. In one of life’s ironies, Vernon and I both decided to run for the

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Senate in 2002 without even discussing our plans with the other. When we were elected it was a joy and privilege to once again have the opportunity to work with Vernon. He was that steady rock of reason, a man who cared so deeply for his County and his State. You never doubted where Vernon Malone stood on the importance of education and the responsibility the State had to care for those less fortunate. Vernon was often a man of few words but each word he spoke was significant. If you listened, you learned. Wake County and North Carolina lost a significant leader on April 18 of this year. This Senate lost one of our finest members ever. I, like so many of you, lost a dear friend. To Rob, Barry, Laverne, and the entire Malone family, thank you for sharing this great man with us. As it is written in 2nd Timothy 4:7, Vernon Malone fought the good fight, he finished his course, and he kept the faith. God bless you, Vernon. I miss you every day but your legacy will live on and on. I commend this resolution to you.”

**Senator Purcell:**

“I first got to know Vernon Malone when Vernon, Charlie Dannelly, A. B. Swindell, David Weinstein and Senator Rand and I took a trip to Taiwan. I found out that was a trip that Senator Weinstein smuggled a concealed weapon on Air China. He carried this rather large pocket knife and they identified him as a dignitary from America so they let him carry this pocket knife on Air China and we all could have been arrested! Anyway, I got to know Vernon pretty well then and what a quality guy he was. But I really got to know him after Bill Martin died and Senator Malone and I were appointed Co-chairs of Health and Human Services Appropriations until Senator Basnight, someone above my level, saw fit to move him to Education. In Health and Human Services, I really got to know his concern for the poor, the downtrodden, the elderly, the Medicaid patients, and all those people who needed help. He was just such a sincere guy about his concern for those people who were less fortunate than most of us here in this Senate. I will never forget him for that and it was a pleasure to have an opportunity to work with him.”

**Senator Foriest:**

“Unfortunately for me, I didn’t know Vernon Malone before I became a member of this Body. Since that time, though, I’ve had the privilege to know him and to learn from him and I have been impressed with his passion for life, with his love of this Body, this Senate Body, and his desire to better everyone through education. Now, I learned a lot from him and much of what was said was unspoken. Much of it was based on what I saw him do, the respect that he was able to garner from the people who were around him, but I learned from all of that and it has helped make me a better person. Now, how well I learned my lesson, I suppose time will tell but it had nothing at all to do with the teacher. He did his job and he did what he was supposed to do. He taught me that education and service to others are the keys to success and I think he did everything within his ability to ensure that everybody else understood that. There probably isn’t much that I can add to what has already been said. Most of

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you have known him a lot longer than I have and you've shared from his wisdom a lot longer than I have but I can say that he has been a tremendous teacher, a tremendous inspiration, a tremendous example to anyone who has seen or worked with him. I just want to thank the family for sharing him with us because that meant he took time away from you, but it was not time that was ill spent because I think this Body, this City, and this State, are better off because of Vernon Malone. I want to thank you, Vernon Malone, wherever you are, for sharing a life well-lived and I commend this resolution to you."

**Senator Dannelly:**

"Ladies and gentlemen of the Senate, I wish I could remember when I first met Vernon Malone. I know it was long before I came up here in 1994, but I didn't really get to know him until beginning my service in the General Assembly and I would see him operate throughout Wake County. Vernon Malone is a longtime friend of one of my fraternity brothers, Chairman Harold Webb of the Wake County Commissioners, and from time-to-time they would have lunch up here. Now, Harold is an Omega. He belongs to Omega Psi Phi fraternity and so do I. Vernon belongs to Alpha Phi Alpha fraternity and when the two of them are together they would do something that's hard to understand. Harold, in Vernon's presence, would act like an Alpha and Vernon would act like an Omega and I just couldn't understand that! They are long-time friends. Vernon was not braggadocious about himself and reading this resolution you can see how well he kept things to himself. Vernon rubbed shoulders with the richest and the most powerful people in Wake County and this State, yet you couldn't be under the ground and need help and let Vernon know because he would help you. There was one experience, and I don't think the member would tell you, but Vernon told me that happened. When Susan was going through her sicknesses, Vernon tried in all his power to find ways and places to seek relief and a member of this Body was so impressed with his association with Vernon that he came to him and said that no matter where you need to take Susan, even out of this State, if it's a distance, let me know and I will fly you there. That's impressive to someone from a different party, but that's how Vernon affected people. There are many more things I could say about Vernon. One thing I will say that we all know, Vernon never met a stranger, never, and he would always lend a helping hand but if he didn't like something, you found out and if he gave you his word, you had a friend. I'm so thankful that I had an opportunity to work with and to know this wonderful, wonderful man. I miss him every day. One other thing I'll say. We all have experience but when you have something that's good, if it's a sermon, if it's an association, or whatever it is, it seems to end too soon. Seven and plus years that I have worked with Vernon here seems like seven plus months. That's how quick it was because the association was so enjoyable. I say to you, support this resolution."

**Senator Apodaca:**

"I think everybody in here knows that Vernon and I had a special relationship. He and I came through what I think is the finest freshman class we've had in this Senate in many, many years, especially since then. I was up

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this morning about 5:30 sitting out on my porch trying to think about what to say today and all I could hear was Vernon saying, 'Please, don't say much. Get this over with and get on with the business of the State.' But, there are a couple of things I've got to say, and it's something that I'll always remember Vernon for and that was his relationship with my wife, Lisa. The first time my wife met Vernon Malone she said that is one of the most handsome men I've ever seen in my life. Oh Lord, Vernon loved that and he played on that! I'll tell you, when Susan passed, I really kept a close eye! But anyway, Vernon and Lisa would have telephone conversations. As you know, Lisa taught third grade for many, many years. Lisa had quite a few at-risk students in her class that she tried to reach out to and a lot of times she would have problems with that and needed advice and she would turn to one of my favorite people that was in this Senate, Jeanne Lucas, and Vernon Malone and they were both there for her to give her advice on how to reach these children. Both of them volunteered to come up there and meet with these children. That's the kind of people that are in this Senate. I could go on and on about Vernon but he knew how I felt about him and I knew how he felt about me. But when I was sitting back here listening to the words spoken about Vernon and listening to him saying, all right, enough already, sit down, I thought of the words of Dr. King in his famous speech that we should judge, and I'm paraphrasing, we should judge a man by the content of his character. I don't know of a measurement that can accurately describe and measure the content of Vernon Malone's character. I recommend this resolution to you."

**Senator McKissick:**

"So many kind remarks have been made about Vernon Malone and he deserves every one of them, one of the few people that I can say that I've known over the years. I knew Vernon by reputation before I met him. I was serving on the City Council in Durham for about eight years beginning back in 1993 and he was a County Commissioner in that same time frame. I knew of him but had not met him until I joined the Council and we served on the Triangle J Council of Governments Board as delegates and attended many, many meetings together with over forty other members that served on that Board, units of local government. The thing you could always know about Vernon is that when he came there he brought an archive of information with him, a wealth of knowledge, a wealth of experience, and he was very passionate about so many issues affecting not just Wake County but all of North Carolina, how we were working together and how we needed to work together. When it came to issues that would affect us in the Triangle, he was committed to resolving those. When it came to openness in government, he understood the imperative need for it. When it came to issues of education and transportation, he was particularly knowledgeable and brought a lot to the table. I gained a great deal of respect for Vernon from those years that we worked on the Triangle J Council of Governments together, but more importantly, when I began working here in this Senate and joined this Body. He was one of those people you could go to, one of those people you could confide in, one of those people that you could rely upon to share with you his thoughts and his perspective and his wisdom on

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things. Most recently, we had worked together in trying to come up with perhaps private resources of getting together funds to do a documentary that would help people understand the Wilmington Race Riots back in 1898 and to see how we could likewise get some component about that into our public schools' curriculum because it didn't look like we had much chance in the budget. Vernon understood why there was a need for that, to understand history, to understand from where we had come, to understand and make sure that the generations to come had an appreciation for that. Vernon, most importantly, was somebody with impeccable character, someone whom you could rely upon, someone you could trust, someone who brought to us all a wealth of knowledge that I think this Body benefited from. To his family, to his friends, to those of you who knew him better, to those of you that allowed him to serve and contribute his time, we thank you all and to Vernon, you can know that there's a special place in Heaven for those who have served and been as passionate and committed to the lives and richness of others as you have been."

**Senator Rand:**

"Mr. President, ladies and gentlemen of the Senate, Vernon and I were both products of rural Wake County. Vernon was older than I, of course, but we came along at a time when the world was really different than it is now and we talked about that a lot. I always thought that Vernon was one of the most forgiving people because I know that I could not have dealt with all of that the way he did. He never looked back, he always looked to the future and he always believed in the best of things. For that, I was always thankful because he certainly was helpful to me in understanding all about that and where we are now but more importantly, where we need to go and so he was a great friend. But the great thing about Vernon, it was always such a good time just to be with him. He understood the humor in things, he loved to laugh, he had a great laugh and he loved just to talk about foolishness and just about what life is really like. On that great fact-finding mission we did in Taiwan, you know, when you go to these places, whenever you meet with these officials, you have to give them a present. We were in some town there meeting with the Mayor and we had run out of presents and we didn't have anything to give that guy. Senator Swindell had some cufflinks and I don't know if they were of Wake County or North Carolina or something so Vernon and I took A. B.'s cufflinks and gave them to this Mayor on behalf of the State of North Carolina! He thought that was really funny and that was really funny! If you were going to pass important legislation, if you were going to go fishing, or you were going to climb a tree, you wanted to do it with Vernon. Thank you."

**Senator Atwater:**

"Senator Malone was indeed a man of few words and, therefore, when he spoke to you a word or two or three, and he did to me in the early years of my coming to this Chamber, I remember those words of encouragement in particular and that he was scarce and brief with his words. I took him to be a deep thinker and when he spoke, it was very evident in his comments that he was and the

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weight of his substantive comments were enriched by deep personal experience and wide professional experience. He had the gift of personal courage to accompany his convictions, to be able to stand up in whatever type of audience he might be in and express his convictions and that made him especially influential. I want to read to you a letter that was addressed to our President *Pro Tem*, Senator Marc Basnight, April 21, from a neighboring county, Lee County, that I'm privileged to represent, and it goes as follows:

'Dear Senator Basnight:

During last night's meeting of the Lee County Board of Commissioners, the Board unanimously asked me to send a letter of condolence to the North Carolina State Senate for the loss of Senator Vernon Malone. Over the years, many of the Commissioners of Lee County had the opportunity to meet Senator Malone and were touched by his work on behalf of the citizens of North Carolina. Senator Malone's civic career is an inspiration to all that knew him. His leadership during the school consolidation in Wake County stands as his legacy to generations to come. Standing up for what is right is not always easy. In difficult times, strong leaders such as Senator Malone have stood up for those who could not do so for themselves. For almost forty years he has fought for diversity in our schools and in our communities. His fight has made North Carolina a better place to live for all citizens. We know that the Senate will miss Senator Malone's leadership. All of North Carolina will miss his ability to steer our politics towards what is right. We offer our condolences to his family and to the State for this loss. The Commissioners asked that this letter be part of any official record in the State Senate which honors the life and accomplishments of Senator Vernon Malone.

Sincerely,  
John A. Crumpton  
Lee County Manager'

The last words I would like to make are more on the light side. Each time I would invite Senator Malone to come to a fundraiser, he responded each and every time and he would be introduced as the 'long-term Wake County Commissioner' and I mean this in a positive way, with all these Wake accomplishments, you know, very 'Wake-centric', and this is important for the last comments that I'm going to make. I hardly knew Senator Malone when he came to these fundraisers. He was the life of the party! Everybody enjoyed him and everybody wanted to talk to him. In his closing remarks, he made some mighty positive comments about me and I surely appreciated that and he said, you know, and this was in Pittsboro by the way, he said, 'You know, this is a gathering that has such a nice feel to it and I'm just so pleased to be here.' He said, 'I really need to come more often. You know, I've never really been to Western North Carolina!' I commend the resolution to you."

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**Senator Soles:**

“Mr. President, ladies and gentlemen of the Senate, I’ll be brief. Vernon Malone and I became very good friends. We used to sit around and tell what I call war stories about how times have changed and our experiences in politics. We’d talk about when I began in the House of Representatives in 1969 there was one African-American there, none in the Senate. How there was one female in the House, two in the Senate, how over a period of time as he worked in local government and Wake County and how I served here how things have changed for the better. He was a dear friend. You might remember that a year or so ago the News and Observer followed me around for a month. I thought my career was coming to an end because I didn’t know exactly what it was but they did this big front page article about me and went over into another page and about a week or two or three weeks later I got a call in the office from Senator Malone and he wanted to know if he could come visit me. He came in and when he came, he had that article framed with a nice frame and a glass and it was about as big as one of these portraits around here and I have it in my office in Tabor City and think of him every time I see it. I thought about bringing it down here but I thought I’d get too much kidding about it if I put it in the Raleigh office so I see it at home but I thank him and his family for the contributions they’ve made and I’m thankful for the personal benefits that I received.”

**Senator Basnight:**

“Members of the Senate and to the family, I can see now in real life Vernon and Susan in Sam’s Club on Saunders Street in Raleigh. They were in the corner looking at something on the shelf and the love was very evident that he cared for her so much. It was at a time when life was declining as we see it today. That was occurring with me as well. I had a shopping cart and I had some beer and wine in the cart. I pushed the cart over to speak to Vernon and Susan and when I did Susan looked in the cart and I thought for a minute, ‘Oh, my goodness, if I could have only covered it up with ham and cheese or bologna, or something but no, it was not to be done!’ I looked at Susan and I told her this is for the rowdy members of the Body that Vernon and I serve in. Well, needless to say we laughed but then we talked about life. We talked about the people that would come into this big supermarket and what their reason was and their needs in life. But in general we hugged and we then connected in a different way, my wife to his wife, and he to me, and what life had for us and what it meant. From there, Vernon and I would chat about Susan and the family and I fully realized that time was ending for both of our wives. I knew what Vernon was giving and what was occurring. I knew as everyone in here has said, he was a loving, caring, giving individual and he cared for others more than he did himself. He made life better for the people in the mountains, for those of us on the coast, and everyone in between. Vernon touched all of us because of the way he lived life. We would go into caucus and A.B. and Vernon would sit next to each other and Ed Jones would be on the left, me on the end, and Tony to my right. Someone would get up for my friends on the back row like Floyd McKissick and he would talk for the greatest length of time. Vernon

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would shuffle his feet and squirm in his seat and say, 'That's just like somebody from Durham!' He was a bit selfish for Wake County then and he loved his community, but he loved me, and he loved you, Tom and Lisa, and he loved Tony's family. There was no one that he did not care for. He was a giant of a person. If only America had more like him, if the world had people who would follow in his footsteps and live the life as he did, one of generosity. He was a great man. He continues to live in this Chamber and in this State. We are so fortunate. Godspeed, Vernon. I recommend this resolution to you on behalf of all the people of North Carolina. Thank you."

**Lieutenant Governor Dalton:**

"I would just like to say that Vernon Malone was a great friend, a great leader and he'll be greatly missed. When Vernon was your friend, he was your friend forever. He stuck with you through thick and thin. He would stand by you and he would fight for those things that mattered. Some of you attended the service for John Hope Franklin and heard President Clinton describe him as a happy, angry man, a passionate rationalist. I got to thinking about it and I think it applies to Vernon Malone. He was certainly a happy man. He was happy because he loved his family and he was very proud of your accomplishments. You could tell he was happy because every time you saw him and he greeted you, he had a smile on his face and it was one of the greatest smiles of all time. But he not only greeted you with his smile, he would greet you with his eyes. You knew that if you were talking to Vernon, he was not only listening, he was thinking. Vernon was always optimistic. He not only saw the glass half-full but he was always thinking of ways to increase its volume and to make things better. But there were things that made him angry – poverty made him angry, prejudice made him angry, ignorance made him angry, and the thing, I think, that made him most angry, was apathy because he believed everybody should care, everybody should work for making things better for people. That's what he did. He spent his entire life trying to eradicate those problems of poverty and prejudice and ignorance. Senator Basnight, he absolutely loved you and he had the greatest love and respect for you and Senator Rand and his good friend, Harold Webb, who is in the gallery. I can remember during his first term we went over to NCCU to see the Biotech Building. On the way back Vernon went off on a Vernon 'toot' and he talked about his passion for education, he talked about what was wrong with education, he talked about what we needed to do for education, and you knew in that car that you had a special person there. You knew you had somebody that was going to mean a lot to this North Carolina Senate and a lot to the people of North Carolina. He was indeed one of the best people I have ever known. He was my friend, he was your friend, and he was a friend of North Carolina. He was a great leader. We will all miss him and I certainly want to thank the family for sharing him with us."

The joint resolution passes its second reading (43-0) and, without objection, is read a third time and passes its 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 Dorsett the Chair extends the courtesies of the gallery to family and friends of Senator Malone: his sons, Vernon Roderick and his wife Sandra, and Barry Fitzgerald and his wife Elizabeth; his daughter, Susan LaVerne and her husband Andrew Battle; his sister, Bessye Burwell; grandchildren, Jonathan, Sydney, and Susan Battle; City Councilman, Jim West; Superintendent of Wake County Schools, Dr. Del Burns; Mr. Harold Webb and Lucille Webb.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 334** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES, with a favorable report.

### CALENDAR *(continued)*

**H.B. 1011**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blue, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---38.

Voting in the negative: Senators Forrester and Rucho---2.

The bill is ordered enrolled.

**H.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

The Committee Substitute bill passes its third reading (40-0) and is ordered enrolled.

**H.B. 187** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT

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PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

The Committee Substitute bill No. 2 passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1105** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS, 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 Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

#### INTRODUCTION OF A RESOLUTION

A Senate resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Foriest:

**S.R. 1107**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

Upon motion of Senator Rand, the Senate resolution is placed on the Calendar for Tuesday, July 14.

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**CALENDAR** *(continued)*

**H.B. 582** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 661**, A BILL TO BE ENTITLED AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES.

Senator Jones offers Amendment No. 1 which is adopted (44-0), and changes the title to read **H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES AND TO ABOLISH THE STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION.

The Senate Committee Substitute bill, as amended, passes its second reading (44-0).

Senator Jones objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, July 13, upon third reading.

**H.B. 1078** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ON NOTIFICATION TO THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ALLEGED TO BE VICTIMS OF ANY ACT REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AND THE SUPERINTENDENT.

Senator Dorsett offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading

(44-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS, as amended by the State & Local Government Committee.

Senator McKissick offers Amendment No. 2 which is adopted (42-0).

The Committee Substitute bill, as amended, passes its second reading (41-3).

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 13, upon third reading.

**H.B. 1471**, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1073** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS.

The Senate Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives for concurrence.

**H.B. 1100** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

The Committee Substitute bill No. 2 passes its third reading (44-0) and is ordered enrolled and sent to the Governor.

**H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO

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MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

Senator Soles offers Amendment No. 1.

Upon motion of Senator Rand, the Chair orders, without objection, the Senate Committee Substitute bill with Amendment No. 1 pending, temporarily displaced.

**S.B. 332** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE; AND TO ANNEX CERTAIN PROPERTY OWNED BY THE NC ZOOLOGICAL SOCIETY INTO THE CITY OF ASHEBORO, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill No. 2 on 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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**S.B. 584** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, TO MAKE CONFORMING CHANGES TO THE ALARM SYSTEMS LICENSING ACT WITH RESPECT TO CRIMINAL BACKGROUND CHECKS, AND TO AUTHORIZE THE STUDY OF DIGITAL FORENSICS, for concurrence in the House Committee Substitute bill, upon third reading.

*Without objection, Senator Jones requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.*

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 42, 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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hartsell, Hunt, Jacumin, Jenkins, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 674** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN, 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 44, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 962** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Nesbitt, the Senate concurs in the House Committee Substitute bill No. 2 (44-0) and the bill is ordered enrolled and sent to the Governor.

**H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, temporarily displaced earlier today.

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Upon motion of Senator Rand, the Senate Committee Substitute bill, with Amendment No. 1 pending, is withdrawn from today's Calendar and is re-referred to the **Judiciary I Committee**.

Upon motion of Senator Basnight, seconded by Senator Tillman, the Senate adjourns at 12:52 P.M. to meet Monday, July 13, at 7:00 P.M.

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### NINETY-FIFTH DAY

Senate Chamber  
Monday, July 13, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"God of goodness, it seems that no matter how hard we work, our to-do list never shortens. We often come to you with long lists of requests, and rightly so as you are a generous God. We confess that we often become so task-oriented that we let the blessings of life slip by unnoticed. So today we give you thanks for one particular blessing that we have long enjoyed as people of this great State. We pause to remember and be grateful that on this date in 1937, in Winston Salem, the first Krispy Kreme doughnut shop opened its doors. Thank you God, for Krispy Kreme doughnuts. I pray that these Senators will cooperate with each other as smoothly as a doughnut melts in one's mouth. And may you glaze our State with your blessings. Amen."

The Chair grants leaves of absence for tonight to Senator Brunstetter, Senator Shaw, Senator Stein, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, 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 Barbara Nellis from Williamston, North Carolina and Casey Spear from Edenton, North Carolina, who are serving the Senate as Nurses of the Day.*

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The Senate recesses at 7:03 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 7:18 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Albertson for the **Appropriations/Base Budget Committee**:

**H.B. 1504** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30429, which changes the title upon concurrence to read **H.B. 1504** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FOUR PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on tonight's Calendar for immediate consideration.

The Senate Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1255**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH

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THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER, 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 11013, is adopted and engrossed.

**H.B. 1256** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF LARCENY OF A MOTOR VEHICLE PART, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50759, is adopted and engrossed.

**H.B. 1433** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE IMMUNITY FROM LIABILITY OF PERSONS USING AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70469, is adopted and engrossed.

### CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

**S.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 14.

**S.B. 488**, 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.

*The Chair grants a leave of absence for the remainder of tonight's session to Senator Davis.*

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

**S.B. 489**, 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.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

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**S.B. 1083**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LITTLE TENNESSEE RIVER BASIN ADVISORY COMMISSION.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

**H.B. 334** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

**H.B. 378** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

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 15.

**H.B. 816** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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 15.

**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY.

Upon motion of Senator Rand, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

**H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES AND TO ABOLISH THE STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION, as amended on July 9.

Upon motion of Senator Rand, the Senate Committee Substitute bill, as amended, is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

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**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS, as amended on June 30 and July 9.

Upon motion of Senator Rand, the Committee Substitute bill, as amended, is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 15.

### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Rachel Adams, Raleigh; Nicklaus Ashburn, Advance; Berkeley Bennett, Raleigh; Sarah Blake, Cary; Tyson Blount, White Lake; Kimberly Brauner, Pittsboro; Garnett Bullock III, Gastonia; Trevor Burgess, Gastonia; Alex Calloway, Cary; Dain Clare, Raleigh; Kristin Crenshaw, Raleigh; Mark Eatman, Rocky Mount; Powell Eddins, Raleigh; Wes Fagg, Winston-Salem; Caleb Hawkins, Raleigh; Melissa Hirsch, Raleigh; Natalie Jones, Gastonia; Jenna Koester, Burlington; Cori Lilley, Sanford; Sarah Lindner, High Point; Matthew Lovejoy, Greensboro; Katia Martinez, Cary; Taylor May, Pittsboro; Graison McKissick, Durham; Allie Murphy, Gastonia; Spence Newcombe, Gastonia; Victoria Peterson, Emerald Isle; Will Rhinehart III, Gastonia; Parker Robinson, Gastonia; Brooke Tetrault, Charlotte; Turner Welch, Winston-Salem and Alex Zuraff, Concord.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 13, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 365**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF

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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

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 285**, AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

**S.B. 332**, AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE; AND TO ANNEX CERTAIN PROPERTY OWNED BY THE NC ZOOLOGICAL SOCIETY INTO THE CITY OF ASHEBORO.

**S.B. 584**, AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, TO MAKE CONFORMING CHANGES TO THE ALARM SYSTEMS LICENSING ACT WITH RESPECT TO CRIMINAL BACKGROUND CHECKS, AND TO AUTHORIZE THE STUDY OF DIGITAL FORENSICS.

**S.B. 674**, AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN.

**S.B. 962**, AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS.

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**H.B. 187**, AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION.

**H.B. 243**, AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE.

**H.B. 582**, AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION.

**H.B. 661**, AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION.

**H.B. 881**, AN ACT TO INCLUDE COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS.

**H.B. 1100**, AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY.

**H.B. 1105**, AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS.

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**H.B. 1471**, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 215**, AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

**H.B. 401**, AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

**H.B. 403**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT.

**H.B. 1011**, AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES.

**S.J.R. 1106**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF VERNON MALONE, STATE SENATOR. (Res. 26)

#### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**S.B. 570**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF INDIAN TRAIL. (Became law upon ratification, July 9, 2009 - S.L. 2009-257.)

**H.B. 566**, AN ACT TO AUTHORIZE THE CITY OF MONROE TO TAKE IMMEDIATE POSSESSION OF PROPERTY CONDEMNED FOR THE CHARLOTTE-MONROE EXECUTIVE AIRPORT. (Became law upon ratification, July 9, 2009 - S.L. 2009-258.)

**H.B. 650**, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO LOITER IN THE CITY OF ROANOKE RAPIDS OR THE TOWN OF FREMONT FOR THE PURPOSE OF VIOLATING THE CONTROLLED SUBSTANCE LAWS. (Became law upon ratification, July 9, 2009 - S.L. 2009-259.)

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**H.B. 743**, AN ACT TO ALLOW THE TOWN OF WENDELL TO EXTEND ITS EXTRATERRITORIAL JURISDICTION OVER A CERTAIN DESCRIBED AREA WITH THE APPROVAL OF THE BOARD OF COMMISSIONERS OF WAKE COUNTY. (Became law upon ratification, July 9, 2009 - S.L. 2009-260.)

**H.B. 898**, AN ACT TO PROHIBIT THE POSSESSION OR TAKING OF GRASS CARP FROM THE GASTON OR ROANOKE RAPIDS RESERVOIRS OR FROM THE SECTION OF THE ROANOKE RIVER RUNNING BETWEEN THE RESERVOIRS. (Became law upon ratification, July 9, 2009 - S.L. 2009-261.)

**H.B. 1453**, AN ACT TO ALLOW STATE MAINTENANCE VEHICLES TO PARK IN METERED PARKING SPACES ON THE STREET BLOCKS BORDERING CAPITOL SQUARE AND TO PROHIBIT PARKING OF MAINTENANCE VEHICLES ON CAPITOL SQUARE IN A MANNER THAT OBSTRUCTS THE VIEW OF OR ACCESS TO MONUMENTS. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-262.)

**H.B. 866**, AN ACT TO ALLOW ALL MUNICIPALITIES THE AUTHORITY TO ADOPT AN ORDINANCE DECLARING RESIDENTIAL BUILDINGS IN COMMUNITY DEVELOPMENT TARGET AREAS TO BE UNSAFE AND TO REMOVE OR DEMOLISH THOSE BUILDINGS. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-263.)

**S.B. 208**, AN ACT PERTAINING TO STATUTORY AND ADMINISTRATIVE RULE REFERENCES TO PEOPLE WITH DISABILITIES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-264.)

**S.B. 1019**, AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-265.)

**S.B. 828**, AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-266.)

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**S.B. 483**, AN ACT TO CLARIFY THAT COURTS IN NORTH CAROLINA HAVE THE AUTHORITY TO CREATE TRUSTS BY JUDICIAL ORDER OR JUDGMENT IN CASES PROPERLY BEFORE THE COURT; AND TO SPECIFICALLY PROVIDE THAT NORTH CAROLINA COURTS HAVE THE RIGHT TO CREATE TRUSTS PURSUANT TO 42 U.S.C. § 1396P(D)(4)(A). (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-267.)

**H.B. 799**, AN ACT TO CLARIFY THAT INTERESTS IN A JOINT TENANCY WITH A RIGHT OF SURVIVORSHIP MAY BE HELD IN UNEQUAL SHARES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-268.)

**S.B. 586**, AN ACT TO REQUIRE THE FILING OF NOTICE OF PENDING LITIGATION FOR ACTIONS SEEKING INJUNCTIVE RELIEF REGARDING SEDIMENTATION AND EROSION CONTROL FOR ANY LAND-DISTURBING ACTIVITY THAT IS SUBJECT TO THE REQUIREMENTS OF ARTICLE 4 OF CHAPTER 113A OF THE GENERAL STATUTES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-269.)

**H.B. 1438**, AN ACT TO PROVIDE FOR A PILOT PROGRAM TO DETERMINE THE EFFECTIVENESS OF USING VIDEOCONFERENCE TECHNOLOGY TO CONDUCT COURT PROCEEDINGS, OTHER THAN TRIALS, INVOLVING PERSONS IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION AND IN LOCAL CONFINEMENT FACILITIES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-270.)

**H.B. 886**, AN ACT TO ALLOW THE BOARD OF DIETETICS/NUTRITION TO RECOVER COSTS INCURRED BY THE BOARD IN CONNECTION WITH DISCIPLINARY PROCEEDINGS OF THE BOARD. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-271.)

**H.B. 1267**, AN ACT TO AMEND THE LAW REGARDING LIABILITY OF A COMMERCIAL SOCIAL NETWORKING SITE TO PROVIDE THAT THE WEB SITE SHALL NOT BE HELD CIVILLY LIABLE FOR DAMAGES ARISING OUT OF COMMUNICATIONS ON THE WEB SITE IF THE WEB SITE MAKES A GOOD-FAITH ATTEMPT TO SCREEN OUT USERS WHO ARE IN THE STATEWIDE SEX OFFENDER REGISTRY. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-272.)

**S.B. 870**, AN ACT TO DIRECT THE GENERAL STATUTES COMMISSION TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON ANY CHANGES NEEDED TO MAKE THE

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GENERAL STATUTES AND CONSTITUTION GENDER NEUTRAL.  
(Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-273.)

**H.B. 98**, AN ACT TO AUTHORIZE A MEMBER OF THE ARMED FORCES OR OF RESERVE COMPONENTS OF THE ARMED FORCES TO RENEW A DRIVERS LICENSE UPON RECEIPT OF DEPLOYMENT ORDERS AND TO ALLOW A SIXTY-DAY GRACE PERIOD FOR AN EXPIRED LICENSE UPON RELEASE FROM ACTIVE DUTY. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-274.)

**S.B. 1089**, AN ACT TO AUTHORIZE PROBATION OFFICERS TO TRANSFER LOW-RISK MISDEMEANANTS WITH NO SPECIAL CONDITIONS TO UNSUPERVISED PROBATION. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-275.)

**H.B. 79**, AN ACT PERMITTING THE JOINT LEGISLATIVE STUDY COMMITTEE ON PUBLIC SCHOOL FUNDING FORMULAS TO EXTEND ITS REVIEW OF PUBLIC SCHOOL FUNDING. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-276.)

**S.B. 248**, AN ACT TO MAKE A TECHNICAL CORRECTION BY DELETING FROM A 1981 LAW RELATING TO FILLING VACANCIES IN COUNTY BOARDS OF EDUCATION ELECTED ON A PARTISAN BASIS COUNTY BOARDS OF EDUCATION THAT IN FACT ARE NOT ELECTED ON A PARTISAN BASIS. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-277.)

**S.B. 357**, AN ACT REQUIRING MUNICIPALITIES AND MEMBERSHIP CORPORATIONS ORGANIZED UNDER CHAPTER 117 OF THE GENERAL STATUTES TO PERMIT COMMUNICATIONS SERVICE PROVIDERS TO USE THEIR POLES, DUCTS, AND CONDUITS FOR ATTACHMENTS AND RELATED USES, AND AUTHORIZING THE NORTH CAROLINA BUSINESS COURT TO CONSIDER AND RESOLVE DISPUTES CONCERNING THE RATES, TERMS, AND CONDITIONS ASSOCIATED WITH THE USE. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-278.)

**S.B. 661**, AN ACT AUTHORIZING LESSORS OF CONTIGUOUS PREMISES TO ALLOCATE THE COST FOR WATER AND SEWER SERVICE TO EACH TENANT USING EQUIPMENT THAT MEASURES HOT WATER USAGE, REQUIRING LANDLORDS TO IMPROVE THE HABITABILITY OF DWELLING UNITS BY REPAIRING CERTAIN UNSAFE CONDITIONS, STAYING THE EXECUTION OF A JUDGMENT FOR SUMMARY EJECTMENT WHILE A MOTION FOR MODIFICATION OF THE UNDERTAKING IS PENDING, ESTABLISHING FEES FOR ADMINISTRATIVE SERVICES IN RESIDENTIAL TENANCIES, AND

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ESTABLISHING THE CIRCUMSTANCES UNDER WHICH A CITY MAY ORDER A DWELLING TO BE VACATED AND CLOSED. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-279.)

**H.B. 1009**, AN ACT TO END DEPARTMENT OF ADMINISTRATION SUPERVISION OF EMPLOYEES OF COUNTIES, CITIES, AND TOWNS THAT ARE ENGAGED IN VETERANS SERVICE. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-280.)

**H.B. 632**, AN ACT TO APPROPRIATELY RECOGNIZE THE NATIONAL GUARD AND TO CREATE UNIFORMITY IN THE SPELLING OF THE TERM "NATIONAL GUARD" WHEREVER IT APPEARS IN THE GENERAL STATUTES BY CAPITALIZING IT, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON MILITARY AND VETERANS' AFFAIRS AND TO AUTHORIZE A GENERAL STATUTES COMMISSION STUDY ON REFERENCES TO THE NAMES OF MILITARY ORGANIZATIONS IN THE GENERAL STATUTES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-281.)

**S.B. 43**, AN ACT TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-282.)

**S.B. 691**, AN ACT TO PERMIT DISCLOSURE OF CERTAIN TAX INFORMATION OF LOCAL GOVERNMENTS TO THE DEPARTMENT OF STATE TREASURER AND TO ENACT THE TREASURER'S GOVERNANCE AND TRANSPARENCY ACT OF 2009. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-283.)

**S.B. 634**, AN ACT TO PROHIBIT THE ADVERTISING AND CONDUCTING OF CERTAIN LIVE MUSICAL PERFORMANCES OR PRODUCTIONS, TO PROVIDE FOR ENFORCEMENT, AND TO IMPOSE A PENALTY. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-284.)

**H.B. 1112**, AN ACT TO AMEND BIRTH REGISTRATION REQUIREMENTS TO ALLOW A CHILD'S PUTATIVE FATHER TO BE ENTERED ON THE BIRTH CERTIFICATE OF THE CHILD UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-285.)

**H.B. 1294**, AN ACT TO AUTHORIZE THE NORTH CAROLINA HEALTH INSURANCE RISK POOL TO PROVIDE PREMIUM SUBSIDIES

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IF FUNDS ARE AVAILABLE AND TO REQUIRE INSURERS TO NOTIFY APPLICANTS FOR HEALTH INSURANCE COVERAGE ABOUT THE EXISTENCE OF THE POOL. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-286.)

**S.B. 564**, AN ACT TO AUTHORIZE ALL MUNICIPALITIES AND COUNTIES TO GIVE A SINGLE NOTICE TO CHRONIC VIOLATORS OF THEIR PUBLIC NUISANCE ORDINANCES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-287.)

**S.B. 159**, AN ACT TO UPDATE AND CLARIFY THE SECOND AND THIRD CLASS PRIORITY EXPENSES AND THE GRAVESTONE AUTHORIZATION IN PROBATE PROCEEDINGS. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-288.)

**S.B. 694**, AN ACT AMENDING THE LAWS PERTAINING TO THE PRACTICE OF DENTISTRY AS PERFORMED BY PERSONS PRACTICING DENTISTRY OUT OF STATE UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, July 10, 2009 - S.L. 2009-289.)

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 9, 2009

Mr. 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. 1523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, and requests conferees.

Speaker Hackney has appointed:

Rep. Glazier, Chair  
Rep. Faison  
Rep. Weiss  
Rep. Love  
Rep. Whilden  
Rep. Brubaker

July 13, 2009

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**H.J.R. 1654**, A JOINT RESOLUTION SUPPORTING IMPLEMENTATION OF THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

The joint resolution is ordered held in the Office of the Senate Principal Clerk pending referral.

**S.B. 65** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for concurrence.

**S.B. 68** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, IN DECIDING ON THE LOCATION OF AN ABC STORE IN GUILFORD COUNTY, TO CONSIDER WHETHER IT IS WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for concurrence.

**S.B. 628** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for concurrence.

**S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Tuesday, July 14, for concurrence in House Amendment No. 1.

**S.B. 755** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS, TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY CERTAIN IMPACTS THAT THE PROMOTION OF COMPENSATORY MITIGATION BANKS MAY HAVE ON THE ECOSYSTEM ENHANCEMENT PROGRAM, 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 14, for concurrence.

**S.B. 764** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CRIMINAL STATUTES AND THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, July 16, for concurrence.

**S.B. 913** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS AND DEALER TERMINATION ASSISTANCE RIGHTS, 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 14, for concurrence.

**S.B. 1069** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, July 14, for concurrence.

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Senator Basnight offers a motion in accordance with **H.J.R. 365**, 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, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education and further moves that, upon dissolution of the Joint Session, the Senate will adjourn subject to ratification of bills and receipt of messages from the House of Representatives.

The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives there to sit in Joint Session.

### JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives. Speaker Hackney calls the Joint Session to order.

The roll of the House of Representatives is called electronically to determine a quorum and the following members answer the call:

Speaker Hackney, Representatives Adams, Alexander K., Allen, Avila, Barnhart, Black, Bell, Blackwood, Blust, Boles, Bordsen, Braxton, Brisson, Brown, Brubaker, Burr, Burris-Floyd, Bryant, Carney, Cleveland, Coats, Cole, Cotham, Crawford, Current, Daughtry, Dixon, Dockham, Dollar, Earle, England, Faison, Farmer-Butterfield, Fisher, Floyd E., Folwell, Frye, Gibson, Gill, Gillespie, Glazier, Goforth, Goodwin, Grady, Guice, Gulley, Haire, Hall, Harrell, Harrison, Hill, Hilton, Holliman, Holloway, Howard, Hurley, Iler, Ingle, Insko, Jackson, Jeffus, Johnson, Jones, Justus, Killian, Langdon, Lewis, Love, Lucas, Luebke, Mackey, Martin, McComas, McCormick, McGee, McLawhorn, Michaux, Mobley, Moore, Neumann, Owens, Parmon, Pierce, Randleman, Rapp, Rhyan, Ross, Sager, Samuelson, Setzer, Spear, Stam, Starnes, Stevens, Stewart, Sutton, Tarleton, Tillis, Tolson, Tucker, Underhill, Wainwright, Warren E., Warren R., Weiss, West, Wiley, Wilkins, Williams, Womble, Yongue.

Speaker Hackney directs the Reading Clerk of the Senate to call the roll of the Senate to determine a quorum and the following members answer the call:

Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Clary,

July 13, 2009

Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rucho, Snow, Soles, Swindell, Tillman, Vaughan, Weinstein.

Speaker Hackney declares a quorum of each Body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education as outlined in **H.J.R. 364**, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF REGINALD KENAN, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO THE STATE BOARD OF EDUCATION, and directs the Reading Clerk of the House to read the resolution.

The House of Representatives passes the joint resolution on its second reading (109-2).

Without objection, the joint resolution remains before the House of Representatives for further consideration upon third reading. The joint resolution passes its third reading and is ordered sent to the Senate by special message.

Speaker Hackney relinquishes the gavel to the President of the Senate, Lieutenant Governor Walter Dalton, who presides and calls the Senate to order.

The President calls for messages from the House of Representatives and directs the Reading Clerk of the Senate to read as follows:

**H.J.R. 364**, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF REGINALD KENAN, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO THE STATE BOARD OF EDUCATION.

Senator Foriest, Co-Chair of the Education/Higher Education Committee, offers a motion that the rules be suspended and that the joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Foriest is recognized and speaks to the passage of the joint resolution.

The Senate passes the joint resolution on its second reading (42-0). Without objection, the joint resolution remains before the Senate for further consideration upon third reading. The joint resolution passes its third reading and is ordered enrolled.

The President of the Senate announces that the Senate and House of Representatives, sitting in Joint Session, confirm Governor Perdue's appointments of Reginald Kenan, Wayne McDevitt, and Patricia Willoughby to the State Board of Education and orders the Governor notified pursuant to G.S. 143-47.7 of action of the General Assembly taken on this date.

July 13, 2009

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following joint resolution duly ratified for presentation to the Governor:

**H.J.R. 364,** A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF REGINALD KENAN, WAYNE MCDEVITT, AND PATRICIA WILLOUGHBY TO THE STATE BOARD OF EDUCATION. (Res. 27)

The President of the Senate recognizes Senator Basnight who offers a motion, seconded by Speaker Hackney, that the joint session be dissolved. Pursuant to the motion heretofore made, the Senate stands adjourned subject to receipt of messages from the House of Representatives.

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**NINETY-SIXTH DAY**

Senate Chamber  
Tuesday, July 14, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Linda Garrou, Senator from Forsyth County as follows:

"God, give me a stout heart to bear my burdens. Give me a willing heart to bear the burdens of others. And give me a believing heart to cast all burdens to you. Amen."

The Chair grants leaves of absence for today to Senator Shaw, Senator Stein, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Clementine Buford from Creedmoor, North Carolina, who is serving the Senate as Nurse of the Day.*

July 14, 2009

**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 LAW PROVIDING BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13.

**S.B. 817**, AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 215**, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION.

**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. 215**, AN ACT TO AUTHORIZE CATAWBA AND ALEXANDER COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon ratification, July 13, 2009 - S.L. 2009-290.)

**H.B. 401**, AN ACT TO AUTHORIZE THE TOWN OF BOONE TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 13, 2009 - S.L. 2009-291.)

**H.B. 403**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF FREMONT. (Became law upon ratification, July 13, 2009 - S.L. 2009-292.)

**H.B. 1011**, AN ACT TO PROVIDE FOR ASSESSMENTS BY THE CITY OF RALEIGH TO OWNERS OF STORMWATER FACILITIES. (Became law upon ratification, July 13, 2009 - S.L. 2009-293.)

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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 13, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for **H.B. 473**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, and requests conferees.

Speaker Hackney has appointed:

Rep. Hurley, Chair  
Rep. Justus  
Rep. West  
Rep. Spear, and  
Rep. 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

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.J.R. 182** (House Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT WALTER "BOB" SCOTT, FORMER GOVERNOR OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Referred to the **Rules and Operations of the Senate Committee**.

**S.B. 307** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES, for concurrence in House Amendments No. 1 and No. 2.

July 14, 2009

The Committee Substitute bill is placed on the Calendar for Wednesday, July 15, for concurrence.

**S.B. 647** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 15, for concurrence.

**S.B. 1017** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS, 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 16, for concurrence.

**S.B. 1076** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW CERTAIN COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE 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 15, for concurrence.

**H.B. 1134** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE OPEN GOVERNMENT UNIT OF THE DEPARTMENT OF JUSTICE, TO ESTABLISH A FEE FOR SERVICES OF MODERATION AND MEDIATION BY THE OPEN GOVERNMENT UNIT, AND TO PROVIDE THAT THE SUCCESSFUL PLAINTIFF IN A PUBLIC RECORDS DISPUTE IS ENTITLED TO REASONABLE ATTORNEYS' FEES.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS, with a favorable report.

July 14, 2009

**H.B. 996**, A BILL TO BE ENTITLED AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY, 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 11016, which changes the title upon concurrence to read **H.B. 996** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY AND TO DIRECT THE UNC CENTER ON POVERTY, WORK AND OPPORTUNITY TO CONDUCT THE STUDY, is adopted and engrossed.

**H.B. 1289** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FORBID CONTRACTING AS LOTTERY RETAILERS BUSINESSES WHO PRIMARILY CASH CHECKS, DRAFTS, OR MONEY ORDERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11017, which changes the title upon concurrence to read **H.B. 1289** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FORBID CONTRACTING AS LOTTERY RETAILERS BUSINESSES WHO PRIMARILY CASH CHECKS, DRAFTS, OR MONEY ORDERS AND TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS, is adopted and engrossed.

By Senator Jenkins for the **Finance Committee**:

**H.B. 121** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, with a favorable report.

**H.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX, with a favorable report.

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN, with a favorable report.

**H.B. 772** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE, with a favorable report.

July 14, 2009

**H.B. 1595** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE, with a favorable report.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1058** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11015, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1077** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80488, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 68** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, IN DECIDING ON THE LOCATION OF AN ABC STORE IN GUILFORD COUNTY, TO CONSIDER WHETHER IT IS WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

**H.B. 205** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

July 14, 2009

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Wednesday, July 15, upon third reading.

**S.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES.

Senator Hoyle offers Amendment No. 1 which is adopted (46-1).

Senator Hoyle offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill, as amended, 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 Wednesday, July 15, upon third reading.

**H.B. 1255** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1256** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF LARCENY OF A MOTOR VEHICLE PART.

The Senate Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1433** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE IMMUNITY FROM LIABILITY OF PERSONS USING AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS.

Senator Purcell offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading

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(47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

Upon motion of Senator Graham, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 15.

**S.B. 65** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tillman, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 628** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Purcell offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, for concurrence in House Amendment No. 1.

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Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 15.

**S.B. 755** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS, TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY CERTAIN IMPACTS THAT THE PROMOTION OF COMPENSATORY MITIGATION BANKS MAY HAVE ON THE ECOSYSTEM ENHANCEMENT PROGRAM, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 913** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS AND DEALER TERMINATION ASSISTANCE RIGHTS, for concurrence in the House Committee Substitute bill No. 2.

*Without objection, Senator Brown requests to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.*

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1069** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill (46-1) and the bill is ordered enrolled and sent to the Governor.

**S.R. 1107**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

The Senate resolution is adopted (47-0).

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE

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DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, re-referred to the **Appropriations/Base Budget Committee** on June 30.

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 Thursday, July 16, 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 Thursday, July 16.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 473 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Blue, Chair; Senator Dannelly; Senator Jones; 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW.

Pursuant to the message from the House of Representatives received Monday, July 13 that the House fails to concur in the Senate Committee Substitute bill for H.B. 1523 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Blue, Chair; Senator Apodaca; Senator Nesbitt; and Senator Soles as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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Upon motion of Senator Basnight, seconded by Senator Dorsett, the Senate adjourns subject to receipt of committee reports, to meet Wednesday, July 15, at 2:00 P.M.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 667** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS, AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50766, which changes the title upon concurrence to read **H.B. 667** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO SELL UNFORTIFIED WINE AT A NON-CAMPUS LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB TO INCLUDE CERTAIN EQUESTRIAN CENTERS, is adopted and engrossed.

**H.B. 1222** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE RATE SPREAD AND HIGH-COST HOME LOANS STATUTES, AND TO MAKE A CONFORMING CHANGE TO THE

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EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES 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 50765, is adopted and engrossed.

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 106**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE INTERSTATE WILDLIFE VIOLATOR COMPACT INCLUDES VIOLATIONS OF MARINE RESOURCES LAW, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55477, which changes the title to read **S.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES, is adopted and engrossed.

By Senator Hoyle for the **Finance Committee**:

**H.B. 991**, A BILL TO BE ENTITLED AN ACT RELATING TO THE AUTHORITY OF MONTGOMERY COUNTY TO COLLECT MONEY OWED TO THE COUNTY FOR WATER SYSTEM FEES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70470, which changes the title upon concurrence to read **H.B. 991** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, is adopted and engrossed.

**S.B. 1068** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE COASTAL RESOURCES COMMISSION FOR THE SITING AND OPERATION OF WIND ENERGY 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, 85264, which changes the title to read **S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, is adopted and engrossed.

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Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:45 P.M.

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**NINETY-SEVENTH DAY**

Senate Chamber  
Wednesday, July 15, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Dowd Davis, Retired, Mt. Carmel Baptist Church, Chapel Hill, North Carolina as follows:

"Almighty God, our heavenly Father, King of Kings and Lord of Lords, from whom comes down all power and dominion in heaven and upon earth, we thank you for your many gifts to us, for life, for families, for communities, for our State and for our Nation. We particularly thank you for the freedoms of faith, of speech, the freedom of want and fear that our forebears risked their lives to give us. Merciful Father, bless the President of the United States, the Governor of this State, and the members of this Senate. Give them the spirit of wisdom, compassion and truth and so rule their hearts and bless their efforts that law and order, justice and peace may everywhere prevail. As they conduct the affairs of our State, fill them with a passion for the well-being of all our people. For the greater good of these people, may they put away any desire for personal gain or any excessive preference for party ideology. Make these Senators, our servants, strong and great in the fear of God and in the love of truth so that being blessed by you, they may become a blessing to all people of this State, to the praise of the glory of your grace. Gracious Lord, preserve us from public calamities, from plague, famine and natural disasters, from war, conspiracy and rebellion, but especially from national sins and personal corruption. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Shaw, Senator Stein, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, July 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Dr. Ram Sapasetty from Kinston, North Carolina, who is serving the Senate as Doctor of the Day.*

July 15, 2009

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 65**, AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS.

**S.B. 755**, AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS, TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY CERTAIN IMPACTS THAT THE PROMOTION OF COMPENSATORY MITIGATION BANKS MAY HAVE ON THE ECOSYSTEM ENHANCEMENT PROGRAM.

**S.B. 913**, AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS AND DEALER TERMINATION ASSISTANCE RIGHTS.

**S.B. 1069**, AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 68**, AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, IN DECIDING ON THE LOCATION OF AN ABC STORE IN GUILFORD COUNTY, TO CONSIDER WHETHER IT IS WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES.

**CHAPTERED BILL**

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

**S.B. 215**, AN ACT TO DEANNEX TWO DESCRIBED PARCELS FROM THE CORPORATE LIMITS OF THE TOWN OF ROBBINS AND TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF REANNEXATION. (Became law upon ratification, July 14, 2009 - S.L. 2009-294.)

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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 14, 2009

Mr. 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. 1504** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA CENTER FOR THE ADVANCEMENT OF TEACHING TO THE STATE BOARD OF EDUCATION, and requests conferees.

Speaker Hackney has appointed:

Rep. Michaux, Chair  
Rep. Crawford  
Rep. Jeffus, and  
Rep. Luebke

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 804** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS, 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 16, for concurrence.

July 15, 2009

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 106** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Finance Committee**.

**H.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 38, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clodfelter, Dannelly, Dorsett, East, Foriest, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Snow, Soles, Swindell, Tillman, Vaughan and Weinstein---38.

Voting in the negative: Senators Brock, Forrester, Rouzer and Rucho---4.

The Committee Substitute bill remains on the Calendar for Thursday, July 16, upon third reading.

**H.B. 1289** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FORBID CONTRACTING AS LOTTERY RETAILERS BUSINESSES WHO PRIMARILY CASH CHECKS, DRAFTS, OR MONEY ORDERS AND TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.

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 20.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 1504** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FOUR PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED.

July 15, 2009

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. 1504 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garrou, Chair; Senator Albertson; Senator Dannelly; 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.

**CALENDAR** (*continued*)

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS.

Upon motion of Senator McKissick, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 22.

*Upon the appearance of Senator Bingham and Senator Stein in the Chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.*

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein--46.

Voting in the negative: None.

The bill remains on the Calendar for Thursday, July 16, upon third reading.

**H.B. 772** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

July 15, 2009

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Thursday, July 16, upon third reading.

**H.B. 991** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 205** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**H.B. 121** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt,

Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Thursday, July 16, upon third reading.

**S.B. 488**, 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.

Senator Rand announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Rand votes "aye".

The bill passes its second reading (23-22) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 489**, 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.

Senator Rand announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Rand votes "aye".

The bill passes its second reading (24-22) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

Senator Goss offers Amendment No. 1.

The Senate recesses at 2:57 P.M. with Amendment No. 1 for S.B. 1068 pending to reconvene at 3:45 P.M. subject to receipt of committee reports.

## RECESS

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**H.B. 1159** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES, with a favorable report.

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**H.B. 1313** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, with a favorable report.

**H.B. 1196** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, 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, 80489, is adopted and engrossed.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Senate recesses at 3:58 P.M. to reconvene at 4:30 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

*The Chair grants leaves of absence for the remainder of today's session to Senator Goodall and Senator Weinstein.*

### CALENDAR *(continued)*

**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, with Amendment No. 1 pending.

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.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**H.B. 1296** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF

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PHARMACY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50767, is adopted and engrossed.

**CALENDAR** *(continued)*

**S.B. 1083** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LITTLE TENNESSEE RIVER BASIN ADVISORY COMMISSION.

The Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 553**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SWANNANOA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85265, which changes the title to read **S.B. 553** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SWANNANOA, SUBJECT TO A REFERENDUM, is adopted and engrossed.

**H.B. 456** (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 an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50768, is adopted and engrossed.

**CALENDAR** *(continued)*

**H.B. 334** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

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**H.B. 378** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 667** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO SELL UNFORTIFIED WINE AT A NON-CAMPUS LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB TO INCLUDE CERTAIN EQUESTRIAN CENTERS.

Senator Rand offers Amendment No. 1 which is adopted (44-2).

The Senate Committee Substitute bill, as amended, passes its second reading (38-8) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 816** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 996** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY AND TO DIRECT THE UNC CENTER ON POVERTY, WORK AND OPPORTUNITY TO CONDUCT THE STUDY.

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The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1058** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION, referred to the **Finance Committee** on July 14.

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 Thursday, July 16, 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 Thursday, July 16.

#### CALENDAR *(continued)*

**H.B. 1077** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

*Upon the appearance of Senator Goodall in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

#### CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1504** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FOUR PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, 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 1504, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET

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TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A LEVEL NOT TO EXCEED EIGHTY-FOUR PERCENT OF THE LEVEL AT WHICH THOSE OPERATIONS WERE AUTHORIZED IN S.L. 2008-107, AS AMENDED, Senate Appropriations/Base Budget Committee Substitute Adopted 7/13/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Appropriations/Base Budget Committee Substitute Adopted 7/13/09, and the House concurs in the Senate Appropriations/Base Budget Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H1504-PCCS 30433-LB-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 15, 2009.

*Conferees for the Senate*      *Conferees for the House of Representatives*

S/Linda Garrou, Chair	S/Henry M. Michaux, Jr., Chair
S/Charles W. Albertson	S/James W. Crawford, Jr.
S/Charlie Smith Dannelly	S/Maggie Jeffus
S/A. B. Swindell	S/Paul Luebke

The text of the attached Proposed Conference Committee Substitute, H1504-PCCS30433-LB-1 is as follows:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL JULY 31, 2009, AT 11:59 P.M.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 1 of S.L. 2009-215 reads as rewritten:

"**SECTION 1.** The Director of the Budget may continue to allocate funds for expenditure for current operations by State departments, institutions, and agencies at a level not to exceed ~~eighty-five percent~~ ~~eighty-four percent~~ ~~(85%)~~ (84%) of the level at which those operations were authorized in S.L. 2008-107, as amended.

Vacant positions subject to proposed budget reductions in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both, shall not be filled after June 30, 2009.

State employees employed in positions subject to elimination in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both, because of a reduction, in

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total or in part, in the funds used to support the job or its responsibilities shall, as soon as practicable and in accordance with Reduction in Force policies, be provided written notification of termination of employment 30 days prior to the effective date of the termination.

State agencies shall not make grant awards with funds that are subject to proposed budget reductions in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both.

Except as otherwise provided by this act, the limitations and directions for the 2008-2009 fiscal year in S.L. 2007-323, as amended, and in S.L. 2008-107, as amended, that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section."

**SECTION 2.** Section 10 of S.L. 2009-215 reads as rewritten:

"**SECTION 10.** Except as otherwise provided, this act becomes effective July 1, 2009, and expires ~~July 15, 2009, July 31, 2009,~~ at 11:59 P.M."

**SECTION 3.** This act is effective when it becomes law.

Upon motion of Senator Rand, the rules are suspended and the Conference Report, which changes the title, is placed on the Calendar for immediate consideration.

Upon motion of Senator Albertson, the Conference Report is adopted (46-1). A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **CALENDAR** *(continued)*

**H.B. 1222** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE RATE SPREAD AND HIGH-COST HOME LOANS STATUTES, AND TO MAKE A CONFORMING CHANGE TO THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

The Committee Substitute bill passes its second reading (37-10).

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, July 16, upon third reading.

**H.B. 1595** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE.

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The Senate Committee Substitute bill passes its second reading (36-11) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY.

Upon motion of Senator Jenkins, the Chair orders, without objection, the bill temporarily displaced.

**S.B. 116** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES, as amended on second reading.

Senator Apodaca offers Amendment No. 3 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (46-1) and is ordered engrossed and sent to the House of Representatives.

**H.B. 115** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives for concurrence.

**H.B. 951** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES AND TO ABOLISH THE STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives for concurrence.

**H.B. 1005** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS.

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The Senate Committee Substitute bill passes its third reading (42-5) and is ordered sent to the House of Representatives for concurrence.

**S.B. 647** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman and Vaughan---47.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

**S.B. 307** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Jones, the Senate concurs in House Amendments No. 1 and No. 2 (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, for concurrence in House Amendment No. 1.

Upon motion of Senator Hartsell, the Senate fails to concur in House Amendment No. 1 (0-47).

Senator Hartsell offers a motion that the Senate appoint conferees, which motion prevails.

**H.B. 1617**, A BILL TO BE ENTITLED AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY, temporarily displaced earlier today.

*Without objection, Senator Rand requests to be excused from voting on the bill due to a conflict of interest.*

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The bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 1076** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW CERTAIN COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill No. 2 (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  
July 15, 2009

Mr. 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. 1504** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL JULY 31, 2009, AT 11:59 P.M.

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

Upon motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns subject to ratification of bills and receipt of messages from the House of Representatives, to meet Thursday, July 16, at 11:00 A.M.

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

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**H.B. 1504**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL JULY 31, 2009, AT 11:59 P.M.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:40 P.M.

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**NINETY-EIGHTH DAY**

Senate Chamber  
Thursday, July 16, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Lord of all, you are the God of time. The sun rises and sets at your command. We work and play, live and die, rise and fall within your will. You measure our lives by standards we cannot comprehend. In our limited perception, some days can fly at blazing speed and others seem to last an eternity. One moment, it seems that summer has just begun and the next instant it appears to be nearly over. So we commit our time and our efforts to you, trusting that in the fullness of time, your will and our work will be done. Amen."

The Chair grants leaves of absence for today to Senator Clary and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, July 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Sharon Jacques from Candler, North Carolina and Celestia Long from Littleton, North Carolina, who are serving the Senate as Nurses 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. 307**, AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES.

**S.B. 877**, AN ACT RELATING TO CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS.

**S.B. 1076**, AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW CERTAIN COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM.

**H.B. 23**, AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS.

**H.B. 81**, AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS UNDER THE OPEN MEETINGS ACT.

**H.B. 192**, AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES.

**H.B. 205**, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT.

**H.B. 334**, AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES.

**H.B. 447**, AN ACT TO EXTEND THE EXEMPTION FROM STATUTORY COPY COSTS TO PRISONER LEGAL SERVICES AND OTHER ATTORNEYS WORKING UNDER CONTRACT WITH THE OFFICE OF INDIGENT DEFENSE SERVICES.

**H.B. 559**, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN.

**H.B. 581**, AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, TO PROVIDE NOTICE OF RIGHT TO SEEK COUNSEL, AND TO CLARIFY THE TIME PERIOD FOR APPEALING A CONFIRMATION ORDER.

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**H.B. 629**, AN ACT PROVIDING THAT THE TRIAL OF A SMALL CLAIMS ACTION MAY COMMENCE NOT SOONER THAN FIVE DAYS AFTER SERVICE OF THE MAGISTRATE SUMMONS ON THE DEFENDANT.

**H.B. 746**, AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES.

**H.B. 765**, AN ACT TO REVISE THE EXISTING ELECTIVE SHARE STATUTES.

**H.B. 878**, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE AND TO MAKE CHANGES TO THE NORTH CAROLINA PHYSICIANS HEALTH PROGRAM.

**H.B. 882**, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES.

**H.B. 937**, AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS.

**H.B. 1034**, AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE.

**H.B. 1073**, AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS.

**H.B. 1090**, AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA.

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**H.B. 1185**, AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS.

**H.B. 1309**, AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY AND TO MAKE CHANGES TO THE NORTH CAROLINA TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

**H.B. 1342**, AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM.

**H.B. 1347**, AN ACT TO AUTHORIZE THE CHIEF COURT COUNSELOR IN EACH DISTRICT TO DELEGATE CERTAIN RESPONSIBILITIES.

**H.B. 1378**, AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS.

**H.B. 1478**, AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS.

**H.B. 1617**, AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY.

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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. 68**, AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, IN DECIDING ON THE LOCATION OF AN ABC STORE IN GUILFORD COUNTY, TO CONSIDER WHETHER IT IS WITHIN ONE THOUSAND FEET OF A CHURCH, PUBLIC SCHOOL, OR A NONPUBLIC SCHOOL, AS DEFINED IN PART 1 OR PART 2 OF ARTICLE 39 OF CHAPTER 115C OF THE GENERAL STATUTES. (Became law upon ratification, July 15, 2009 - S.L. 2009-295.)

**H.B. 1504**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT UNTIL JULY 31, 2009, AT 11:59 P.M. (Became law upon approval of the Governor, July 15, 2009 - S.L. 2009-296.)

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN.

Upon motion of Senator Rand, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 21.

**H.B. 1313** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, 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**.

**S.B. 804** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 21.

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**H.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

Upon motion of Senator Rand, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 20.

#### WITHDRAWAL FROM CALENDAR

**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS, placed on the Calendar for Wednesday, July 22.

Senator McKissick offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Wednesday, July 22, and placed on the Calendar for Monday, July 20.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Wednesday, July 22 and placed the Calendar for Monday, July 20.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 15, 2009

Mr. 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. 804**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE, and requests conferees.

Speaker Hackney has appointed:

Rep. Cotham, Chair  
Rep. Jackson  
Rep. Lucas, and  
Rep. Parmon

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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

**CALENDAR** (*continued*)

**H.B. 564** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Dannelly, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---41.

Voting in the negative: Senators Brock, Forrester, Rouzer and Rucho---4.

The Committee Substitute bill is ordered enrolled.

**H.B. 772** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled.

**S.B. 553** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SWANNANOVA, SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones,

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Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, July 20, upon third reading.

**H.B. 121** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

**H.B. 456** (Senate 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, 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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Monday, July 20, upon third reading.

**H.B. 1159** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the Calendar for Monday, July 20, upon third reading.

**H.B. 1058** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1196** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

The Senate Committee Substitute bill No. 2 passes its second reading by a three-fifths majority 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, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 passes its third reading by a three-fifths majority 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, Blue, Boseman, Brock, Brown, Brunstetter, Dannelly, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence.

**H.B. 1296** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY.

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The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975.

Upon motion of Senator Davis, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 20.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 1084** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES, with a favorable report.

### CALENDAR *(continued)*

**S.B. 647** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill upon third reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt,

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Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 764** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CRIMINAL STATUTES AND THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1017** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill No. 2 (48-0) and the bill is ordered enrolled and sent to the Governor.

Upon motion of Senator Basnight, seconded by Senator Shaw, the Senate adjourns subject to ratification of bills, to meet Monday, July 20, at 7:00 P.M.

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 647**, AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES.

**S.B. 764**, AN ACT AMENDING THE CRIMINAL STATUTES AND THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY.

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**S.B. 1017**, AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 564**, AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX.

**H.B. 772**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 1:57 P.M.

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### **NINETY-NINTH DAY**

Senate Chamber  
Monday, July 20, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, tonight we celebrate along with our Nation the 40th Anniversary of the incredible journey of Apollo 11 resulting in a lunar landing piloted by astronauts Armstrong, Aldrin, and Collins, marked in history by the words, 'The Eagle has landed.' At the same time, though, we mourn the death of the late 20th Century's most beloved and trusted news anchor, Walter Cronkite, who narrated Apollo 11's improbable, unbelievable, hand-wrenching journey as we watched spellbound to his telecast. When President Kennedy announced in 1961 that Americans would land a man on the moon and bring him back safely by the end of the decade, very few believed such an incredible prediction would take place. There may be similar naysayers around here who don't believe Senator Basnight and the conferees can deliver a budget in eleven days. But the same unchanging God who accompanied Apollo 11 is available to guide the unfinished business of the State. We believe in you, O God, and in our Senate leadership to be able to complete that task. And that's the way it is Monday, July 20, 2009. Amen."

July 20, 2009

The Chair grants leaves of absence for tonight to Senator Graham, Senator Jones, Senator Nesbitt, Senator Preston, Senator Purcell, Senator Queen, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, July 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Celestia Long from Littleton, 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. 304**, AN ACT TO INCREASE THE AMOUNT THE STATE MAY FINANCE UNDER GUARANTEED ENERGY SAVINGS CONTRACTS AND TO MODIFY THE REPORTING REQUIREMENTS.

**S.B. 618**, AN ACT TO ALLOW ALL MUNICIPALITIES TO PARTICIPATE IN URBAN AREA REVITALIZATION PROJECTS UNDER THE MUNICIPAL SERVICE DISTRICT ACT OF 1973.

**H.B. 506**, AN ACT TO CLARIFY RESPONSIBILITY FOR PAYMENT OF WITNESS FEES AND GUARDIAN AD LITEM FEES IN INCOMPETENCY PROCEEDINGS; AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS ADJUDICATED INCOMPETENT; PROVIDE FOR APPOINTMENT OF COUNSEL FOR AN INDIGENT PERSON IN CERTAIN PROCEEDINGS INVOLVING SATELLITE-BASED MONITORING OF SEX OFFENDERS; PROVIDE FOR REPRESENTATION FOR THE DEPARTMENT OF CORRECTION AND APPOINTMENT OF COUNSEL FOR INDIGENT OFFENDERS IN SATELLITE-BASED MONITORING PROCEEDINGS; AND PROVIDE FOR APPOINTMENT OF COUNSEL BY THE OFFICE OF INDIGENT DEFENSE SERVICES IN CAPITAL CASES.

### CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

**H.B. 564**, AN ACT TO MODIFY THE AUTHORIZATION FOR WILSON COUNTY TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, July 16, 2009 - S.L. 2009-297.)

July 20, 2009

**H.B. 772**, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF HUNTERSVILLE. (Became law upon ratification, July 16, 2009 - S.L. 2009-298.)

**S.B. 799**, AN ACT TO INCREASE TRANSPARENCY OF STATE FACILITIES THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES BY REQUIRING THE DISCLOSURE OF CERTAIN INFORMATION ABOUT DEATH REPORTS, FACILITY POLICE REPORTS, AND INCIDENT REPORTS. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-299.)

**H.B. 885**, AN ACT TO PROHIBIT PERSONS FROM PICKETING DIRECTED AT A SINGLE RESIDENCE IN A MANNER THAT WOULD CAUSE FEAR OR SUBSTANTIAL EMOTIONAL DISTRESS. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-300.)

**H.B. 877**, AN ACT TO PROVIDE THAT AN INDIVIDUAL WILL NOT BE DENIED UNEMPLOYMENT COMPENSATION SOLELY BECAUSE THE INDIVIDUAL IS SEEKING ONLY PART-TIME WORK, TO REMOVE DISQUALIFYING CONDITIONS RELATED TO SEPARATING FROM WORK FOR COMPELLING FAMILY REASONS INCLUDING DOMESTIC VIOLENCE, ILLNESS, OR DISABILITY, AND TO REPEAL THE TWO-WEEK DISQUALIFICATION FOR UNEMPLOYMENT COMPENSATION BENEFITS AS A RESULT OF LEAVING WORK TO ACCOMPANY A SPOUSE TO A NEW PLACE OF RESIDENCE FOR WORK IN A DIFFERENT LOCATION AND TO MAKE THOSE BENEFITS NONCHARGEABLE TO THE EMPLOYER. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-301.)

**H.B. 1330**, AN ACT PROHIBITING PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, TELEPHONE MEMBERSHIP CORPORATIONS, AND CITIES AND COUNTIES THAT OPERATE PUBLIC ENTERPRISES FROM USING CERTAIN DEBT COLLECTION PRACTICES THAT RESULT IN A CUSTOMER BEING LIABLE FOR THE PAST DUE AND UNPAID DEBTS OF ANOTHER PERSON. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-302.)

**H.B. 684**, AN ACT TO MAKE A CHANGE TO THE MEMBERSHIP OF THE NORTH CAROLINA AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, AND TO MAKE TECHNICAL CHANGES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-303.)

**S.B. 467**, AN ACT TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS OF ANIMALS FROM SHELTERS. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-304.)

July 20, 2009

**S.B. 689**, AN ACT TO MODIFY THE REPORTING REQUIREMENTS FOR THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE STATE BOARD OF EDUCATION AND TO CLARIFY THE LAW REGARDING BUILDING CODE STANDARDS FOR BUILDINGS USED BY HIGH SCHOOL STUDENTS ATTENDING CLASSES ON COLLEGE OR UNIVERSITY CAMPUSES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-305.)

**S.B. 835**, AN ACT TO EXTEND THE LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-306.)

**H.B. 1132**, AN ACT TO AMEND THE LAW CONCERNING RENEWAL OF A CONCEALED HANDGUN PERMIT, AND TO PROVIDE THAT A FORMER SWORN LAW ENFORCEMENT OFFICER WHO HAS FIFTEEN OR MORE AGGREGATE YEARS OF PART-TIME OR AUXILIARY LAW ENFORCEMENT SERVICE MAY BE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING COURSE REQUIREMENT FOR A CONCEALED HANDGUN PERMIT IF HE OR SHE WAS A QUALIFIED SWORN LAW ENFORCEMENT OFFICER IMMEDIATELY BEFORE RETIRING AND HAS BEEN RETIRED AS A SWORN LAW ENFORCEMENT OFFICER TWO YEARS OR LESS FROM THE DATE OF THE PERMIT APPLICATION. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-307.)

**H.B. 852**, AN ACT TO DEFER A PORTION OF THE PROPERTY TAX DUE ON REAL PROPERTY HELD FOR SALE BY A BUILDER. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-308.)

**S.B. 605**, AN ACT TO PROVIDE FOR THE DEPOSIT OF MONEY OF A WARD'S ESTATE INTO ANY FINANCIAL INSTITUTION AND TO MAKE OTHER CLARIFYING CHANGES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-309.)

**H.B. 182**, AN ACT TO ALLOW THE PLACEMENT OF TRAFFIC TABLES OR TRAFFIC CALMING DEVICES ON THOSE PORTIONS OF STATE ROADS WITHIN A RESIDENTIAL SUBDIVISION. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-310.)

**H.B. 1449**, AN ACT TO MAKE VARIOUS REVISIONS TO THE JUVENILE CODE. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-311.)

**S.B. 1021**, AN ACT TO PROTECT OWNERS OF ABANDONED PROPERTY BY REGULATING PROPERTY FINDERS. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-312.)

July 20, 2009

**H.B. 535**, AN ACT TO REQUIRE HEALTH INSURERS, INCLUDING THE STATE HEALTH PLAN, TO PROVIDE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF LYMPHEDEMA. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-313.)

**H.B. 1299**, AN ACT AMENDING THE LAWS PERTAINING TO CUSTODY OF A MINOR CHILD BY DEFINING VISITATION TO INCLUDE VISITATION BY ELECTRONIC COMMUNICATION. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-314.)

**H.B. 1189**, AN ACT REQUIRING PHYSICIANS OR ELIGIBLE PSYCHOLOGISTS CONDUCTING EXAMINATIONS TO INFORM THE LOCAL MANAGEMENT ENTITY THAT AN INDIVIDUAL HAS BEEN SCHEDULED FOR AN APPOINTMENT WITH AN OUTPATIENT TREATMENT PHYSICIAN OR CENTER; TO ALLOW FIRST COMMITMENTS TO BE CONDUCTED VIA TELEMEDICINE; AND PERTAINING TO SECURITY FORCES AT CERTAIN MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FACILITIES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-315.)

**H.B. 1187**, AN ACT TO MAKE TECHNICAL CHANGES TO THE HEALTH STATUTES PERTAINING TO HEALTH CARE PERSONNEL AND HEALTH CARE FACILITIES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-316.)

**H.B. 447**, AN ACT TO EXTEND THE EXEMPTION FROM STATUTORY COPY COSTS TO PRISONER LEGAL SERVICES AND OTHER ATTORNEYS WORKING UNDER CONTRACT WITH THE OFFICE OF INDIGENT DEFENSE SERVICES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-317.)

**S.B. 481**, AN ACT TO ALLOW A TRUSTEE TO APPOINT TRUST PROPERTY TO ANOTHER TRUST FOR THE SAME BENEFICIARY. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-318.)

**H.B. 882**, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REFUSE TO REGISTER A VEHICLE IF THE VEHICLE IS NOT IN COMPLIANCE WITH THE INSPECTIONS REQUIREMENTS, TO REQUIRE PROOF OF FINANCIAL RESPONSIBILITY FOR A THREE-DAY TRIP PERMIT, AND TO MAKE TECHNICAL CHANGES TO THE INSPECTION PROGRAM STATUTES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-319.)

**H.B. 1347**, AN ACT TO AUTHORIZE THE CHIEF COURT COUNSELOR IN EACH DISTRICT TO DELEGATE CERTAIN RESPONSIBILITIES. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-320.)

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**H.B. 661**, AN ACT TO ALLOW CITY MANAGERS IN CERTAIN SMALLER MUNICIPALITIES TO SERVE AS MEMBERS OF BOARDS OF EDUCATION. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-321.)

**H.B. 1100**, AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH STORMWATER CONTROL BEST MANAGEMENT PRACTICES AND PROCESS WATER TREATMENT PROCESSES FOR COMPOSTING OPERATIONS FOR THE PURPOSE OF PROTECTING WATER QUALITY. (Became law upon approval of the Governor, July 17, 2009 - S.L. 2009-322.)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 516**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE 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 15316, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-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 19**, Designating the North Carolina Health and Wellness Trust Fund Commission as the Authorized Entity Under the Health Information Technology for Economic and Clinical Health Act of the American Recovery and Reinvestment Act.

### CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

**S.B. 553** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SWANNANOA, SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 42, 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, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, McKissick, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

### CONFERENCE REPORT

Senator Blue, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1523, A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, Senate Commerce Committee Substitute Adopted 6/3/09 Fourth Edition Engrossed 6/10/09, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Commerce Committee Substitute Adopted 6/3/09, Fourth Edition Engrossed 6/10/09, and the House concurs in the Senate Committee Substitute as amended:

On page 7, lines 44 – 45, by inserting the following between the lines:

"(8)    Any person who, as seller, receives in one calendar year no more than five residential mortgage loans as security for purchase money obligations, unless the United States Department of Housing and Urban Development has expressly and definitively determined that such persons are loan originators as the term is defined by §1503 of Title V of the Housing and Economic Recovery Act of 2008, Public Law 110-289, and such determination is in effect on July 31, 2010."

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 16, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Dan Blue, Chair	S/Rick Glazier, Chair
S/R. C. Soles, Jr.	S/Bill Faison
S/Martin L. Nesbitt, Jr.	S/Jennifer Weiss
S/Tom Apodaca	S/Jimmy L. Love, Sr.
	S/Jane Whilden
	S/Harold J. Brubaker

The Conference Report is placed on the Calendar for Tuesday, July 21, for adoption.

#### CALENDAR *(continued)*

**H.B. 456** (Senate 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, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, McKissick, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

**H.B. 1159** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES, 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, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue,

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Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, McKissick, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975.

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 21.

**H.B. 1084** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES.

Upon motion of Senator Weinstein, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1289** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FORBID CONTRACTING AS LOTTERY RETAILERS BUSINESSES WHO PRIMARILY CASH CHECKS, DRAFTS, OR MONEY ORDERS AND TO PROHIBIT ANY STATE LOTTERY ADVERTISING OR SPONSORSHIP RELATED TO HIGH SCHOOL SPORTS OR HIGH SCHOOL SPORTING EVENTS.

The Senate Committee Substitute bill fails to pass its second reading (20-23).

**H.B. 1228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

Senator Berger of Rockingham offers Amendment No. 1 which fails of adoption (20-23).

The Committee Substitute bill passes its third reading (30-13) and is ordered enrolled and sent to the Governor.

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**H.B. 1452** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS, as amended by the State and Local Government Committee on June 30 and on second reading on July 9.

The Committee Substitute bill, as amended, passes its third reading (43-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H.B. 1084** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES, temporarily displaced earlier today.

*Without objection, Senator Bingham 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 (42-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

#### SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Zach Aldridge, Greenville; Nathan Brody, Greenville; Carsyn Butler, Forest City; Alex Cichan, Charlotte; David Coggins, Dallas; Grayson Gibson, Greenville; Bre Hager, Forest City; Lauren Harding, Charlotte; Chanel Harrington, Raleigh; Trey Hill III, Kinston; Harrison Horne, Greenville; Macy Johnson, Lenoir; Gray Johnston, Greensboro; D. Curtis Lawson, Jr., Durham; Madeline Loudon, Raleigh; Elizabeth Marshall, Ararat; John McNair, Raleigh; Donavon Merchant, Thomasville; Mary Margaret Mills, Salisbury; Dakota Morgan, Garner; Savannah Myers, Wilson; Carolina Ponce, Pikeville; Rachel Quirin, Cary; Briannca Smith, Sanford; Domonique Solomon, Selma; Damond Kelly Spencer, Albemarle; Chelsea Stang, Morehead City; Joey Stephens II, Apex; Katelyn Stiles, Bessemer City; Jim Stirling, Raleigh; Abby Talmadge, Apex; Sallie Thompson, Wake Forest; Alexis Turner, Charlotte; Taylor Tutton, High Point; Mesha Winford, Enfield and Rachel Wordsworth, Rocky Mount.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to receipt of messages from the House of Representatives, to meet Tuesday, July 21, at 3:00 P.M.

July 20, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 16, 2009

Mr. 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. 67** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME, and requests conferees.

Speaker Hackney has appointed:

Rep. Cole, Chair  
Rep. Carney  
Rep. Martin, and  
Rep. McComas

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 16, 2009

Mr. 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.**

July 20, 2009

**1523** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW.

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

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 7:37 P.M.

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### ONE-HUNDREDTH DAY

Senate Chamber  
Tuesday, July 21, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, save us from the conceit which refuses to believe that you know more about important decisions that confront us than we do. Deliver us from any stubbornness that will not seek your help. Holy Scripture says, 'If anyone lacks wisdom, let that one ask God, who gives to all people liberally and it shall be given.' You know, Lord, how much we need wisdom. Make us willing to ask for it and eager to accept and act on it. Amen."

The Chair grants leaves of absence for today to Senator Graham, Senator Jones, Senator Preston, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Lynda Craig from Bakersville, North Carolina, who is serving the Senate as Nurse of the Day.*

July 21, 2009

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 465**, AN ACT AMENDING THE STATE FAIR HOUSING ACT.

**H.B. 1084**, AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES.

**H.B. 1159**, AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES.

**H.B. 1183**, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING HEALTH INSURANCE AND MANAGED CARE; TO CHANGE CERTAIN HEALTH INSURANCE LAWS TO COMPORT WITH RECENT CONGRESSIONAL ENACTMENTS; TO MAKE A TECHNICAL CORRECTION IN A CREDIT INSURANCE LAW; TO CONFORM MOTOR VEHICLE INSPECTION COMPLIANCE REQUIREMENT WITH DISCONTINUATION OF STICKERS; AND TO REPEAL THE EXPIRATION DATE OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT ACT.

**H.B. 1228**, AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS.

**H.B. 1255**, AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER.

**H.B. 1256**, AN ACT TO CREATE THE CRIMINAL OFFENSE OF LARCENY OF A MOTOR VEHICLE PART.

**H.B. 1314**, AN ACT TO IMPROVE THE INSURANCE COMMISSIONER'S ABILITY TO MONITOR THE FINANCIAL CONDITION OF INSURERS.

July 21, 2009

**CONFERENCE REPORT**

Senator Atwater, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 658** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE 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 Senate Bill 658, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM, House Committee Substitute Favorable 6/24/09, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in the House Committee Substitute Favorable 6/24/09, as amended:

On page 1, line 34, by rewriting the line to read:

**"SECTION 2.** Notwithstanding any other provision of law and upon the one-time irrevocable election of the";

and on page 2, line 8, by adding the following at the end of the line:

"Notwithstanding the definition of "compensation" in G.S. 128-21(7a), any employer who elects to cover its furloughed employees through this provision shall be entitled to include earnings lost due to furloughs taken after January 1, 2009, and before July 1, 2009, in the reported compensation and contributions for either July or August, 2009. Any compensation and contributions lost due to furloughs must be reported to the Retirement Systems Division within 90 days of the beginning of the period in which the compensation and contributions will be included.";

and on page 2, line 10, by deleting the phrase "January 1, 2009." and substituting the phrase "January 1, 2009, and before July 1, 2010.".

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 21, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Bob Atwater, Chair	S/Larry M. Bell, Chair
S/Tony Foriest	S/Russell E. Tucker
S/Bob Rucho	S/W. A. (Winkie) Wilkins
	S/Wm. C. "Bill" McGee

The Conference Report is placed on the Calendar for Wednesday, July 22, for adoption.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Atwater for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 1335** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DEMONSTRATING THAT A NEW OR MODIFIED SOURCE OF HAZARDOUS AIR POLLUTANT EMISSIONS WILL NOT RESULT IN AN EXCEEDANCE OF HAZARDOUS AIR POLLUTANT EMISSION CONTROL STANDARDS THROUGH A MODELING ANALYSIS OR THROUGH ANOTHER METHOD APPROVED BY THE COMMISSION, 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 30434, which changes the title upon concurrence to read **H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 578** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE NOTICE OF RIGHT TO SEEK LEGAL COUNSEL AND CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE

July 21, 2009

CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70473, which changes the title upon concurrence to read **H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES, is adopted and engrossed.

**H.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50772, 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 21, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Amendment No. 1 to **S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF

July 21, 2009

CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, and requested conferees, Speaker Hackney appointed the following Conferees on June 22, 2009:

Representative Cole, Chair  
Representative McGee, and  
Representative Tucker

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 688**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN, 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, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The bill is ordered enrolled.

**S.B. 804** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 23, for concurrence.

July 21, 2009

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975.

Senator Davis offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second reading (36-9).

Senator Albertson objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, July 22, upon third reading.

**H.B. 1523** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW, for adoption.

Upon motion of Senator Blue, 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.

#### 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. 1108**, A JOINT RESOLUTION HONORING THE NORTH CAROLINA 4-H ON THE ONE HUNDREDTH ANNIVERSARY OF ITS FOUNDING.

The joint resolution is placed on the Calendar for Wednesday, July 22.

Upon motion of Senator Basnight, seconded by Senator Snow, the Senate adjourns subject to receipt of Conference Reports and messages from the House of Representatives, to meet Wednesday, July 22, at 3:00 P.M.

#### CONFERENCE REPORT

Senator Berger of Rockingham, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 863** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY

July 21, 2009

MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, 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 863, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, Pensions & Retirement & Aging Committee Substitute Adopted 4/22/09, submit the following report:

The House recedes from House Amendment #1, and the House and Senate agree to the following amendment:

On page 1, line 24, by rewriting the line to read:

"**SECTION 2.** This act becomes effective July 1, 2009, and applies to nonqualified employment with an economic development organization performed on or before December 31, 2009. This act expires December 31, 2009, provided that any inchoate rights that may accrue to a member under this act shall not be diminished."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 21, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Phil Berger, Chair	S/Nelson Cole, Chair
S/Tom Apodaca	S/Wm. C. "Bill" McGee
S/Tony Rand	S/Russell E. Tucker
S/Don Vaughan	

The Conference Report is placed on the Calendar for Wednesday, July 22, for adoption.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 3:48 P.M.

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July 21, 2009

**ONE-HUNDRED AND FIRST DAY**

Senate Chamber  
Wednesday, July 22, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, a Pope is elected by the Catholic Church when 115 Cardinals sequester themselves in the Vatican Chapel. They pray, they debate, they vote. A plume of black smoke rising from the Chapel window means no decision has been reached after a round of voting. White smoke, however, announces that a new Pope has been elected. Coming to an agreement on a State Budget is a similar process. Leaders and appointed members of the Senate and House sequester themselves for long meetings. They're prayed for, they debate, they vote. After reading this morning's *News and Observer* article about a tentative agreement on the budget, I actually thought I saw some white smoke rising above the Legislative Building as I drove to work. It turned out to be the spray from the sprinkler system watering the rooftop plants. We're grateful though for the progress made. So we'll keep praying with an eye to the sky while the designated members of our Senate and the House keep working out the last details. Amen."

The Chair grants leaves of absence for today to Senator Blue, Senator Graham, Senator Preston, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, July 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Jennifer Hall from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.*

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 1523**, AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW.

July 22, 2009

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 688**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN.

### CALENDAR

Bills and a joint resolution on today's Calendar are taken up and disposed of, as follows:

**H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 23.

**H.B. 1057** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 23.

### RECOGNITION OF MISS NORTH CAROLINA

With unanimous consent, upon motion of Senator Goodall, privileges of the floor are extended to Katherine Southard, Miss North Carolina 2009, from Weddington, North Carolina. Senator Stein, Senator Swindell, Senator Davis, Senator Soles, and Senator Goodall are appointed to escort Miss Southard to the Well of the Senate. Miss Southard is recognized to address the Senate.

The President recognizes the Committee to escort Miss Southard from the Chamber.

July 22, 2009

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 311**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES, with a favorable report.

**H.B. 1103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES, with a favorable report.

**H.B. 1516** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM, with a favorable report.

**H.B. 819** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE 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 50774, is adopted and engrossed.

By Senator Jones for the **State & Local Government Committee**:

**S.B. 563**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55482, which changes the title to read **S.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA, is adopted and engrossed.

Upon motion of Senator Jones, the Committee Substitute bill is re-referred to the **Finance Committee**.

**CALENDAR** *(continued)*

**S.J.R. 1108**, A JOINT RESOLUTION HONORING THE NORTH CAROLINA 4-H ON THE ONE HUNDREDTH ANNIVERSARY OF ITS FOUNDING.

Upon motion of Senator Rand, the joint resolution is read in its entirety.

July 22, 2009

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its 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 Dr. Marshall Stewart; Dr. Michael J. Martin; Sharon Rowland; 4-H State Officers: Caleb Black, President; Milo Lewis, Vice President; Abbi Davis, Secretary/Treasurer; and Andrew Winebarger, Reporter.

**H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 23.

**H.B. 1481** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975, as amended on second reading.

Senator Jacumin offers Amendment No. 2.

Senator Stein offers Amendment No. 3 as a Substitute Amendment for Amendment No. 2.

Amendment No. 3 is adopted (45-1).

Senator Davis offers Amendment No. 4 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its third reading (42-4) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**S.B. 658** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM, for adoption.

Upon motion of Senator Atwater, 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.

July 22, 2009

**S.B. 863** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT, for adoption.

Upon motion of Senator Berger of Rockingham, 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 295** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 295 on July 8 and the motion by Senator Jenkins to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, Senator Albertson and Senator Bingham as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 67** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES.

Pursuant to the message from the House of Representatives received July 20 that the House fails to concur in the Senate Committee Substitute bill for H.B. 67 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, Senator Goss 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 628** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT,

July 22, 2009

TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 628 on July 14 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 Stein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 804** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

Pursuant to the message from the House of Representatives received July 16 that the House fails to concur in the Senate Committee Substitute bill for H.B. 804 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Swindell, Chair, Senator Dorsett and Senator Foriest 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. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

Pursuant to the Senate having failed to concur in House Amendment No. 1 for S.B. 708 on July 15 and the motion by Senator Hartsell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair, Senator Foriest and Senator Garrou as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 1057**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT LUBRICANTS, AIRCRAFT

July 22, 2009

REPAIR PARTS, AIRCRAFT ACCESSORIES, AND AIRCRAFT SIMULATORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85269, which changes the title to read **S.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS, is adopted and engrossed.

Upon motion of Senator Basnight, seconded by Senator Rucho, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Thursday, July 23, at 11:00 A.M.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

**S.B. 368** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS, AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, 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 23, for concurrence.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

**S.B. 1004** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RETENTION OF FUEL AND FUEL-RELATED COST SAVINGS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A CARBON OFFSET FACILITY, TO BRING CERTAIN DAMS USED IN CONNECTION WITH ELECTRIC GENERATING FACILITIES UNDER THE DAM SAFETY ACT, AND TO MAKE OTHER CHANGES TO LAWS GOVERNING THE GENERATION OF ELECTRICITY, for concurrence in the House Committee Substitute bill No. 2, as amended.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, July 23, for concurrence.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:25 P.M.

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July 22, 2009

**ONE-HUNDRED AND SECOND DAY**

Senate Chamber  
Thursday, July 23, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Our Heavenly Father, much of our time is spent trying to bring things to a conclusion. After six months in this Legislative Session, a good conclusion is on all the Senators' minds. Thankfully, though, you are never done with us. The final words on our lives have yet to be written. As a member of the clergy, I always hope that the best sermons begin when I stop preaching. Help us always to be worthy ambassadors, living sermons of your love and concern for the world in which we live. In your holy name we pray. Amen."

The Chair grants leaves of absence for today to Senator Blue and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, July 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. T. Brent Chafin from Ahoskie, 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. 935**, AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE FEES.

**H.B. 115**, AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT

July 23, 2009

A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

**H.B. 378**, AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**H.B. 816**, AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

**H.B. 996**, AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY AND TO DIRECT THE UNC CENTER ON POVERTY, WORK AND OPPORTUNITY TO CONDUCT THE STUDY.

**H.B. 1077**, AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT.

**H.B. 1110**, AN ACT TO CLARIFY PROCEDURES IN CIVIL ACTIONS FOR ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION.

**H.B. 1464**, AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE.

**H.B. 1595**, AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE.

The Enrolling Clerk reports the following bill and joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

July 23, 2009

**H.B. 385**, AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS.

**S.J.R. 1108**, A JOINT RESOLUTION HONORING THE NORTH CAROLINA 4-H ON THE ONE HUNDREDTH ANNIVERSARY OF ITS FOUNDING. (Res. 28)

#### 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. 688**, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF JAMESTOWN. (Became law upon ratification, July 22, 2009 - S.L. 2009-323.)

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 22, 2009

Mr. 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. 863** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT.

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. 863 on July 22, the President orders the bill enrolled and sent to the Governor.

July 23, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 22, 2009

Mr. 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. 658** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM.

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. 658 on July 22, the President orders the bill enrolled and sent to the Governor.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 22, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 628**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL

July 23, 2009

EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, and requests conferees, Speaker Hackney appoints:

Representative Ross, Chair  
Representative England,  
Representative Neumann, and  
Representative Barnhart

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 22, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Amendment No. 1 to **S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, and requests conferees, Speaker Hackney appoints:

Representative Love, Chair  
Representative Sutton, and  
Representative Goodwin

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### **CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT

July 23, 2009

COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 28.

**H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 27.

**H.B. 1057** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 27.

The Senate recesses at 11:10 A.M. for the purpose of a Commerce Committee meeting to reconvene at 11:25 A.M, subject to receipt of messages from the House of Representative.

### RECESS

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 22, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 295** (Committee Substitute), A BILL TO

July 23, 2009

BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, and requests conferees, Speaker Hackney appoints:

Representative Cole, Chair  
Representative Williams, 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

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

**CALENDAR** (*continued*)

**H.B. 1103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES, as amended by the **Agriculture/Environment/Natural Resources Committee**, upon second reading.

The Committee Substitute bill, as amended, 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, Berger of Rockingham, Bingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: Senators Forrester and Rouzer--2.

The Committee Substitute bill remains on the Calendar for Monday, July 27, upon third reading.

**S.B. 1057** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

**H.B. 311**, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES.

July 23, 2009

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 819** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Select Committee on Economic Recovery**:

**S.B. 960**, A BILL TO BE ENTITLED AN ACT TO ENSURE ACCOUNTABILITY IN THE USE OF FEDERAL STIMULUS FUNDS BY LOCAL GOVERNMENTS AND NONPROFIT ENTITIES, 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. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill is placed on today's Calendar.

### CALENDAR *(continued)*

**H.B. 1516** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

The Committee Substitute bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 368** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS, AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

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**S.B. 804** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 1004** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RETENTION OF FUEL AND FUEL-RELATED COST SAVINGS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A CARBON OFFSET FACILITY, TO BRING CERTAIN DAMS USED IN CONNECTION WITH ELECTRIC GENERATING FACILITIES UNDER THE DAM SAFETY ACT, AND TO MAKE OTHER CHANGES TO LAWS GOVERNING THE GENERATION OF ELECTRICITY.

Upon motion of Senator Rand, the Chair orders, without objection, the House Committee Substitute bill No. 2 temporarily displaced.

**S.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

*The Chair grants a leave of absence for the remainder of today's session to Senator Preston.*

**S.B. 1004** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RETENTION OF FUEL AND FUEL-RELATED COST SAVINGS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A CARBON OFFSET FACILITY, TO BRING CERTAIN DAMS USED IN CONNECTION WITH ELECTRIC GENERATING FACILITIES UNDER THE DAM SAFETY ACT, AND TO MAKE OTHER CHANGES TO LAWS GOVERNING THE GENERATION OF ELECTRICITY, temporarily displaced earlier today for concurrence in the House Committee Substitute bill No. 2.

*Without objection, Senator Hoyle requests to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.*

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Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill No. 2 (44-0) and the bill is ordered enrolled and sent to the Governor by special message.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 468** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, referred to the **Rules and Operations of the Senate Committee** on June 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the House Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and places it before the Senate for immediate consideration for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-45).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 468** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 468 earlier today and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator McKissick, Chair, Senator Kinnaird 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.

#### REMOVAL OF BILL CO-SPONSOR

Senator Boseman requests that she be removed as a sponsor of previously introduced legislation:

**S.B. 849**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS

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STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

Upon motion of Senator Dannelly, seconded by Senator Jones, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Monday, July 27, at 7:00 P.M.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 563** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA, 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, 15320, is adopted and engrossed.

**H.B. 291** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR BRAIDING, 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 80494, which changes the title upon concurrence to read **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, is adopted and engrossed.

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**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 368**, AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS, AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY.

**S.B. 658**, AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM.

**S.B. 863**, AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT.

**S.B. 1004**, AN ACT TO PROVIDE FOR RETENTION OF FUEL AND FUEL-RELATED COST SAVINGS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A CARBON OFFSET FACILITY, TO BRING CERTAIN DAMS USED IN CONNECTION WITH ELECTRIC GENERATING FACILITIES UNDER THE DAM SAFETY ACT, AND TO MAKE OTHER CHANGES TO LAWS GOVERNING THE GENERATION OF ELECTRICITY.

**H.B. 311**, AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES.

**H.B. 1516**, AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 23, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 468**, A BILL TO BE ENTITLED AN

July 23, 2009

ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, and requests conferees, Speaker Hackney appoints:

Representative McLawhorn, Chair  
Representative Bell, and  
Representative Tucker

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE 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 708, A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, Education/Higher Education Committee Substitute Adopted 4/14/09, submit the following report:

The Senate concurs in House Amendment #1, and the House and Senate agree to the following amendment:

On page 1, line 28, by deleting the phrase "make and maintain" and substituting in its place the phrase "make, maintain, and render".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Fletcher L. Hartsell, Jr., Chair	S/Jimmy L. Love, Sr., Chair
S/Tony Foriest	S/Ronnie Sutton
S/Linda Garrou	S/Melanie Wade Goodwin

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The Conference Report is placed on the Calendar for Monday, July 27, for adoption.

### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 38** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 513** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL, 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 27, for concurrence.

**S.B. 687** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS, 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 27, for concurrence.

**S.B. 820** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 882** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 909** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVERCOLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 931** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCITY TO A PERSON WHO HOLDS ANY COMMERCIAL DRIVERS LICENSE RECOGNIZED BY THE FEDERAL GOVERNMENT, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER, 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 27, for concurrence.

**S.B. 1078** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE PROCEDURE FOR DETERMINING PRETRIAL RELEASE CONDITIONS WHEN A PROBATIONER IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY, AND TO PROVIDE THAT WHEN A PROBATIONER IS CHARGED WITH

A VIOLATION OF PROBATION AND HAS A PENDING FELONY CHARGE, A JUDICIAL OFFICIAL MUST DETERMINE WHETHER THE PROBATIONER POSES A DANGER TO THE PUBLIC AND, IF THE PROBATIONER IS A DANGER TO THE PUBLIC, THE JUDICIAL OFFICIAL MUST DENY RELEASE ON THE PROBATION VIOLATION CHARGE, 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 27, for concurrence.

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE, for concurrence in House Amendment No. 1.

The bill, as amended, is placed on the Calendar for Monday, July 27, for concurrence.

**H.B. 512** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY AND TO CLARIFY THE DEFINITION OF NONRESIDENTIAL PROPERTY.

Referred to the **Finance Committee**.

**H.B. 589** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS.

Referred to the **Appropriations/Base Budget Committee**.

**H.B. 594** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.

Referred to the **Finance Committee**.

**H.B. 1160** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN FIREFIGHTERS THE OPPORTUNITY TO CONTINUE AS MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY MAKING RETROACTIVE PAYMENTS.

Referred to the **Pensions & Retirement and Aging Committee**.

**H.B. 1280**, A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

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**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN INDIVIDUALS SERVING IN THE ARMED FORCES.

Referred to the **Commerce Committee**.

**H.B. 1586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY.

Referred to the **Finance Committee**.

**H.B. 1637** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 44** (House 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 514** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL TO INDIGENT PERSONS WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 600** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC

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CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, 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 27, for concurrence.

**S.B. 606** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES, 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 27, for concurrence.

**S.B. 660** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, 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 27, for concurrence.

**S.B. 713** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**S.B. 834** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, July 27, for concurrence.

**H.B. 1305** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY; REQUIRE THAT THE NORTH CAROLINA RATE BUREAU PROVIDE PUBLIC NOTICE OF CERTAIN

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FILINGS IN NEWSPAPER PUBLICATIONS AND VIA INTERNET; REAFFIRM THAT THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION IS INTENDED TO BE EXEMPT FROM STATE AND FEDERAL TAXATION, EXCEPT FOR PREMIUM TAXES; CLARIFY THE POWERS AND DUTIES OF THE ASSOCIATION; CLARIFY AND PROVIDE CERTAINTY REGARDING ASSESSMENTS AGAINST MEMBER INSURANCE COMPANIES BY THE ASSOCIATION; ADJUST THE COASTAL INSURANCE COVERAGE LIMITS OF THE ASSOCIATION IN ORDER TO ENSURE THAT THE COASTAL PROPERTY INSURANCE POOL IS THE MARKET OF LAST RESORT; MANDATE THAT THE ASSOCIATION SHALL RETAIN ALL SURPLUS FOR USE IN PURCHASING REINSURANCE, PAYING CLAIMS TO POLICYHOLDERS, AND FOR ASSOCIATION OBLIGATIONS; PROHIBIT DISTRIBUTION OF SURPLUS TO MEMBER INSURANCE COMPANIES; REQUIRE THE ASSOCIATION TO FILE A SCHEDULE OF PREMIUM CREDITS FOR COASTAL INSURANCE POLICYHOLDERS WHO HAVE VOLUNTARILY MITIGATED THEIR RISK OF DAMAGE FROM HURRICANES AND OTHER WIND DAMAGE; REQUIRE THE ASSOCIATION TO ESTABLISH AND MAINTAIN AN INSTALLMENT PLAN FOR PREMIUM PAYMENTS FOR THE EASE OF POLICYHOLDERS; DEFINE AND ESTABLISH WHAT ACTIONS ARE ALLOWED UPON THE OCCURRENCE OF A DEFICIT EVENT, INCLUDING CAPPING ANY CATASTROPHIC ASSESSMENT RECOUPMENT FROM HOMEOWNERS STATEWIDE; IMPOSE AN ADDITIONAL REGULATORY CHARGE ON THE ASSOCIATION TO BE PAID TO THE DEPARTMENT; REQUIRE THAT ASSOCIATION ACTIVITIES BE MADE TRANSPARENT AND AVAILABLE TO ANY MEMBER COMPANY OR BOARD MEMBER; PROVIDE FOR SUCCESSION AND DISSOLUTION OF THE ASSOCIATION; PROVIDE FOR SURCHARGES OF TEN PERCENT FOR SEPARATE WIND AND HAIL COVERAGE, TWENTY PERCENT FOR WIND AND HAIL HOMEOWNERS COVERAGE, AND A MINIMUM NAMED STORM WIND AND HAIL DEDUCTIBLE OF ONE PERCENT FOR COVERAGE WRITTEN BY THE ASSOCIATION; PROVIDE FOR SURCHARGES ON COMMERCIAL AND DWELLING COVERAGE IN ADDITION TO SURCHARGES CURRENTLY IMPOSED ON HOMEOWNERS POLICIES; DELETE THE TIME LIMIT FOR THE COMMISSIONER TO DISAPPROVE A RATE BUREAU FILING; AND TO MAKE OTHER CHANGES CONSISTENT WITH THE FINDINGS OF THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1389** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANY CITY AND ANY COUNTY TO DESIGNATE AN AREA WITHIN THE CITY AND THE COUNTY RESPECTIVELY

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WITHIN WHICH DESIGNATED AREA LOCAL GOVERNMENT OFFICIALS AND FREE AND WILLING PROPERTY OWNERS MAY ENTER INTO LOAN AGREEMENTS WHEREBY THE LOANS ARE TO BE REPAYED BY CONTRACTUAL ASSESSMENTS, TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY.

Referred to the **Finance Committee**.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 5:06 P.M.

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### ONE-HUNDRED AND THIRD DAY

Senate Chamber  
Monday, July 27, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, second chances, do-overs, that some people call them now, are great blessings when we have erred. But when we've worked diligently, completed our task and then are forced to start over, well, that hardly seems a blessing. As we begin this week's work in the Senate, the do-over of revising the State's proposed budget proposal in the coming days must seem more curse than blessing to the Senators. This reminds me of the Biblical story where having been promised Labon's younger daughter, Rachel, in marriage in exchange for seven years of work, Jacob, instead was given Labon's older daughter, Leah, under the wedding veil after his seven years of labor. Disappointed, yet resolute, Jacob worked seven more years in exchange for Rachel becoming his wife. The lesson is, even in the renegotiation of the budget proposal, you are there, O God. Give the members the tough-minded will of Jacob. Happily, this do-over won't require another seven years of work. Take heart Senators. Amen."

The Chair grants leaves of absence for tonight to Senator Boseman, Senator Nesbitt, Senator Stevens, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Lucy Kernodle from Graham, 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. 195**, AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

**S.B. 367**, AN ACT TO REMOVE BILLINGS IN EXCESS OF COSTS FROM THE FRANCHISE TAX CAPITAL BASE FOR TAXPAYERS USING THE PERCENTAGE OF COMPLETION METHOD OF REVENUE RECOGNITION.

**S.B. 969**, AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE.

**H.B. 1005**, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS.

**H.B. 1078**, AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ON NOTIFICATION TO THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ALLEGED TO BE VICTIMS OF ANY ACT REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AND THE SUPERINTENDENT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 622**, AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT AND AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR CURRITUCK COUNTY FOR A SINGLE PROJECT.

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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. 385**, AN ACT TO ALLOW THE GRAHAM COUNTY BOARD OF EDUCATION TO PERMIT THE USE OF PUBLIC SCHOOL ACTIVITY BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE STECOAH VALLEY CENTER DURING PERIODIC FIELD TRIPS. (Became law upon ratification, July 23, 2009 - S.L. 2009-324.)

**S.B. 285**, AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-325.)

**S.B. 962**, AN ACT TO MODIFY THE HEARING PROCESS APPLICABLE TO PROBATIONARY TEACHERS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-326.)

**S.B. 674**, AN ACT TO AMEND THE RABIES LAWS TO CONFORM WITH RECOMMENDATIONS FROM THE CENTERS FOR DISEASE CONTROL AND THE NATIONAL ASSOCIATION OF STATE PUBLIC HEALTH VETERINARIANS AND TO ALLOW STRAY OR FERAL ANIMALS TO BE EUTHANIZED AND TESTED FOR RABIES AFTER BITING A HUMAN. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-327.)

**S.B. 584**, AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT, TO MAKE CONFORMING CHANGES TO THE ALARM SYSTEMS LICENSING ACT WITH RESPECT TO CRIMINAL BACKGROUND CHECKS, AND TO AUTHORIZE THE STUDY OF DIGITAL FORENSICS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-328.)

**S.B. 332**, AN ACT TO MODIFY THE PURCHASING AND CONTRACTING AUTHORITY BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES ON BEHALF OF THE NORTH CAROLINA ZOOLOGICAL PARK; TO EXPAND THE UMSTEAD EXEMPTION FOR THE PARK; TO IMPROVE THE ADMINISTRATION OF PARK OPERATIONS; TO REQUIRE A REPORTING OF THE PROGRESS AND IMPLEMENTATION OF THE MANDATES OF THIS ACT; TO ESTABLISH THE NORTH CAROLINA ZOOLOGICAL PARK FUNDING AND ORGANIZATION STUDY COMMITTEE; AND TO ANNEX

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CERTAIN PROPERTY OWNED BY THE NC ZOOLOGICAL SOCIETY INTO THE CITY OF ASHEBORO. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-329.)

**H.B. 187**, AN ACT TO DIRECT LOCAL BOARDS OF EDUCATION TO ENCOURAGE LOCAL BUSINESSES TO ADOPT PERSONNEL POLICIES TO PERMIT PARENTS TO ATTEND STUDENT CONFERENCES, AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES TO IMPLEMENT PROGRAMS THAT ASSIST STUDENTS IN MAKING A SUCCESSFUL TRANSITION BETWEEN THE MIDDLE SCHOOL AND HIGH SCHOOL YEARS, INCREASE PARENTAL INVOLVEMENT IN STUDENT ACHIEVEMENT, AND REDUCE SUSPENSION AND EXPULSION RATES AND ENCOURAGE ACADEMIC PROGRESS DURING SUSPENSIONS, AND TO DIRECT LOCAL BOARDS OF EDUCATION TO MODIFY POLICIES ON PREGNANT AND PARENTING STUDENTS TO PROVIDE ASSISTANCE AND SUPPORT TO ENCOURAGE PREGNANT AND PARENTING STUDENTS TO GRADUATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-330.)

**H.B. 582**, AN ACT PROVIDING FOR COMPLIANCE WITH FEDERAL LAW REQUIRING THE PROVISION OF EDUCATIONAL SERVICES TO STUDENTS TRANSFERRING INTO A NORTH CAROLINA SCHOOL DISTRICT WHILE UNDER A TERM OF SUSPENSION OR EXPULSION. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-331.)

**H.B. 881**, AN ACT TO INCLUDE COUNTIES IN TRANSPORTATION CORRIDOR MAPPING, TO CONFORM STATUTES TO COUNTY AUTHORITY AUTHORIZED BY THE GENERAL ASSEMBLY, AND TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO FURNISH ROAD MAINTENANCE MATERIALS TO MUNICIPALITIES ON A COST REIMBURSEMENT BASIS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-332.)

**H.B. 1105**, AN ACT TO AMEND THE LAWS REGULATING REFRIGERATION CONTRACTORS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-333.)

**H.B. 1471**, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS AND OTHER ENTITIES REGARDING THE JOINT USE OF THEIR FACILITIES FOR PHYSICAL ACTIVITY. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-334.)

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**S.B. 817**, AN ACT TO INCREASE CHILD SUPPORT COLLECTIONS BY PERMITTING GREATER SENTENCING FLEXIBILITY FOR A PERSON WHO COMMITS CRIMINAL CONTEMPT BY FAILING TO COMPLY WITH AN ORDER TO PAY CHILD SUPPORT. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-335.)

**S.B. 65**, AN ACT TO AMEND THE LAW REGARDING SOLICITATION OF A CHILD BY COMPUTER TO COMMIT AN UNLAWFUL SEX ACT TO INCLUDE SOLICITATIONS BY OTHER ELECTRONIC DEVICES AS WELL AS COMPUTERS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-336.)

**S.B. 755**, AN ACT TO PROMOTE THE USE OF COMPENSATORY MITIGATION BANKS FOR RIPARIAN BUFFER PROTECTION AND NUTRIENT OFFSET PAYMENTS, TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION FOR WETLAND AND STREAM IMPACTS, AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY CERTAIN IMPACTS THAT THE PROMOTION OF COMPENSATORY MITIGATION BANKS MAY HAVE ON THE ECOSYSTEM ENHANCEMENT PROGRAM. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-337.)

**S.B. 913**, AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS AND DEALER TERMINATION ASSISTANCE RIGHTS. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-338.)

**S.B. 1069**, AN ACT TO ESTABLISH THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-339.)

**H.B. 243**, AN ACT TO AUTHORIZE THE FACILITY OF FIRST COMMITMENT EXAMINATION TO TERMINATE THE INPATIENT COMMITMENT PROCEEDINGS IN APPROPRIATE CIRCUMSTANCES WHEN A TWENTY-FOUR-HOUR FACILITY IS NOT AVAILABLE. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-340.)

**S.B. 56**, AN ACT TO AMEND THE LAW PROVIDING BALANCE AMONG THE COUNTIES IN THE RESIDENCY OF DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 13. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-341.)

**H.B. 115**, AN ACT TO REVISE THE MEMBERSHIP AND STAFFING OF THE NORTH CAROLINA DOMESTIC VIOLENCE COMMISSION, TO

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AMEND THE PROCEDURE FOR OBTAINING A DOMESTIC VIOLENCE PROTECTIVE ORDER OR CIVIL NO-CONTACT ORDER, TO CLARIFY THE ENFORCEMENT AND APPLICATION OF A PENALTY ENHANCEMENT IF A DEFENDANT COMMITS AN OFFENSE WHILE UNDER A DOMESTIC VIOLENCE PROTECTIVE ORDER, TO SUPPORT A STATEWIDE DOMESTIC VIOLENCE PROTECTIVE ORDER NOTIFICATION SYSTEM AND INVESTIGATE THE COSTS, AND TO STUDY STATE OVERSIGHT AND COORDINATION OF SERVICES FOR VICTIMS OF SEXUAL VIOLENCE, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE. (Became law upon approval of the Governor, July 24, 2009 - S.L. 2009-342.)

**H.B. 1617**, AN ACT TRANSFERRING THE FUNCTIONS AND FUNDS OF THE NORTH CAROLINA TURNPIKE AUTHORITY TO THE DEPARTMENT OF TRANSPORTATION TO CONSERVE EXPENDITURES AND IMPROVE EFFICIENCY. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-343.)

**S.B. 307**, AN ACT TO AMEND THE LAW REGULATING THE USE OF CERTAIN REPTILES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-344.)

**H.B. 1378**, AN ACT TO PROVIDE THAT THE OWNER OR OPERATOR OF CERTAIN MARINAS SHALL INSTALL AND MAINTAIN PUMPOUT FACILITIES BY JULY 1, 2010, TO PROHIBIT THE DISCHARGE OF SEWAGE FROM A VESSEL INTO CERTAIN COASTAL WATERS, TO REQUIRE THE OWNER OR OPERATOR OF ANY MARINA WHO KNOWS THAT A VESSEL DOCKED AT THE MARINA HAS UNLAWFULLY DISCHARGED SEWAGE INTO COASTAL WATERS TO REPORT THE UNLAWFUL DISCHARGE TO THE APPROPRIATE LAW ENFORCEMENT AGENCY, TO REQUIRE VESSEL OWNERS AND OPERATORS TO KEEP A LOG REGARDING THE DATE AND LOCATION OF PUMPOUTS OF SEWAGE FROM MARINE SANITATION DEVICES, AND TO PROVIDE THAT A PILOT PROGRAM IN NEW HANOVER COUNTY SHALL BE DESIGNED AND IMPLEMENTED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO BEGIN PHASING IN THE PUMPOUT STATION REQUIREMENTS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-345.)

**H.B. 1478**, AN ACT TO PROTECT THE SEAL OF A LICENSED DESIGN PROFESSIONAL IN BUILDING INSPECTION DOCUMENTS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-346.)

**S.B. 647**, AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO CERTIFIED PUBLIC ACCOUNTANTS AND ALLOWING PUBLIC ACCOUNTANTS CERTIFIED OR LICENSED

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OUTSIDE THIS STATE TO PRACTICE IN THIS STATE UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-347.)

**S.B. 764**, AN ACT AMENDING THE CRIMINAL STATUTES AND THE GOOD FUNDS SETTLEMENT ACT TO CLARIFY THAT A SETTLEMENT AGENT IS GUILTY OF EMBEZZLEMENT IN INSTANCES WHERE IT CANNOT BE SHOWN THAT THE FUNDS WERE EMBEZZLED FROM A PARTICULAR PERSON OR ENTITY. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-348.)

**S.B. 1076**, AN ACT TO MODIFY THE CRIMINAL JUSTICE PARTNERSHIP PROGRAM TO ALLOW CERTAIN COMMUNITY-LEVEL OFFENDERS TO BE SERVED BY THE PROGRAM. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-349.)

**H.B. 81**, AN ACT TO AMEND THE NOTICE OF SPECIAL AND EMERGENCY MEETINGS UNDER THE OPEN MEETINGS ACT. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-350.)

**H.B. 23**, AN ACT AMENDING CHAPTER 95 OF THE GENERAL STATUTES TO PROTECT THE HEALTH AND SAFETY OF CHILDREN BY INCREASING THE PENALTIES FOR VIOLATIONS OF CHILD LABOR LAWS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-351.)

**S.B. 877**, AN ACT RELATING TO CONTRACTS BETWEEN HEALTH BENEFIT PLANS AND HEALTH CARE PROVIDERS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-352.)

**H.B. 334**, AN ACT TO AMEND THE SKIER SAFETY STATUTES TO CLARIFY THE RESPECTIVE DUTIES OF SKI AREA OPERATORS AND SKIERS AND TO MAKE OTHER RELATED CHANGES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-353.)

**H.B. 1342**, AN ACT TO PROVIDE FREE FORENSIC MEDICAL EXAMINATIONS FOR VICTIMS OF RAPE AND SEX OFFENSES; TO INCREASE THE AUTHORITY OF THE DIRECTOR OF THE CRIME VICTIMS COMPENSATION COMMISSION AND THE COMMISSION ITSELF TO CONSIDER PROXIMATE CAUSE WHEN DETERMINING WHETHER TO MAKE AN AWARD; AND TO MAKE VARIOUS OTHER CHANGES TO THE RAPE VICTIMS ASSISTANCE PROGRAM. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-354.)

**S.B. 1017**, AN ACT TO ENHANCE PROTECTIONS AGAINST IDENTITY THEFT AND TO PROTECT THE CREDIT OF CRIME VICTIMS

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DURING THE PENDENCY OF CRIME VICTIMS COMPENSATION FUND APPLICATIONS AND APPEALS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-355.)

**H.B. 192**, AN ACT TO ESTABLISH PROCEDURAL REQUIREMENTS FOR CHILD WITNESS TESTIMONY IN CRIMINAL CASES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-356.)

**H.B. 205**, AN ACT TO MAKE VARIOUS CHANGES TO THE NORTH CAROLINA STATE LOTTERY ACT. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-357.)

**H.B. 559**, AN ACT TO VALIDATE CERTAIN NOTARIAL ACTS WHERE A RECOMMISSIONED NOTARY FAILED TO TAKE THE OATH OF OFFICE AGAIN. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-358.)

**H.B. 629**, AN ACT PROVIDING THAT THE TRIAL OF A SMALL CLAIMS ACTION MAY COMMENCE NOT SOONER THAN FIVE DAYS AFTER SERVICE OF THE MAGISTRATE SUMMONS ON THE DEFENDANT. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-359.)

**H.B. 937**, AN ACT TO PROVIDE THAT THE NORTH CAROLINA INNOCENCE COMMISSION MAY COMPEL THE TESTIMONY OF A WITNESS AND THE COMMISSION CHAIR MAY GRANT LIMITED IMMUNITY TO THE WITNESS FROM PROSECUTION FOR PREVIOUS FALSE STATEMENTS MADE UNDER OATH IN PRIOR PROCEEDINGS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-360.)

**H.B. 1309**, AN ACT TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES PROVIDING FOR THE LICENSURE AND ACCREDITATION OF RESIDENTIAL TREATMENT FACILITIES FOR PERSONS WITH TRAUMATIC BRAIN INJURY AND TO MAKE CHANGES TO THE NORTH CAROLINA TRAUMATIC BRAIN INJURY ADVISORY COUNCIL. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-361.)

**H.B. 581**, AN ACT TO EXTEND THE DEADLINE FOR THE COMMISSIONERS IN A PARTITION ACTION TO REPORT BACK TO THE COURT ON THEIR PROPOSED DIVISION OF THE LAND, TO EXTEND THE DEADLINE FOR RESPONDING TO A SUMMONS IN A PARTITION ACTION FROM TEN DAYS TO THIRTY DAYS, TO PROVIDE NOTICE OF RIGHT TO SEEK COUNSEL, AND TO CLARIFY THE TIME PERIOD FOR APPEALING A CONFIRMATION ORDER. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-362.)

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**H.B. 878**, AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO IDENTIFY PROGRAMS FOR AIDING IN THE RECOVERY AND REHABILITATION OF EMS PERSONNEL WITH CHEMICAL ADDICTION OR ABUSE AND TO MAKE CHANGES TO THE NORTH CAROLINA PHYSICIANS HEALTH PROGRAM. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-363.)

**H.B. 1034**, AN ACT TO ALLOW AUTOMATIC DIALING AND RECORDED MESSAGE PLAYERS TO BE USED TO MAKE UNSOLICITED TELEPHONE CALLS TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-364.)

**H.B. 1073**, AN ACT TO PROVIDE THAT MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND WHO WITHDRAW FROM MEMBERSHIP WITH FIVE YEARS OR MORE OF CONTRIBUTING SERVICE ARE ENTITLED TO THE RETURN OF ALL FUNDS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-365.)

**H.B. 1090**, AN ACT AMENDING THE DEFINITION OF TOTAL AND PARTIAL UNEMPLOYMENT RELATING TO THE TREATMENT OF SEVERANCE PAY UNDER THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-366.)

**H.B. 746**, AN ACT AMENDING THE LICENSED PROFESSIONAL COUNSELORS ACT AND AUTHORIZING THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS TO INCREASE CERTAIN FEES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-367.)

**H.B. 765**, AN ACT TO REVISE THE EXISTING ELECTIVE SHARE STATUTES. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-368.)

**H.B. 1185**, AN ACT TO ALLOW AN INDIVIDUAL CONVICTED OF HABITUAL IMPAIRED DRIVING TO BE ELIGIBLE TO PETITION FOR A HEARING TO RESTORE DRIVING PRIVILEGES AFTER TEN YEARS WITHOUT ANY TRAFFIC OR CRIMINAL CONVICTIONS. (Became law upon approval of the Governor, July 27, 2009 - S.L. 2009-369.)

#### **EXECUTIVE ORDERS**

An Executive Order received is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

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**Executive Order Number 20**, Establishing Budget Management Restrictions for State Agencies for the 2009-10 Fiscal Year.

### CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

**H.B. 1103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES, as amended by the **Agriculture/Environment/Natural Resources Committee**, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---42.

Voting in the negative: Senators Forrester, Rouzer and Rucho---3.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

**S.B. 563** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

**H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.

Senator East offers Amendment No. 1 which is adopted (46-0), and changes the title to read **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP.

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (45-1).

Senator East objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Tuesday, July 28, upon third reading.

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**H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the **Judiciary II Committee**.

**H.B. 1057** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

The Senate Committee Substitute bill passes its second reading (41-5) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

**S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, for concurrence in House Amendment No. 1, upon second reading.

Upon motion of Senator Albertson, the Senate concurs in House Amendment No. 1 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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---46.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for concurrence upon third reading.

**S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, for concurrence in the House Committee Substitute bill, upon second reading.

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Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 28, for concurrence.

**S.B. 606** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES, for concurrence in the House Committee Substitute No. 2, upon second reading.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---46.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

**S.B. 834** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Bingham, 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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

**S.B. 38** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 44** (House 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 513** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 514** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL TO INDIGENT PERSONS WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 600** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the House Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Wednesday, July 29, for concurrence.

**S.B. 660** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING

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PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rucho, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-46).

Senator Rucho offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 687** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Foriest, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 713** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 804** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 820** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES, 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.

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**S.B. 882** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS, for concurrence in the House Committee Substitute bill.

*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 Hartsell, the Senate concurs in the House Committee Substitute bill (43-2) and the bill is ordered enrolled and sent to the Governor.

**S.B. 909** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVERCOLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 931** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE RECIPROCITY TO A PERSON WHO HOLDS ANY COMMERCIAL DRIVERS LICENSE RECOGNIZED BY THE FEDERAL GOVERNMENT, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER, 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 (46-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 1078** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE PROCEDURE FOR DETERMINING PRETRIAL RELEASE CONDITIONS WHEN A PROBATIONER IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY, AND TO PROVIDE THAT WHEN A PROBATIONER IS CHARGED WITH A VIOLATION OF PROBATION AND HAS A PENDING FELONY CHARGE, A JUDICIAL OFFICIAL MUST DETERMINE WHETHER THE PROBATIONER POSES A DANGER TO THE PUBLIC AND, IF THE PROBATIONER IS A DANGER TO THE PUBLIC, THE JUDICIAL OFFICIAL MUST DENY RELEASE ON THE PROBATION VIOLATION CHARGE, for concurrence in the House Committee Substitute bill No. 2.

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.

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**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE, for concurrence in House Amendment No. 1.

Upon motion of Senator Snow, the bill, as amended, is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 28, for concurrence.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 27, 2009

Mr. 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. 708** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **CALENDAR** *(continued)*

**S.B. 708** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW, for adoption.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (46-0) and the bill is ordered enrolled and sent to the Governor.

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

July 27, 2009

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 831** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, 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 the Calendar for immediate consideration.

Upon motion of Senator Clodfelter, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-45).

Senator Clodfelter offers a motion that the Senate appoint conferees, which motion prevails.

**SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Natalie Allison, Elon; Alec Ashley, Burlington; Michaela Barnes, Dunn; Latosha Bell, Kernersville; Brad Bowman, Burlington; Roger Caudle, Pfafftown; Kevin Cousin, Durham; Joe Edwards, Camp LeJeune; Kayla Goforth, Elon; Kerry Johnson, Kipling; John Kirby, Jr., Newton; Cody Lesak, Concord; Deanna Metivier, Apex; Lee Nanney, Raleigh; Hinson Neville, Roanoke Rapids; Sarah Noble, Lumberton; Zeke Overbaugh, Snead's Ferry; Wilson Parker, Asheville; Danielle Rogers, Ayden; Jonquelia Semies, Greenville; Karley Smith, Burlington; Michael Tuck, Greensboro; Ian Wahrenbrock, Chapel Hill; Taylor Wallace, Winston-Salem; and Alex Yankoglu, Raleigh.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 831** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 831 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 Hoyle and Senator Jenkins as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 660** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 660 earlier today and the motion by Senator Rucho to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Rucho, Chair; Senator Atwater; Senator Goodall; and Senator Weinstein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Upon motion of Senator Basnight, seconded by Senator Albertson, the Senate adjourns at 7:50 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Tuesday, July 28, at 3:00 P.M.

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**ONE-HUNDRED AND FOURTH DAY**

Senate Chamber  
Tuesday, July 28, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Strengthen your servants, O God, against attitudes toward each other which might alienate them. In retrospect, we have prayed diligently for our Senate Members and their counterparts from the House during the difficult budget negotiations, but we have failed to name verbally at least Governor Perdue in our prayers. She cut her political teeth in this very Senate Chamber and as Governor has an opinion and stake in any outcome. However difficult the continuing process under the pressure of demanding deadlines, let respect for each other, peace and fair-mindedness prevail. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Graham, Senator Stevens, and Senator Weinstein.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of Monday, July 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Rhonda Shearon from Louisburg, 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. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, as amended on second reading.

Upon motion of Senator Garrou, the Senate Committee Substitute bill No. 2, as amended, is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 30.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 38**, AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS.

**S.B. 44**, 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. 513**, AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL.

**S.B. 514**, AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL TO INDIGENT PERSONS WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE.

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**S.B. 687**, AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS.

**S.B. 708**, AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW.

**S.B. 713**, AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE.

**S.B. 804**, AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS.

**S.B. 820**, AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES.

**S.B. 882**, AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS.

**S.B. 909**, AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVERCOLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE.

**S.B. 931**, AN ACT TO PROVIDE RECIPROCITY TO A PERSON WHO HOLDS ANY COMMERCIAL DRIVERS LICENSE RECOGNIZED BY THE FEDERAL GOVERNMENT, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER.

**S.B. 1062**, AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS.

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**S.B. 1078**, AN ACT TO PROVIDE THE PROCEDURE FOR DETERMINING PRETRIAL RELEASE CONDITIONS WHEN A PROBATIONER IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY, AND TO PROVIDE THAT WHEN A PROBATIONER IS CHARGED WITH A VIOLATION OF PROBATION AND HAS A PENDING FELONY CHARGE, A JUDICIAL OFFICIAL MUST DETERMINE WHETHER THE PROBATIONER POSES A DANGER TO THE PUBLIC AND, IF THE PROBATIONER IS A DANGER TO THE PUBLIC, THE JUDICIAL OFFICIAL MUST DENY RELEASE ON THE PROBATION VIOLATION CHARGE.

**H.B. 1058**, AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.

**H.B. 1433**, AN ACT TO CLARIFY THE IMMUNITY FROM LIABILITY OF PERSONS USING AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS.

**H.B. 1452**, AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS.

**H.B. 1481**, AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975.

#### 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. 622**, AN ACT TO EXTEND THE EXEMPTION FOR THE TOWN OF LOUISBURG FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR THE LOUISBURG ECONOMIC DEVELOPMENT PROJECT AND AN EXEMPTION FROM THE COMPETITIVE BIDDING REQUIREMENTS FOR CURRITUCK COUNTY FOR A SINGLE PROJECT. (Became law upon ratification, July 27, 2009 - S.L. 2009-370.)

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**WITHDRAWAL FROM COMMITTEE**

**H.B. 1313** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, referred to the **Finance Committee** on July 16.

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 29, 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 29.

**CALENDAR** (*continued*)

**S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 30, for concurrence upon second reading.

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Soles for the **Commerce Committee**:

**S.B. 829**, A BILL TO BE ENTITLED AN ACT TO REGULATE REAL ESTATE APPRAISAL MANAGEMENT COMPANIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35370, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN INDIVIDUALS SERVING IN THE ARMED FORCES, with a favorable report.

**CONFERENCE REPORT**

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 628** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED

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SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, 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 628, A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, House Committee Substitute Favorable 7/7/09, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 7/7/09, as amended:

On page 1, lines 21-25, by rewriting the lines to read:

" time dispensers shall report no later than seven days after the prescription is dispensed in a format as determined annually by the Department based on the format used in the majority of the states operating a controlled substances reporting system."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 28, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/William R. Purcell, Chair	S/Deborah K. Ross, Chair
S/Stam Bingham	S/Bob England, M.D.
S/Josh Stein	S/Wil Neumann
	S/Jeff Barnhart

The Conference Report is placed on the Calendar for Wednesday, July 29, for adoption.

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**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

**H.B. 921** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY AND TO AMEND THE LAW ESTABLISHING A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN JOHNSTON 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 30438, which changes the title upon concurrence to read **H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, is adopted and engrossed.

Upon motion of Senator East, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

**CONFERENCE REPORT**

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 406** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, 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 406, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE

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ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, Senate State and Local Government Committee Substitute Adopted 6/3/09, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate State and Local Government Committee Substitute Adopted 6/3/09, and the House concurs in the Senate State and Local Government Committee Substitute as amended:

Delete the entire Senate State and Local Government Committee Substitute and substitute the attached proposed Conference Committee Substitute H406-PCCS-50776-LL-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 28, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Carolyn K. Justus, Chair
S/Don East	S/Shirley B. Randleman
S/John Snow	S/Timothy L. Spear
David F. Weinstein	S/Arthur Williams

The text of the attached Proposed Conference Committee Substitute, H406-PCCS50766-LL-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Department of Justice and the Wildlife Resources Commission may develop jointly a plan for the construction and operation of a firing range on land owned by the Wildlife Resources

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Commission. The plan may identify a tract of land in the Green River game land approved by the Wildlife Resources Commission for this purpose. The plan may provide for a firing range that can accommodate the needs of the criminal justice officers attending the Western Justice Academy, federal, State, and local agencies, community college law enforcement training, and the law enforcement officers of the Wildlife Resources Commission, as well as provide a facility for hunter safety classes supervised and conducted by the Wildlife Resources Commission. The plan may further provide for a public firing and archery range, open and accessible for public use, to be operated by the Wildlife Resources Commission. The Wildlife Resources Commission, in consultation with the Department of Justice, may present the plan developed pursuant to this section to the Chairs of the Senate and House of Representatives Appropriations Committees on or before April 1, 2010.

**SECTION 1.(b)** The Department of Justice and the Wildlife Resources Commission may use receipts and other non-General Fund sources totaling up to the sum of one million dollars (\$1,000,000) to provide additional funding for any project resulting from the plan authorized by this section, in addition to any funds that may be authorized or appropriated for the project by the General Assembly.

**SECTION 2.** Subject to the provisions of Section 4 of this act, the firing range currently under contract for construction on the grounds of the Larry T. Justus Western Justice Academy shall be constructed as an indoor facility.

**SECTION 3.** Subject to the provisions of Section 4 of this act, funds appropriated to the Department of Justice for the 2007-2009 fiscal biennium for a firing range at the Western Justice Academy shall be used to plan and construct the indoor firing range referred to in Section 2 of this act. The Department of Justice and the State Construction Office of the Department of Administration shall, pursuant to the terms of the contracts, negotiate with the existing contractor and designer of the firing range project for change orders or other amendments to the construction contract in order to construct an indoor facility that can be accommodated within the original budget for the project. Notwithstanding any other provision of law, no public bidding is required in order to negotiate those change orders and amendments, regardless of the size and scope of the necessary changes to the project.

**SECTION 4.** If the Department of Justice, in consultation with the State Construction Office, is unable to negotiate reasonable change orders with the existing contractor and designer to construct the project as an indoor facility as required by this act, then any unencumbered funds appropriated to construct the project shall not be expended and, except as otherwise provided in this section, shall be held by the Department of Justice to await additional funding or authorization for a firing range to accommodate the needs of the Western Justice Academy. The Department may use that portion of the unencumbered funds that may be necessary to compensate the contractor and designer of the project for any unpaid sums that have been earned under the contract and for any sums necessary to defray documented reliance costs of the contractor and designer in preparing to perform the contract.

**SECTION 5.** This act is effective when it becomes law.

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The Conference Report, which changes the title, is placed on the Calendar for Wednesday, July 29, for adoption.

**CALENDAR** (*continued*)

**H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Upon motion of Senator Albertson, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE, for concurrence in House Amendment No. 1, upon third reading.

Upon motion of Senator Albertson, the Senate concurs in House Amendment No. 1 on 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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 606** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Berger of Rockingham, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin,

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Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---45.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**S.B. 834** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Bingham, 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, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Forrest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 1091**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE, for concurrence in House Amendment No. 1.

Upon motion of Senator Snow, the Senate concurs in House Amendment No. 1 (46-0) and the bill is ordered enrolled and sent to the Governor.

**H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES, temporarily displaced earlier today.

Upon motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 29.

Upon motion of Senator Basnight, seconded by Senator Atwater, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Wednesday, July 29, at 3:00 P.M.

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**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 28, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 831** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY, and requests conferees, Speaker Hackney appoints:

Representative Harrell, Chair  
Representative Goforth, and  
Representative Tillis

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, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 660** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF

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DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, and requests conferees, Speaker Hackney appoints:

Representative Justice, Chair  
Representative Grady,  
Representative Cole, and  
Representative Wray

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 Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 831** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 831, A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, House Committee Substitute #2 Favorable 7/15/09, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute #2 Favorable 7/15/09, as amended:

on page 4, lines 15 through 30,  
by rewriting those lines to read:

**"SECTION 6.** Within 30 days after the effective date of this act, each agency or subdivision of the State to which this act applies shall place a notice in the North Carolina Register listing the types of development approvals

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that the agency or subdivision issues and noting the extension provided in this act. This section does not apply to units of local government.

**SECTION 7.** The provisions of this act shall be liberally construed to effectuate the purposes of this act.

**SECTION 8.** This act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 28, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Daniel G. Clodfelter, Chair	S/Ty Harrell, Chair
S/David W. Hoyle	S/Bruce Goforth
S/Clark Jenkins	S/Thom Tillis

The Conference Report is placed on the Calendar for Wednesday, July 29, for adoption.

### CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 67** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 67, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES, Senate Finance Committee Substitute Adopted 7/2/09, submit the following report:

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The House and Senate agree to the following amendment and the House concurs in Senate Finance Committee Substitute Adopted 7/2/09, Fourth Edition engrossed, as amended:

On page 1, lines 27-28, by deleting the phrase "are not designed or intended to" and substituting the phrase "~~are do not designed or intended to~~".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 28, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Clark Jenkins, Chair	S/Nelson Cole, Chair
S/Steve Goss	S/Becky Carney
S/Jerry W. Tillman	S/Grier Martin
	S/Daniel F. McComas

The Conference Report is placed on the Calendar for Wednesday, July 29, for adoption.

#### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 69** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND THE DUTIES OF THE HIGHWAY PATROL, 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 29, for concurrence.

**S.B. 698** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEES IS CONSIDERED, 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 29, for concurrence.

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**S.B. 929** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND REQUIREMENTS APPLICABLE TO MOTIONS TO SET ASIDE BAIL BOND FORFEITURES AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH SUCH MOTIONS; AND TO PROVIDE THAT A COURT MAY NOT SET ASIDE A BAIL BOND FORFEITURE IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED, 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 29, for concurrence.

**S.B. 1028** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ACHIEVEMENT NETWORK - DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 29.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 405** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 29.

**S.B. 461** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT,

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THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT, 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 29, for concurrence.

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, for concurrence in House Amendment No. 1.

The bill, as amended, is placed on the Calendar for Wednesday, July 29, for concurrence.

**S.B. 802** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSION OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 29, for concurrence.

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**S.B. 851** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR THERAPEUTIC COURTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, July 29, for concurrence.

**H.B. 412** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TWO ADDITIONAL MEMBERS OF THE ADVISORY COUNCIL ON INDIAN EDUCATION AND TO BROADLY INCLUDE STATE INDIAN TRIBES AND COMMUNITIES IN THE MEMBERSHIP.

Referred to the **Education/Higher Education Committee**.

**H.B. 1166** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, AND TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR.

Referred to the **Commerce Committee**.

**H.B. 1514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS.

Referred to the **Finance Committee**.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 5:21 P.M.

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**ONE-HUNDRED AND FIFTH DAY**

Senate Chamber  
Wednesday, July 29, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"If you, O God, should count all our transgressions, who among us could stand unafraid and unashamed before you? For there is so much bad in the best of us and so much good in the worst of us that we dare not criticize each other. We can only do the tasks before us with enthusiasm and success through the miracle affected by the confession of our shortcomings and your grace that forgives them. Let such a new beginning take place today in the Senate. Amen."

The Chair grants leaves of absence for today to Senator Boseman, Senator Stevens, and Senator Weinstein.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Tuesday, 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 Elizabeth Seeger 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. 107**, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE.

**S.B. 606**, AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES.

**S.B. 834**, AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES.

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**S.B. 1091**, AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE.

**H.B. 456**, AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS.

**H.B. 819**, AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT.

**H.B. 951**, AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES AND TO ABOLISH THE STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION.

**H.B. 1296**, AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 53**, AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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**H.B. 1297** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30441, which changes the title upon concurrence to read **H.B. 1297** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS; ADDING A DEFINITION, AND AMENDING NOTICE AND CONTRACT NEGOTIATION PROVISIONS FOR HEALTH BENEFIT PLAN AND PROVIDER CONTRACTING; CLARIFYING A CON EXEMPTION CRITERION; AND MODIFYING INSPECTION PRACTICES OF CERTAIN HOSPITAL OUTPATIENT LOCATIONS, is adopted and engrossed.

#### **WITHDRAWAL FROM CLERK'S OFFICE**

**H.B. 817**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, ordered held in the Office of the Principal Clerk on May 19, pending referral to committee.

Senator Rand announces the referral of the bill to the **Judiciary I Committee**.

#### **MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 920** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS CERTAIN OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the rules are suspended and the House Committee Substitute bill No. 2 is placed on today's Calendar for concurrence.

#### **CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 461** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH

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RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator McKissick, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 4, for concurrence.

**H.B. 1313** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, upon second reading.

*The Honorable Marc Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Walter Dalton, who presides.*

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, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---47.

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Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Thursday, July 30, upon third reading.

**H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

Senator Albertson offers Amendment No. 1 which is adopted (33-14), and changes the title to read **H.B. 1335** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ENVIRONMENTAL MANAGEMENT COMMISSION FROM ADOPTING CERTAIN PERMANENT RULES FROM THE EFFECTIVE DATE OF THIS ACT UNTIL JULY 1, 2011, EXCEPT UNDER CERTAIN CIRCUMSTANCES.

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 1411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN INDIVIDUALS SERVING IN THE ARMED FORCES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 69** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND THE DUTIES OF THE HIGHWAY PATROL, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---47.

Voting in the negative: None.

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The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

**S.B. 405** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

The Senate recesses at 3:33 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 3:45 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 29, 2009

Mr. 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. 628** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION.

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

July 29, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 29, 2009

Mr. 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. 831** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 29, 2009

Mr. 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. 406** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

July 29, 2009

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 29, 2009

Mr. 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. 67** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES.

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

#### **WITHDRAWAL FROM COMMITTEE**

**S.B. 20**, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT, re-referred to the **Appropriations/Base Budget Committee** on July 20.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee**.

July 29, 2009

**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Dannelly for the **Appropriations/Base Budget Committee**:

**H.B. 102**, A BILL TO BE ENTITLED AN ACT TO ENACT A TECHNICAL AMENDMENT TO A SESSION LAW PERTAINING TO BUDGET CODE REFERENCES, 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 50779, which changes the title upon concurrence to read **H.B. 102** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED, 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.

Senator Brock offers Amendment No. 1.

Senator Rand offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Hoyle which motion prevails (28-19).

The Senate Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**CALENDAR** (*continued*)

**S.B. 600** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, for concurrence in House Amendment No. 1.

Upon motion of Senator Swindell, the Senate fails to concur in House Amendment No. 1 (0-47).

Senator Swindell offers a motion that the Senate appoint conferees, which motion prevails.

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**S.B. 698** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEES IS CONSIDERED, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill No. 2 (45-2) and the bill is ordered enrolled and sent to the Governor.

**S.B. 802** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSION OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE, 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. 851** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR THERAPEUTIC COURTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Vaughan, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 929** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND REQUIREMENTS APPLICABLE TO MOTIONS TO SET ASIDE BAIL BOND FORFEITURES AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH SUCH MOTIONS; AND TO PROVIDE THAT A COURT MAY NOT SET ASIDE A BAIL BOND FORFEITURE IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

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**S.B. 1028** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ACHIEVEMENT NETWORK - DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS, 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 (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 628** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, for adoption.

Upon motion of Senator Purcell, the Senate adopts the Conference Report (47-0).

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

**S.B. 831** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE, for adoption.

Upon motion of Senator Clodfelter, the Senate adopts the Conference Report (47-0).

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

**H.B. 67** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE

TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES, for adoption.

Upon motion of Senator Jenkins, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 406** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY, for adoption.

Upon motion of Senator Apodaca, 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.

**S.B. 920** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS CERTAIN OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY, placed earlier on today's Calendar for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 2 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

#### **DISMISSAL OF CONFEREES**

**S.B. 780** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

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Senator Soles announces that the Senate Conferees appointed on June 24 to resolve the differences in the House Committee Substitute bill are hereby dismissed.

Upon motion of Senator Soles, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

Pursuant to the Senate having failed to concur in House Amendment No. 1 for S.B. 643 earlier today and the motion by Senator Swindell to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Swindell, Chair, Senator Goss and Senator Jones 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 Davis, the Senate adjourns in memory of Captain Mark McDowell and Captain Thomas Gramith, who lost their lives in Afghanistan, subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Thursday, July 30, at 11:00 A.M.

#### **CONFERENCE REPORT**

Senator Rucho, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 660** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, 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 660, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING

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PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, House Committee Substitute #2 Favorable 7/14/09, Fifth Edition Engrossed 7/16/09, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute #2 Favorable 7/14/09, Fifth Edition Engrossed 7/16/09, as amended:

on page 2, lines 10-12, by rewriting the lines to read:

"paid by the parties equally."

and on page 2, line 25, by deleting "August 1, 2010," and substituting "October 1, 2009,".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 29, 2009.

*Conferees for the Senate*

S/Bob Rucho, Chair

S/Bob Atwater

S/W. Edward (Eddie) Goodall

David F. Weinstein

*Conferees for the House of Representatives*

S/Carolyn H. Justice, Chair

S/W. Robert Grady

S/Nelson Cole

S/Michael H. Wray

The Conference Report is placed on the Calendar for Thursday, July 30, for adoption.

## REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 775**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR CHILDREN AND ADULTS WITH DISABILITIES AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY, 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 30437, which changes the title upon concurrence to read **H.B. 775** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL

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RETARDATION, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 4:52 P.M.

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### ONE-HUNDRED SIXTH DAY

Senate Chamber  
Thursday, July 30, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, after we've done all we can do to resolve difficult decisions, debated, reasoned, taken, given, and when finally light appears at the end of the dark tunnel, the best prayer we can pray is, keep us out of your way, O Lord, thy will be done. Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Boseman, Senator Dorsett, Senator Stevens, and Senator Weinstein.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Wednesday, July 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 Elizabeth Newlin from Fuquay-Varina, North Carolina, who is serving the Senate as Nurse of the Day.*

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 405**, AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS.

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**S.B. 600**, AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT.

**S.B. 628**, AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION.

**S.B. 698**, AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEES IS CONSIDERED.

**S.B. 780**, AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS.

**S.B. 802**, AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSIONS OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE.

**S.B. 831**, AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE.

**S.B. 851**, AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR THERAPEUTIC COURTS.

**S.B. 920**, AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS CERTAIN OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR

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CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY.

**S.B. 929**, AN ACT TO AMEND REQUIREMENTS APPLICABLE TO MOTIONS TO SET ASIDE BAIL BOND FORFEITURES AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH SUCH MOTIONS; AND TO PROVIDE THAT A COURT MAY NOT SET ASIDE A BAIL BOND FORFEITURE IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED.

**S.B. 1028**, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ACHIEVEMENT NETWORK - DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS.

**H.B. 67**, AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES.

**H.B. 406**, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY.

**H.B. 1103**, AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES.

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**H.B. 1222**, AN ACT TO UPDATE THE RATE SPREAD AND HIGH-COST HOME LOANS STATUTES, AND TO MAKE A CONFORMING CHANGE TO THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT.

**H.B. 1411**, AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN INDIVIDUALS SERVING IN THE ARMED FORCES.

### 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. 53**, AN ACT ALLOWING THE TOWN OF BURGAW TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. (Became law upon ratification, July 29, 2009 - S.L. 2009-371.)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator East for the **State & Local Government Committee**:

**H.B. 109**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO GIVE ANNUAL NOTICE TO CHRONIC VIOLATORS OF THE TOWN'S PUBLIC NUISANCE ORDINANCE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70475, which changes the title upon concurrence to read **H.B. 109** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ARNOLD SANDY TO CONVEY CERTAIN LANDS TO THE TOWN OF ROSEBORO, is adopted and engrossed.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 1313** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---44.

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. 775** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL RETARDATION, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1297** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS; ADDING A DEFINITION, AND AMENDING NOTICE AND CONTRACT NEGOTIATION PROVISIONS FOR HEALTH BENEFIT PLAN AND PROVIDER CONTRACTING; CLARIFYING A CON EXEMPTION CRITERION; AND MODIFYING INSPECTION PRACTICES OF CERTAIN HOSPITAL OUTPATIENT LOCATIONS.

Senator Brunstetter offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, as amended on second reading.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (44-1) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**S.B. 69** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND THE DUTIES OF THE HIGHWAY PATROL, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---45.

Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, for concurrence in the House Committee Substitute bill, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Atwater, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman and Vaughan---45.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

**S.B. 660** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE, for adoption.

Upon motion of Senator Rucho, 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.

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**WITHDRAWAL FROM COMMITTEE**

**H.B. 1280**, A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM, referred to the **Appropriations/Base Budget Committee** on July 23.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Monday, August 3, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Monday, August 3.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 458** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, August 3, for concurrence.

**S.B. 464** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 3, for concurrence.

**S.B. 556** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Monday, August 3, for concurrence.

**S.B. 810** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Monday, August 3, for concurrence.

**S.B. 853** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF IN SUPERIOR COURT, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE MOTION IS MADE IN GOOD FAITH AND ON SOUND LEGAL BASIS, THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AS APPROPRIATE, OR IF THE TRANSCRIPT IS UNAVAILABLE, STATE THE EFFORTS UNDERTAKEN TO LOCATE THE TRANSCRIPT, AND THE ATTORNEY HAS NOTIFIED BOTH THE DISTRICT ATTORNEY AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION, TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION; AND TO REQUIRE THAT PRIOR TRIAL AND APPELLATE COUNSEL FOR THE DEFENDANT AND THE STATE MAKE ALL FILES RELATED TO THE DEFENDANT'S CASE AVAILABLE TO THE DEFENDANT'S ATTORNEY FOR POSTCONVICTION PROCEEDINGS IN SUPERIOR COURT, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, August 3, for concurrence.

**S.B. 1073** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Monday, August 3, for concurrence.

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN

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RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

**H.B. 1245** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF TOLLING ALL INTERSTATE HIGHWAYS ENTERING INTO THIS STATE IN COOPERATION WITH EACH SURROUNDING STATE.

Referred to the **Finance Committee**.

**H.B. 1500** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS.

Referred to the **Finance Committee**.

The Senate recesses at 11:27 A.M. subject to receipt of Conference Reports, receipt of messages from the House of Representatives, and appointment of conferees, for the purpose of a Finance Committee meeting and a Select Committee on Employee Hospital and Medical Benefits meeting, to reconvene at 1:00 P.M.

### RECESS

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
July 30, 2009

Mr. 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. 991**, A BILL TO BE ENTITLED AN ACT RELATING TO THE AUTHORITY OF MONTGOMERY COUNTY TO COLLECT MONEY OWED TO THE COUNTY FOR WATER SYSTEM FEES, and requests conferees, Speaker Hackney has appointed:

Representative Goodwin, Chair  
Representative Burr, and  
Representative Gibson

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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

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 30, 2009

Mr. 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. 102**, A BILL TO BE ENTITLED AN ACT TO ENACT A TECHNICAL AMENDMENT TO A SESSION LAW PERTAINING TO BUDGET CODE REFERENCES, and requests conferees, Speaker Hackney has appointed:

Representative Michaux, Chair  
Representative Adams,  
Representative M. Alexander,  
Representative Crawford,  
Representative Haire,  
Representative Jeffus,  
Representative Tolson, and  
Representative Yongue

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

July 30, 2009

House of Representatives  
July 30, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Amendment for **S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, and requests conferees, Speaker Hackney appoints:

Representative Allen, Chair  
Representative Stewart, 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

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 991** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

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. 991 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Tillman, Chair, Senator Snow and Senator Vaughan 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. 102** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED.

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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. 102 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garrou, Chair; Senator Albertson; Senator Dannelly; 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.

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

*The Chair grants leaves of absence for the remainder of today's session to Senator Bingham and Senator Graham.*

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, with a favorable report.

Upon motion of Senator Jenkins, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

**H.B. 1500** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS, with a favorable report.

**S.B. 535**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55501, is adopted and engrossed.

### CALENDAR *(continued)*

**H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, placed earlier on today's Calendar.

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Upon motion of Senator Jones, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **State & Local Government Committee**.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 30, 2009

Mr. 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. 660** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE.

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. 660 earlier today, the President orders the bill enrolled and sent to the Governor.

### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Rand for the **Select Committee on Employee Hospital and Medical Benefits**:

**H.B. 1274** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE STATE HEALTH PLAN BLUE RIBBON 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 30435, which changes the title upon concurrence to read **H.B. 1274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING TECHNICAL AND OTHER CHANGES PERTAINING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE AND TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, is adopted and engrossed.

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Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

#### **CALENDAR** (*continued*)

**H.B. 1274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING TECHNICAL AND OTHER CHANGES PERTAINING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE AND TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second reading (32-6).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, August 3, upon third reading.

#### **WITHDRAWAL FROM CALENDAR**

**S.B. 556** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD, placed on the Calendar for Monday, August 3.

Senator Nesbitt offers a motion that the House Committee Substitute bill be withdrawn from the Calendar for Monday, August 3, and placed before the Senate for immediate consideration.

The Chair orders the House Committee Substitute bill withdrawn from the Calendar for Monday, August 3, and places it before the Senate for immediate consideration.

Upon motion of Senator Nesbitt, the Senate concurs in the House Committee Substitute bill (38-0) and the bill is ordered enrolled and sent to the Governor.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 209** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES, with a favorable report.

**H.B. 907** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN

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THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE, with a favorable report.

**H.B. 908** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; AND TO COMPLETE THE BURDEN OF PROOF PROVISIONS IN THE CANDIDATE-CHALLENGE 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 11024, which changes the title upon concurrence to read **H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF

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ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES, is adopted and engrossed.

#### WITHDRAWAL FROM CALENDAR

**H.B. 109** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ARNOLD SANDY TO CONVEY CERTAIN LANDS TO THE TOWN OF ROSEBORO, placed on the Calendar for Monday, August 3.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Monday, August 3, and placed before the Senate for immediate consideration.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Monday, August 3, and places it before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence.

*The Chair grants leaves of absence for the remainder of today's session to Senator Blue, Senator Brunstetter, Senator Clodfelter, and Senator Jacumin.*

#### CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 102** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED, 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 102, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED, Senate Appropriations/Base Budget Committee Substitute Adopted 7/29/09, submit the following report:

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The House and Senate agree to the following amendments to the Senate Appropriations/Base Budget Committee Substitute Adopted 7/29/09, and the House concurs in the Senate Appropriations/Base Budget Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H102-PCCS.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 30, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Linda Garrou, Chair	S/Henry M. Michaux, Jr., Chair
S/Charles W. Albertson	S/Alma Adams
S/Charlie Smith Dannelly	S/Martha B. Alexander
S/A. B. Swindell	S/James W. Crawford, Jr.
	S/R. Phillip Haire
	S/Maggie Jeffus
	S/Joe P. Tolson
	S/Douglas Y. Yongue

The text of the attached Proposed Conference Committee Substitute, H102-PCCS11025-MD-9 is as follows:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED.

The General Assembly of North Carolina enacts:

**AUTHORIZATION FOR EXPENDITURE OF FUNDS**

**SECTION 1.** Section 1 of S.L. 2009-215, as rewritten by Section 1 of S.L. 2009-296, reads as rewritten:

"**SECTION 1.** The Director of the Budget may continue to allocate funds for expenditure for current operations by State departments, institutions, and agencies at a level not to exceed eighty-four percent (84%) of the level at which those operations were authorized in S.L. 2008-107, as amended. The Director of the Budget shall implement the budget reductions set out in Senate Bill 202, 3rd edition, and Senate Bill 202, 6th edition, that are not in controversy. The Director of the Budget shall not implement any transfers set out in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both.

Vacant positions subject to proposed budget reductions in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both, shall not be filled after June 30, 2009.

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State employees employed in positions subject to elimination in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both, because of a reduction, in total or in part, in the funds used to support the job or its responsibilities shall, as soon as practicable and in accordance with Reduction in Force policies, be provided written notification of termination of employment 30 days prior to the effective date of the termination.

State agencies shall not make grant awards with funds that are subject to proposed budget reductions in Senate Bill 202, 3rd edition, Senate Bill 202, 6th edition, or both.

Except as otherwise provided by this act, the limitations and directions for the 2008-2009 fiscal year in S.L. 2007-323, as amended, and in S.L. 2008-107, as amended, that applied to appropriations to particular agencies or for particular purposes apply to the funds appropriated and authorized for expenditure under this section."

#### **USE OF ARRA FUNDS BY LEAS**

**SECTION 2.** Section 6(c) of S.L. 2009-215 shall not be construed to prohibit the use of federal ARRA funds to employ teachers and other school personnel for the 2009-2010 school year.

#### **ACCELERATED DHHS PROCUREMENT PROCESS TO ACHIEVE BUDGET REDUCTIONS**

**SECTION 3.** Section 8A of S.L. 2009-215 reads as rewritten:

"**SECTION 8A.(a)** Notwithstanding any other provision of law to the contrary, the Department of Health and Human Services may modify or extend existing contracts or as necessary enter into sole source contracts to timely achieve savings. Any such modifications or contract extensions or sole source contracts must be approved by the ~~Governor~~ Secretary of the Department of Administration and reported to the Senate Appropriations Committee on Health and Human Services, the House of Representatives Appropriations Subcommittee on Health and Human Services, the Fiscal Research Division, and the Office of State Budget and Management. This subsection applies to the following activities and shall expire six months from the date of enactment of this act:

- (1) ~~Acquisition of medical equipment, supplies, and appliances;~~
- (2) Maximizing technology to increase third-party recovery, increase cost avoidance activities, identify provider overbilling and other abuse or program integrity activities;
- (3) Implementing prior authorization efforts in imaging and other high-cost services;
- (4) Providing technical assistance to enhance care coordination, analysis, and reports to assess provider compliance and performance;
- (5) Conducting independent assessments; and

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- (6) Providing technology services to establish physician/provider online attestation reporting and assist CCNC in care management activities.

**SECTION 8A.(b)** The Department shall report on the activities conducted under this section to the House Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division on or before April 1, 2010."

#### **USE PRE-STIMULUS FMAP FOR MEDICAID HOLD HARMLESS**

**SECTION 4.(a)** G.S. 105-523(b)(2) reads as rewritten:

"(b) Definitions. – The following definitions apply in this section:

...

- (2) Hold harmless threshold. – The amount of a county's Medicaid service costs and Medicare Part D clawback payments assumed by the State under G.S. 108A-54 for the fiscal year, less five hundred thousand dollars (\$500,000). A county's Medicaid service costs for fiscal years 2008-2009, 2009-2010, and 2010-2011 are determined without regard to the changes made to the Federal Medical Assistance Percentage by section 5001 of the American Recovery and Reinvestment Act of 2009."

**SECTION 4.(b)** This section is effective when it becomes law and applies to distributions for months beginning on or after October 1, 2008.

#### **USE OF FUNDS IN THE UNRESERVED CREDIT BALANCE**

**SECTION 5.(a)** Notwithstanding Chapter 143C of the General Statutes, funds in the unreserved credit balance on June 30, 2009, may be used only to partially repay federal funds that were overdrawn in the Medicaid Program in the 2008-2009 fiscal year. The remainder of the overdrawn funds may be repaid during the 2009-2011 fiscal biennium. The Director of the Budget shall report the timing and amount of the repayment to the chairs of the Senate and House of Representatives Appropriations Committees and the Fiscal Research Division by October 1, 2009.

**SECTION 5.(b)** This section becomes effective June 30, 2009.

#### **EFFECTIVE DATE**

**SECTION 6.** Section 10 of S.L. 2009-215, as rewritten by Section 2 of S.L. 2009-296, reads as rewritten:

"**SECTION 10.** Except as otherwise provided, this act becomes effective July 1, 2009, and expires ~~July 31, 2009, at 11:59 P.M. when the Current Operations and Capital Improvements Appropriations Act of 2009 becomes law.~~"

**SECTION 7.** Except as otherwise provided in this act, this act is effective when it becomes law.

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Upon motion of Senator Garrou, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Garrou, the Conference Report is adopted (37-1).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **WITHDRAWAL FROM COMMITTEE**

**S.B. 57**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 4.

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**.

Upon motion of Senator Dannelly, seconded by Senator Rand, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Monday, August 3, at 7:00 P.M.

#### **CONFERENCE REPORT**

Senator Tillman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 991** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 991, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, Senate Finance Committee Substitute Adopted 7/14/09, submit the following report:

July 30, 2009

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute, Senate Finance Committee Substitute Adopted 7/14/09, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 16 through 27, by rewriting those lines to read:

"charge for that service, and the date and place of furnishing that service. A lien on real property is not effective against an interest in real property conveyed after the fees become delinquent if the interest is recorded in the office of the register of deeds prior to the filing of the lien for delinquent water or sewer services. No lien under this act shall be valid unless filed in accordance with this section after 90 days of the date of the failure to pay for the service and within 180 days of the date of the failure to pay for the service. The lien may be discharged as provided in G.S. 44-48.

**SECTION 2.** This act applies to Montgomery County only.

**SECTION 3.** This act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 30, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Jerry W. Tillman, Chair	S/Melanie Wade Goodwin, Chair
S/John Snow	S/Justin P. Burr
S/Don Vaughan	S/Pryor Gibson

The Conference Report is placed on the Calendar for Monday, August 3, for adoption.

### CONFERENCE REPORT

Senator Jenkins, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 295** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, 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 295, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP

July 30, 2009

MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED, House Committee Substitute Favorable 7/2/09, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 7/2/09, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute and substitute the attached Proposed Conference Committee Substitute S295-PCCS75301-RW-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 30, 2009.

*Conferees for the Senate*  
S/Clark Jenkins, Chair  
S/Charles W. Albertson  
Stan Bingham

*Conferees for the House of Representatives*  
S/Nelson Cole, Chair  
S/Arthur Williams  
Daniel F. McComas

The text of the attached Proposed Conference Committee Substitute, S295-PCCS75301-RW-1 is as follows:

A BILL TO BE ENTITLED  
AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP  
MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF  
THE FARM FROM WHICH THE CROP IS HAULED.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-118(c)(12) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...

- (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions set out below:
- a. Is hauling agricultural crops from the farm where the crop is grown to ~~the closest market~~any market within 150 miles of that farm.
  - b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
  - b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
  - c. Does not exceed a single-axle weight of 22,000 pounds, a tandem-axle weight of 42,000 pounds, or a gross weight of 90,000 pounds."

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**SECTION 2.** This act becomes effective December 1, 2009, and applies to offenses committed on or after that date.

The Conference Report is placed on the Calendar for Monday, August 3, for adoption.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
July 30, 2009

Mr. 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. 102** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED.

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. 69**, AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND THE DUTIES OF THE HIGHWAY PATROL.

**H.B. 102**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED.

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**H.B. 121**, AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS.

**H.B. 1098**, AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 2:32 P.M.

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**ONE-HUNDRED AND SEVENTH DAY**

Senate Chamber  
Monday, August 3, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Don Davis, Senator from Greene County, as follows:

"It is the first day of the week, a week that I'm certain will be consumed with discussing the budget and policies and other matters that are important to you and North Carolinians. And yes, we start it all with prayer, using the words of Oswald Chambers: 'Prayer does not fit us for the greater work, but prayer is the greater work.' I pray that thy greater work is done. I pray for the members of this Body and those whom we serve. I pray for the staff, our interns, our nurse of the day and pages. I pray for our chaplain, Michael, who graces us with such wonderful and inspiring prayers. And yes, a special prayer goes out to Ernie Sherrell and his family. Robert Foster once said, 'Most pray for power, the strength to do things. Few pray for love. The quality to be someone.' I pray for strength and, above all, those qualities that make us better people. As a member of this Body, I've had many wonderful experiences. Many have gone out of their way to help me. Some have even barked at me. However, there has been no greater experience than this. So lead us in prayer. Let us remember these words of Allen Bartlett, 'Seven days without prayer makes us one weak.' Amen."

The Chair grants leaves of absence for tonight to Senator Allran, Senator Atwater, Senator Blake, and Senator Stevens.

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Senator Basnight, President *Pro Tempore*, announces that the Journal of Thursday, 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 Cathy Chapman from Efland, 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. 345**, AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY.

**S.B. 660**, AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE.

**H.B. 1057**, AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 556**, AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE 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. 920**, AN ACT TO ALLOW PROBATION OFFICERS TO ACCESS CERTAIN OFFENDERS' JUVENILE RECORDS, TO MAKE WARRANTLESS SEARCHES AND DRUG SCREENING REGULAR CONDITIONS OF SUPERVISION, TO ADD ADDITIONAL CONTROLLING MEASURES FOR OFFENDERS SUBJECT TO INTERMEDIATE PUNISHMENT, AND TO MAKE CLARIFYING

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AMENDMENTS TO STREAMLINE PROCEDURES FOR SUPERVISION OF OFFENDERS IN THE COMMUNITY. (Became law upon approval of the Governor, July 30, 2009 - S.L. 2009-372.)

**S.B. 804**, AN ACT TO MAKE CHANGES TO THE CERTIFICATE OF NEED LAW WITH RESPECT TO TIME LINES FOR ISSUANCE OF A CERTIFICATE OF NEED; TO MODIFY BOND REQUIREMENTS FOR APPEALS; TO PROHIBIT THE APPROVAL OF A CERTIFICATE OF NEED FOR CERTAIN TYPES OF EMERGENCY DEPARTMENTS FOR A SPECIFIED TIME PERIOD; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE LICENSURE OF HOSPITAL-BASED OFF-SITE EMERGENCY DEPARTMENTS. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-373.)

**H.B. 1523**, AN ACT TO REWRITE THE NORTH CAROLINA MORTGAGE LENDING ACT IN ORDER TO CONFORM TO THE REQUIREMENTS OF FEDERAL LAW. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-374.)

**S.B. 304**, AN ACT TO INCREASE THE AMOUNT THE STATE MAY FINANCE UNDER GUARANTEED ENERGY SAVINGS CONTRACTS AND TO MODIFY THE REPORTING REQUIREMENTS. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-375.)

**S.B. 368**, AN ACT TO MAKE VARIOUS CHANGES TO THE MOTOR VEHICLE LAWS, AS REQUESTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-376.)

**H.B. 1595**, AN ACT TO AUTHORIZE THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE MALT BEVERAGE SPECIAL EVENT PERMITS AND MALT BEVERAGE TASTING PERMITS IN THE SAME OR SIMILAR MANNER AS WINE. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-377.)

**S.B. 658**, AN ACT TO MODIFY THE MEMBERSHIP OF THE SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES AND TO PROVIDE THAT THE FURLOUGH OF A MEMBER OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM SHALL NOT DIMINISH THE EMPLOYEE'S STATUS IN THE RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-378.)

**H.B. 1256**, AN ACT TO CREATE THE CRIMINAL OFFENSE OF LARCENY OF A MOTOR VEHICLE PART. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-379.)

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**H.B. 1255**, AN ACT TO PROVIDE THAT WHEN SENTENCING A DEFENDANT CONVICTED OF A SEX OFFENSE AND UPON REQUEST OF THE DISTRICT ATTORNEY, THE COURT MAY ENTER A PERMANENT NO CONTACT ORDER PROHIBITING ANY FUTURE CONTACT OF A CONVICTED SEX OFFENDER WITH THE CRIME VICTIM IF THE COURT DETERMINES THAT APPROPRIATE GROUNDS EXIST FOR THE ORDER. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-380.)

**H.B. 1228**, AN ACT TO CLARIFY THE AUTHORITY OF THE ABC COMMISSION TO ADOPT RULES CONCERNING PRIVATE CLUBS. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-381.)

**H.B. 1183**, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING HEALTH INSURANCE AND MANAGED CARE; TO CHANGE CERTAIN HEALTH INSURANCE LAWS TO COMPORT WITH RECENT CONGRESSIONAL ENACTMENTS; TO MAKE A TECHNICAL CORRECTION IN A CREDIT INSURANCE LAW; TO CONFORM MOTOR VEHICLE INSPECTION COMPLIANCE REQUIREMENT WITH DISCONTINUATION OF STICKERS; AND TO REPEAL THE EXPIRATION DATE OF THE INTERSTATE INSURANCE PRODUCT REGULATION COMPACT ACT. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-382.)

**H.B. 1159**, AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE; AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE COMPANIES. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-383.)

**H.B. 1314**, AN ACT TO IMPROVE THE INSURANCE COMMISSIONER'S ABILITY TO MONITOR THE FINANCIAL CONDITION OF INSURERS. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-384.)

**S.B. 618**, AN ACT TO ALLOW ALL MUNICIPALITIES TO PARTICIPATE IN URBAN AREA REVITALIZATION PROJECTS UNDER THE MUNICIPAL SERVICE DISTRICT ACT OF 1973. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-385.)

**H.B. 1084**, AN ACT TO AMEND THE LIQUEFIED PETROLEUM GAS LAW TO CREATE CLASSES OF DEALERS FOR THE PURPOSE OF INSURANCE REQUIREMENTS, TO CLARIFY THE AUTHORITY TO CONDUCT INSPECTIONS, TO INCREASE CIVIL PENALTIES, AND TO MAKE TECHNICAL CHANGES. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-386.)

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**H.B. 506**, AN ACT TO CLARIFY RESPONSIBILITY FOR PAYMENT OF WITNESS FEES AND GUARDIAN AD LITEM FEES IN INCOMPETENCY PROCEEDINGS; AUTHORIZE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS ADJUDICATED INCOMPETENT; PROVIDE FOR APPOINTMENT OF COUNSEL FOR AN INDIGENT PERSON IN CERTAIN PROCEEDINGS INVOLVING SATELLITE-BASED MONITORING OF SEX OFFENDERS; PROVIDE FOR REPRESENTATION FOR THE DEPARTMENT OF CORRECTION AND APPOINTMENT OF COUNSEL FOR INDIGENT OFFENDERS IN SATELLITE-BASED MONITORING PROCEEDINGS; AND PROVIDE FOR APPOINTMENT OF COUNSEL BY THE OFFICE OF INDIGENT DEFENSE SERVICES IN CAPITAL CASES. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-387.)

**S.B. 465**, AN ACT AMENDING THE STATE FAIR HOUSING ACT. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-388.)

**H.B. 1464**, AN ACT TO CLARIFY DOMESTIC VIOLENCE LAWS REGARDING WHEN A LAW ENFORCEMENT OFFICER SHALL ARREST A PERSON WHO HAS KNOWINGLY VIOLATED A VALID PROTECTIVE ORDER DESPITE THE 2006 HOLDING BY THE NORTH CAROLINA COURT OF APPEALS IN COCKERHAM-ELLERBEE V. THE TOWN OF JONESVILLE. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-389.)

**S.B. 1004**, AN ACT TO PROVIDE FOR RETENTION OF FUEL AND FUEL-RELATED COST SAVINGS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A CARBON OFFSET FACILITY, TO BRING CERTAIN DAMS USED IN CONNECTION WITH ELECTRIC GENERATING FACILITIES UNDER THE DAM SAFETY ACT, AND TO MAKE OTHER CHANGES TO LAWS GOVERNING THE GENERATION OF ELECTRICITY. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-390.)

**H.B. 996**, AN ACT TO REPEAL A REQUIREMENT THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES STUDY THE FEASIBILITY OF OPERATING A LICENSED ADULT CARE HOME IN A PUBLIC HOUSING FACILITY AND TO DIRECT THE UNC CENTER ON POVERTY, WORK AND OPPORTUNITY TO CONDUCT THE STUDY. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-391.)

**S.B. 863**, AN ACT TO PROVIDE FOR THE PURCHASE OF CREDITABLE SERVICE BY MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM FOR CERTAIN PERIODS OF NONQUALIFIED EMPLOYMENT. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-392.)

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**S.B. 935**, AN ACT AMENDING THE MARRIAGE AND FAMILY THERAPY LICENSURE LAWS AND AUTHORIZING THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD TO INCREASE FEES. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-393.)

**H.B. 1516**, AN ACT TO MAKE CERTAIN MODIFICATIONS TO AND EXTEND THE SUNSET OF THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-394.)

**H.B. 311**, AN ACT TO CONTINUE THE CONSTRUCTION FUNDING OF SCHOOLS THROUGH THE FIRST AND THE SECOND ONE-HALF CENT SALES AND USE TAXES. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-395.)

**H.B. 816**, AN ACT TO CLARIFY THE LAW REGARDING THE SPECIAL SEPARATION ALLOWANCE PROVIDED TO LAW ENFORCEMENT OFFICERS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-396.)

**H.B. 378**, AN ACT TO STATUTORILY ESTABLISH THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-397.)

**H.B. 1077**, AN ACT TO AMEND THE VENUE RULES AND THE AUTHORITY OF MAGISTRATES FOR MUNICIPALITIES LYING IN FOUR OR MORE COUNTIES, EACH OF WHICH IS IN A DIFFERENT JUDICIAL DISTRICT. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-398.)

**H.B. 102**, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL AUTHORIZED IN S.L. 2008-107, AS AMENDED. (Became law upon approval of the Governor, July 31, 2009 - S.L. 2009-399.)

**H.B. 1110**, AN ACT TO CLARIFY PROCEDURES IN CIVIL ACTIONS FOR ALIENATION OF AFFECTION AND CRIMINAL CONVERSATION. (Became law upon approval of the Governor, August 3, 2009 - S.L. 2009-400.)

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**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Jenkins for the **Finance Committee**:

**S.B. 898**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION 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 55490, is adopted and engrossed.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1135** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DETER AND PUNISH PERSONS WHO MAKE FALSE OR FRAUDULENT CLAIMS FOR PAYMENT BY THE STATE AND TO PROVIDE REMEDIES IN THE FORM OF TREBLE DAMAGES AND CIVIL PENALTIES WHEN MONEY IS OBTAINED FROM THE STATE BY REASON OF SUCH CLAIMS, 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 30442, is adopted and engrossed.

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES, 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, 80497, is adopted and engrossed.

August 3, 2009

**CALENDAR**

Bills on tonight's Calendar are taken up and disposed of, as follows:

**H.B. 907** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE.

Upon motion of Senator Clodfelter, the Committee Substitute bill No. 2 is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, August 4.

**H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF

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VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, August 4.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 64** (House 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, August 4, for concurrence.

**S.B. 251** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE LIMITS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, August 4, for concurrence.

**S.B. 253** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, August 4, for concurrence.

**S.B. 475** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Tuesday, August 4, for concurrence.

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**S.B. 894** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, August 4, for concurrence.

**S.B. 978** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, AND TO EXPAND THE POWERS OF THE COMMISSION, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Tuesday, August 4, for concurrence.

**H.B. 1140** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE EDUCATIONAL ASSISTANCE FOR MINIMUM WAGE WORKERS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

**H.B. 1570** (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**.

#### CALENDAR *(continued)*

**S.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM, upon second reading.

Senator Rouzer 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 Tuesday, August 4, upon second reading.

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**H.B. 991** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES, for adoption.

Upon motion of Senator Tillman, 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.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE, referred to the **Appropriations/Base Budget Committee** on July 29.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Tuesday, August 4, 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, August 4.

#### CALENDAR *(continued)*

**H.B. 1500** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS, upon second reading.

*Without objection, Senator Jenkins 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 reading, by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: Senators Brock, Goodall and Rucho---3.

The Committee Substitute bill No. 2 remains on the Calendar for Tuesday, August 4, upon third reading.

**H.B. 209** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE

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REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.

Senator Tillman offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No 1.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 889** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS, referred to the **Commerce Committee** on May 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Commerce 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 **Commerce Committee** and re-refers the measure to the **Judiciary II Committee**.

#### CALENDAR *(continued)*

**H.B. 1280**, A BILL TO BE ENTITLED AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM.

The bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 1274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING TECHNICAL AND OTHER CHANGES PERTAINING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE AND TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Senator Rand offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its third reading (37-9) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

**S.B. 509** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, for concurrence in the House Committee Substitute bill, upon third reading.

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Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 458** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Goodall and Kinnaird--2.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

**S.B. 1073** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

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Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

**S.B. 464** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (40-6) and the bill is ordered enrolled and sent to the Governor.

**S.B. 810** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (42-4) and the bill is ordered enrolled and sent to the Governor.

**S.B. 853** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF IN SUPERIOR COURT, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE MOTION IS MADE IN GOOD FAITH AND ON SOUND LEGAL BASIS, THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AS APPROPRIATE, OR IF THE TRANSCRIPT IS UNAVAILABLE, STATE THE EFFORTS UNDERTAKEN TO LOCATE THE TRANSCRIPT, AND THE ATTORNEY HAS NOTIFIED BOTH THE DISTRICT ATTORNEY AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION, TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION; AND TO REQUIRE THAT PRIOR TRIAL AND APPELLATE

COUNSEL FOR THE DEFENDANT AND THE STATE MAKE ALL FILES RELATED TO THE DEFENDANT'S CASE AVAILABLE TO THE DEFENDANT'S ATTORNEY FOR POSTCONVICTION PROCEEDINGS IN SUPERIOR COURT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Vaughan, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) 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  
August 3, 2009

Mr. 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. 295** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 3, 2009

Mr. 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. 991** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE

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MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

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. 295** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

Upon motion of Senator Jenkins, 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.

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor.

#### **SENATE PAGES**

The Chair recognizes the following pages serving in the Senate this week:

Iris Caldwell, Raleigh; Brandon Clark, Mooresville; Dylan Clark, Kannapolis; Emily Costello, Greensboro; James R. Dawson, Fayetteville; Amber Oliver, Bahama; Yates Parrish, Raleigh; Elizabeth Rogers, Thomasville; Matt Smith, Willow Spring; Daniel Smith, Holly Springs; Joey Surles, Jr., Fuquay-Varina; Sawyer Walters, Lexington; Sloan Walters, Lexington; Walt Whitehead IV, Raleigh; and Rowland Yeagan, Willow Spring.

Upon motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns subject to receipt of messages from the House of Representatives, conference reports, committee reports and ratification of bills to meet Tuesday, August 4, at 3:00 P.M.

#### **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. 1657** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EUGENE BURNS TURNER.

The Committee Substitute bill is placed on the Calendar for Tuesday, August 4.

### CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 202** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO PROVIDE FOR TWO NEW PERMANENT UPPER-INCOME TAX BRACKETS WITH BEGINNING THRESHOLDS AT TWICE AND FIVE TIMES THE CURRENT HIGHEST BRACKET EFFECTIVE JANUARY 1, 2009; TO PERMANENTLY PROVIDE FOR MANDATORY COMBINED REPORTING FOR CORPORATE INCOME TAX PURPOSES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY EXPAND THE CORPORATE FRANCHISE TAX BASE TO INCLUDE ALL LIMITED LIABILITY BUSINESS ENTITIES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY MODIFY THE CORPORATE INCOME TAX APPORTIONMENT FORMULA BY REQUIRING THAT SALES BE INCLUDED IN THE NUMERATOR OF THE SALES FACTOR IF THE PROPERTY IS SHIPPED FROM THIS STATE AND THE TAXPAYER IS NOT TAXABLE IN THE STATE WHERE THE PROPERTY IS DELIVERED, EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY CONFORM THE EXEMPTION FOR FINANCIAL INSTITUTIONS FOR INTEREST EXPENSE THAT IS ALLOCABLE TO TAX-EXEMPT INTEREST INCOME TO THE GENERAL FEDERAL TREATMENT OF THIS EXPENSE EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY INCREASE THE STATE GENERAL SALES AND USE TAX RATE BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE AUGUST 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SERVICE CONTRACTS AND ON REPAIR, MAINTENANCE, AND INSTALLATION SERVICES FOR TANGIBLE PERSONAL PROPERTY EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON LOCAL AND INTERSTATE COURIER SERVICES EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SALES OF DIGITAL PRODUCTS EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY REQUIRE A REMOTE SELLER TO COLLECT SALES TAX WHEN THE SELLER ENTERS INTO AN AGREEMENT WITH ONE OR MORE STATE RESIDENTS PROVIDING FOR A COMMISSION WHEN THE RESIDENT REFERS CUSTOMERS TO THE SELLER AND THE SELLER HAS GROSS RECEIPTS OF AT LEAST TEN THOUSAND DOLLARS ANNUALLY FROM SALES TO ALL CUSTOMERS REFERRED

August 3, 2009

TO THE SELLER BY ALL SUCH RESIDENTS, EFFECTIVE WHEN IT BECOMES LAW; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES TAX ON MOVIES AND OTHER AMUSEMENTS IN LIEU OF THE PRIVILEGE TAXES CURRENTLY IMPOSED ON THESE ACTIVITIES EFFECTIVE OCTOBER 1, 2009; AND TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON SPIRITUOUS LIQUOR BY ONE AND ONE-HALF PERCENTAGE POINTS EFFECTIVE AUGUST 1, 2009, 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 202, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES; TO PROVIDE FOR TWO NEW PERMANENT UPPER-INCOME TAX BRACKETS WITH BEGINNING THRESHOLDS AT TWICE AND FIVE TIMES THE CURRENT HIGHEST BRACKET EFFECTIVE JANUARY 1, 2009; TO PERMANENTLY PROVIDE FOR MANDATORY COMBINED REPORTING FOR CORPORATE INCOME TAX PURPOSES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY EXPAND THE CORPORATE FRANCHISE TAX BASE TO INCLUDE ALL LIMITED LIABILITY BUSINESS ENTITIES EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY MODIFY THE CORPORATE INCOME TAX APPORTIONMENT FORMULA BY REQUIRING THAT SALES BE INCLUDED IN THE NUMERATOR OF THE SALES FACTOR IF THE PROPERTY IS SHIPPED FROM THIS STATE AND THE TAXPAYER IS NOT TAXABLE IN THE STATE WHERE THE PROPERTY IS DELIVERED, EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY CONFORM THE EXEMPTION FOR FINANCIAL INSTITUTIONS FOR INTEREST EXPENSE THAT IS ALLOCABLE TO TAX-EXEMPT INTEREST INCOME TO THE GENERAL FEDERAL TREATMENT OF THIS EXPENSE EFFECTIVE JANUARY 1, 2010; TO PERMANENTLY INCREASE THE STATE GENERAL SALES AND USE TAX RATE BY ONE-QUARTER PERCENTAGE POINT EFFECTIVE AUGUST 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SERVICE CONTRACTS AND ON REPAIR, MAINTENANCE, AND INSTALLATION SERVICES FOR TANGIBLE PERSONAL PROPERTY EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON LOCAL AND INTERSTATE COURIER SERVICES EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES AND USE TAX ON SALES OF DIGITAL PRODUCTS EFFECTIVE OCTOBER 1, 2009; TO PERMANENTLY REQUIRE A REMOTE SELLER TO COLLECT SALES TAX WHEN THE SELLER ENTERS INTO AN AGREEMENT WITH

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ONE OR MORE STATE RESIDENTS PROVIDING FOR A COMMISSION WHEN THE RESIDENT REFERS CUSTOMERS TO THE SELLER AND THE SELLER HAS GROSS RECEIPTS OF AT LEAST TEN THOUSAND DOLLARS ANNUALLY FROM SALES TO ALL CUSTOMERS REFERRED TO THE SELLER BY ALL SUCH RESIDENTS, EFFECTIVE WHEN IT BECOMES LAW; TO PERMANENTLY IMPOSE THE STATE AND LOCAL SALES TAX ON MOVIES AND OTHER AMUSEMENTS IN LIEU OF THE PRIVILEGE TAXES CURRENTLY IMPOSED ON THESE ACTIVITIES EFFECTIVE OCTOBER 1, 2009; AND TO PERMANENTLY INCREASE THE EXCISE TAX RATE ON SPIRITUOUS LIQUOR BY ONE AND ONE-HALF PERCENTAGE POINTS EFFECTIVE AUGUST 1, 2009, House Committee Substitute #2 Favorable 6/10/09, Sixth Edition Engrossed 6/13/09, submit the following report:

The Senate concurs in the House Committee Substitute #2 Favorable 6/10/09, Sixth Edition Engrossed 6/13/09, with an amendment:

Delete the entire House Committee Substitute #2 Favorable 6/10/09, Sixth Edition Engrossed 6/13/09, and substitute the attached Proposed Conference Committee Substitute S202-PCCS35380-MAxf-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 3, 2009.

*Conferees for the Senate*

S/Linda Garrou, Co-Chair  
 S/Charles W. Albertson, Co-Chair  
 S/Charlie Smith Dannelly, Co-Chair  
 S/A. B. Swindell, Co-Chair  
 Bob Atwater  
 S/Doug Berger  
 Stan Bingham  
 S/Dan Blue  
 Julia Boseman  
 S/Daniel G. Clodfelter  
 S/Don Davis  
 S/Katie G. Dorsett  
 S/Tony Foriest  
 S/Steve Goss  
 Malcolm Graham  
 S/Fletcher L. Hartsell, Jr.  
 S/David W. Hoyle  
 S/Clark Jenkins  
 S/Ed Jones  
 S/Eleanor Kinnaird

*Conferees for the House of Representatives*

S/Henry M. Michaux, Jr., Chair  
 S/Alma Adams, Chair  
 S/Martha B. Alexander, Chair  
 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/Paul Luebke, Chair  
 S/Pryor Gibson, Chair  
 S/William L. Wainwright, Chair  
 S/Jennifer Weiss, Chair  
 S/Hugh Holliman, Chair  
 Bill Owens, Chair  
 S/Kelly M. Alexander, Jr.  
 S/Lucy T. Allen  
 S/Jeff Barnhart  
 S/Larry M. Bell  
 S/Alice L. Bordsen  
 S/R. Van Braxton

August 3, 2009

S/Floyd B. McKissick, Jr.  
S/Martin L. Nesbitt, Jr.  
S/William R. Purcell  
Joe Sam Queen  
S/Tony Rand  
S/Larry Shaw  
S/John Snow  
S/R. C. Soles, Jr.  
S/Josh Stein  
Richard Stevens  
S/Don Vaughan  
S/David F. Weinstein

S/William D. Brisson  
S/Angela R. Bryant  
S/Becky Carney  
S/Lorene Coates  
S/Nelson Cole  
S/Tricia Ann Cotham  
S/Margaret Highsmith Dickson  
S/Beverly M. Earle  
S/Bob England, M.D.  
Bill Faison  
S/Jean Farmer-Butterfield  
S/Susan C. Fisher  
S/Elmer Floyd  
Phillip Frye  
Rick Glazier  
S/Bruce Goforth  
S/Melanie Wade Goodwin  
W. Robert Grady  
S/Larry D. Hall  
S/Ty Harrell  
Pricey Harrison  
S/Dewey L. Hill  
Julia C. Howard  
S/Sandra Spaulding Hughes  
S/Verla Insko  
Darren G. Jackson  
Earl Jones  
Carolyn H. Justice  
S/Jimmy L. Love, Sr.  
S/Marvin W. Lucas  
S/Nick Mackey  
S/Grier Martin  
Daniel F. McComas  
Wm. C. "Bill" McGee  
S/Marian N. McLawhorn  
S/Annie W. Mobley  
Tim Moore  
Earline W. Parmon  
S/Garland E. Pierce  
S/Ray Rapp  
Deborah K. Ross  
Timothy L. Spear  
Fred F. Steen, II  
S/Randy Stewart  
S/Ronnie Sutton  
S/Cullie M. Tarleton

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S/Russell E. Tucker  
S/Alice Graham Underhill  
S/Edith D. Warren  
S/Ray Warren  
S/Jane Whilden  
Laura I. Wiley  
S/W. A. (Winkie) Wilkins  
S/Arthur Williams  
Larry Womble  
S/Michael H. Wray

(The full text of the Conference Committee Substitute can be found in the 2009 Session Laws-Chapter 451).

The Conference Report, which changes the title, is placed on the Calendar for Tuesday, August 4, for adoption.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 10:52 P.M.

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### **ONE-HUNDRED AND EIGHTH DAY**

Senate Chamber  
Tuesday, August 4, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Steve Goss, Senator from Watauga County, as follows:

“I am not going to try to preach a sermon. Many of us work very hard and it made me think of a story I read. Some of you, perhaps, have heard it, about the gentleman that was at his wit's end. Perhaps he had been working on a state budget or some other big project. He finally said, I'm going to take my good book and I'm going to let God tell me what to do. So what did he do? He closed his eyes and he opened it up and it said, 'And Judas Iscariot went out and hanged himself.' He said, 'Well, Lord, that can't be right. I'm going to try it one more time.' He did it again and he opened it up and it said, 'Go thou and do likewise.' Let us pray. God, it is a lesson like this that allows us to understand that faith is a journey and not a game of chance. May we keep the faith and the journey alive. In your Holy Name I pray. Amen.”

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The Chair grants leaves of absence for today to Senator Allran, Senator Atwater, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Monday, August 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Carol Taylor 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. 295**, AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED.

**S.B. 464**, AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS.

**S.B. 509**, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.

**S.B. 810**, AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS.

**S.B. 853**, AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF IN SUPERIOR COURT, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE COURT THAT THE MOTION IS MADE IN GOOD FAITH AND ON SOUND LEGAL BASIS, THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AS APPROPRIATE, OR IF THE TRANSCRIPT IS UNAVAILABLE, STATE THE EFFORTS UNDERTAKEN TO LOCATE THE TRANSCRIPT, AND THE ATTORNEY HAS NOTIFIED BOTH THE DISTRICT ATTORNEY AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION, TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE

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MOTION; AND TO REQUIRE THAT PRIOR TRIAL AND APPELLATE COUNSEL FOR THE DEFENDANT AND THE STATE MAKE ALL FILES RELATED TO THE DEFENDANT'S CASE AVAILABLE TO THE DEFENDANT'S ATTORNEY FOR POSTCONVICTION PROCEEDINGS IN SUPERIOR COURT.

**H.B. 1280**, AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 991**, AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES.

### 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. 556**, AN ACT TO REVISE THE LAWS RELATING TO THE ASHEVILLE CIVIL SERVICE BOARD. (Became law upon ratification, August 3, 2009 - S.L. 2009-401.)

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 829** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE REAL ESTATE APPRAISAL MANAGEMENT COMPANIES, with a favorable report.

**H.B. 1514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS, with a favorable report.

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**H.B. 148** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

**H.B. 565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 40** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO AND THE CITY OF SALISBURY TO LEVY A ROOM OCCUPANCY TAX AND TO AUTHORIZE ROCKINGHAM COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY TAX, 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 5, for concurrence.

**S.B. 80** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF JACKSONVILLE, LENOIR, LOWELL, AND MOUNT HOLLY AND THE TOWNS OF CRAMERTON, MCADENVILLE, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 5, for concurrence.

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**S.B. 97** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 5, for concurrence.

**S.B. 359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY, for concurrence in House Amendment No. 1.

The Committee Substitute bill, as amended, is placed on the Calendar for Wednesday, August 5, for concurrence.

**S.B. 958** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 5, for concurrence.

**S.B. 960** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Wednesday, August 5, for concurrence.

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS.

Referred to the **Judiciary II Committee**.

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**WITHDRAWAL FROM COMMITTEE**

**H.J.R. 1652**, A JOINT RESOLUTION HONORING THE FALLEN SOLDIERS WHO SERVED OUR NATION IN OPERATIONS IRAQI FREEDOM AND ENDURING FREEDOM, referred to the **Rules and Operations of the Senate Committee** on May 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 Wednesday, August 5, which motion prevails with unanimous consent.

The Chair orders the joint resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the Calendar for Wednesday, August 5.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 202** (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, 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 Foriest announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Foriest votes "aye".

Senator Bingham announces a pair vote. If Senator Atwater were present, he would vote "aye"; Senator Bingham votes "no".

Senator Shaw announces a pair vote. If Senator Allran were present, he would vote "no"; Senator Shaw votes "aye".

Upon motion of Senator Garrou, the Conference Report is adopted on its second reading, by roll-call vote, ayes 27, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Garrou, Goss, Graham, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---27.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---17.

The Conference Report remains on the Calendar for Wednesday, August 5, 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 Committee**:

**H.B. 1166** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, AND TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, 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 30445, which changes the title upon concurrence to read **H.B. 1166** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, TO REQUIRE AN INSURER TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, AND TO MAKE OTHER CHANGES, is adopted and engrossed.

Upon motion of Senator Soles, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 1637** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES, 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 80501, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 817**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, 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 80500, which changes the title upon concurrence to read **H.B. 817** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES, is adopted and engrossed.

**H.B. 104** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR STAGGERED TERMS OF OFFICE FOR MEMBERS OF THE LEGISLATIVE ETHICS COMMITTEE AND TO AMEND THE TIMING OF ETHICS TRAINING FOR LEGISLATORS AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80499, which changes the title upon concurrence to read **H.B. 104** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY, is adopted and engrossed.

**H.B. 806** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS, 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 70477, is adopted and engrossed.

The Senate recesses at 4:16 P.M. subject to receipt of messages from the House of Representatives, committee reports and conference reports for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 4:30 P.M.

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**RECESS****REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**S.B. 20**, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS 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. 20** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT; TO MAKE TECHNICAL CHANGES TO THE ACT; AND TO PROVIDE FUNDING FOR THE ACT, is adopted and engrossed.

**H.B. 512** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY AND TO CLARIFY THE DEFINITION OF NONRESIDENTIAL PROPERTY, 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 50784, which changes the title upon concurrence to read **H.B. 512** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO GEOTHERMAL HEAT PUMPS AND EQUIPMENT, TO ALLOW THE CREDIT TO BE TAKEN AGAINST THE GROSS PREMIUMS TAX, AND TO EXTEND THE SUNSET FOR THE CREDIT, is adopted and engrossed.

**H.B. 1389** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ANY CITY AND ANY COUNTY TO DESIGNATE AN AREA WITHIN THE CITY AND THE COUNTY RESPECTIVELY WITHIN WHICH DESIGNATED AREA LOCAL GOVERNMENT OFFICIALS AND FREE AND WILLING PROPERTY OWNERS MAY ENTER INTO LOAN AGREEMENTS WHEREBY THE LOANS ARE TO BE REPAYED BY CONTRACTUAL ASSESSMENTS, TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY, 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 30447, which changes the title upon concurrence to read **H.B. 1389** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO ESTABLISH LOAN PROGRAMS TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY, is adopted and engrossed.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

**S.B. 460** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REGULATE PUPPY MILLS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 3, 55502, which changes the title to read **S.B. 460** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS, EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR WORKING DOGS, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Committee Substitute bill No. 3 is placed on today's Calendar.

### CALENDAR *(continued)*

**S.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM, upon second reading, as amended by a material amendment on August 3.

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, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones,

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Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and remains on the Calendar for Wednesday, August 5, upon third reading.

**S.B. 253** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Snow, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 5, for concurrence.

**S.B. 251** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE LIMITS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Davis, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Albertson for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 1099** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; AND (6) EXTEND BY ONE YEAR THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, 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 70478, which changes the title upon concurrence to read **H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; (6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; AND (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

**H.B. 760**, A BILL TO BE ENTITLED AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS, 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 30446, is adopted and engrossed.

**H.B. 1236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL AND INDUSTRIAL WATER USERS, 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 50782, which changes the title upon concurrence to read **H.B. 1236** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL CAR WASHES, is adopted and engrossed.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; (6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; AND (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE, re-referred to the **Finance Committee** on August 4.

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, August 5, 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, August 5.

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**MESSAGES ORDERED SENT TO THE GOVERNOR**

With unanimous consent, upon motion of Senator Rand, all messages ordered sent to the Governor will be sent by special message.

**WITHDRAWAL FROM CLERK'S OFFICE**

**H.B. 1490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY, ordered held in the Office of the Principal Clerk on May 20, pending referral to committee.

Senator Rand announces the referral of the Committee Substitute bill to the **Finance Committee**.

**WITHDRAWAL FROM COMMITTEE**

**H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, re-referred to the **State & Local Government Committee** on July 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **State & Local Government Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill be withdrawn from the **State & Local Government Committee** and places it on today's Calendar.

**H.B. 1269** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE, re-referred to the **Appropriations/Base Budget Committee** on June 30.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Wednesday, August 5, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Wednesday, August 5.

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**CALENDAR** *(continued)*

**S.B. 475** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

**WITHDRAWAL FROM CALENDAR**

**S.B. 960** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, placed on the Calendar for Wednesday, August 5, for concurrence.

Senator Rand offers a motion that the rules be suspended and that the House Committee Substitute bill be withdrawn from the Calendar for Wednesday, August 5, and placed on today's Calendar.

The Chair orders the House Committee Substitute bill withdrawn from the Calendar for Wednesday, August 5, and places it on today's Calendar, for concurrence.

**CALENDAR** *(continued)*

**H.B. 1500** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS, upon third reading.

*Without objection, Senator Jenkins 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 third reading, by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hoyle, Hunt, Jacumin, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Brock and Goodall---2.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

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**S.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

(The Committee Substitute bill for S.B. 898 was recalled from the House of Representatives on August 6, 2009, to reconsider third reading on a roll-call vote. The ayes and noes are recorded on second reading on August 4, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Bingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

**H.B. 578** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

*Without objection, Senator Bingham requests to be excused from voting on the Senate Committee Substitute bill No. 2 due to a conflict of interest.*

Senator Brunstetter announces a pair vote. If Senator Allran were present, he would vote "aye"; Senator Brunstetter votes "no".

Senator Goodall announces a pair vote. If Senator Atwater were present, he would vote "aye"; Senator Goodall votes "no".

The Senate Committee Substitute bill No. 2 passes its second reading (30-14).

Senator Goodall objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, August 5, upon third reading.

**H.B. 907** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT

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NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

*The Chair grants a leave of absence for the remainder of today's session to Senator Bingham.*

**H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

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Senator Berger of Rockingham offers Amendment No. 1.

Senator Clodfelter offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Amendment No. 2 is adopted (29-17).

The Senate Committee Substitute bill, as amended, passes its second reading (40-6).

Senator Berger of Franklin objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Wednesday, August 5, upon third reading.

**H.B. 1020**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**H.B. 1135** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DETER AND PUNISH PERSONS WHO MAKE FALSE OR FRAUDULENT CLAIMS FOR PAYMENT BY THE STATE AND TO PROVIDE REMEDIES IN THE FORM OF TREBLE DAMAGES AND CIVIL PENALTIES WHEN MONEY IS OBTAINED FROM THE STATE BY REASON OF SUCH CLAIMS.

Senator Stein offers Amendment No. 1 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.J.R. 1657** (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EUGENE BURNS TURNER.

The joint resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

**S.B. 458** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND

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TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Swindell, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: Senator Goodall---1.

The House Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor by special message.

**S.B. 1073** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Snow, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

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. 64** (House 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill (44-2) and the bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 461** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator McKissick, the House Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, August 5, for concurrence.

**S.B. 894** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 978** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, AND TO EXPAND THE POWERS OF THE COMMISSION, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 2 (44-2) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 460** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS, EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR WORKING DOGS, placed earlier on today's Calendar.

The Committee Substitute bill No. 3 passes its second reading (24-22).

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, August 5, upon third reading.

**H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, placed earlier on today's Calendar, 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, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the Calendar for Wednesday, August 5, upon third reading.

**S.B. 960** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY

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AND REINVESTMENT ACT, placed earlier on today's Calendar, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Nesbitt, the Senate fails to concur in the House Committee Substitute bill (0-46).

Senator Nesbitt offers a motion that the Senate appoint conferees, which motion prevails.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL PLATES ON A BACKGROUND OTHER THAN "FIRST IN FLIGHT", re-referred to the **Finance Committee** on July 9.

Pursuant to Rule 47(a), Senator Jenkins offers a motion that the bill be withdrawn from the **Finance Committee** and placed on the Calendar for Wednesday, August 5, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and places it on the Calendar for Wednesday, August 5.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**S.B. 960** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 960 earlier today and the motion by Senator Nesbitt to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Nesbitt, Chair; Senator Soles; Senator Stein; and Senator Vaughan 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 Dorsett, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Wednesday, August 5, at 3:00 P.M.

#### CONFERENCE REPORT

Senator Swindell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 804** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE, 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 804, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE, Senate Education/Higher Education Committee Substitute Adopted 7/1/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Education/Higher Education Committee Substitute adopted 7/1/09, and the House concurs in the Senate Education/Higher Education Committee Substitute as amended:

On page 1, lines 12-14, by rewriting those lines to read: "results of end-of-grade or end-of-course tests. ~~At the beginning of the school year,~~ No later than the end of the first quarter, or after a teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic improvement with focused intervention and";  
And on page 1, line 26, by inserting between the word "action" and the word "shall" the phrase "for monetary damages".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 4, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/A. B. Swindell, Chair	S/Tricia Ann Cotham, Chair
S/Tony Foriest	S/Darren G. Jackson
S/Katie G. Dorsett	S/Marvin W. Lucas
	S/Earline W. Parmon

The Conference Report is placed on the Calendar for Wednesday, August 5, for adoption.

### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soles for the **Commerce Committee**:

**H.B. 212** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF HEALTH INSURANCE PILOT

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DEMONSTRATION PROJECTS IN INTERESTED COUNTIES TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH 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 50785, which changes the title upon concurrence to read **H.B. 212** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ONE HEALTH INSURANCE PILOT DEMONSTRATION PROJECT TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH INSURANCE; TO RECOGNIZE CREDENTIALLED HEALTH CARE PROVIDERS OF THE STATE HEALTH PLAN AND OTHER EXISTING MANAGED CARE PLANS FOR RAPID DEMONSTRATION PROJECT PROVIDER NETWORK DEVELOPMENT; AND TO ASSURE NETWORK PROVIDERS' CONTINUED PARTICIPATION IN THE STATE HEALTH PLAN AND OTHER MANAGED CARE PLANS, WHILE PARTICIPATING IN THE DEMONSTRATION PROJECT NETWORK, is adopted and engrossed.

By Senator Foriest for the **Pensions & Retirement and Aging Committee**:

**H.B. 1160** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN FIREFIGHTERS THE OPPORTUNITY TO CONTINUE AS MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY MAKING RETROACTIVE PAYMENTS, with a favorable report.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 4, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for **H.B. 291** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR BRAIDING, and requests conferees. Speaker Hackney has appointed:

Representative Parmon, Chair  
Representative Womble, and  
Representative Justice

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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

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 4, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 960** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, and requests conferees, Speaker Hackney appoints:

Representative Tolson, Chair  
Representative Bryant,  
Representative Neumann, and  
Representative Goforth

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

**H.B. 1260**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL

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STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS, 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 70480, which changes the title upon concurrence to read **H.B. 1260** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM STATE LAW WITH FEDERAL LAW REGARDING DISENTITLEMENT TO PURCHASE, OWN, POSSESS, OR CONTROL A FIREARM AFTER THE FELONY CONVICTION OF CERTAIN WHITE COLLAR CRIMINAL OFFENSES, is adopted and engrossed.

**H.B. 1111** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW AND TO DEFINE AND PROVIDE FOR DISCLOSURE OF FUNDING FOR "CANDIDACY EXPLORATION"; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; AND TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT, 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 50786, which changes the title upon concurrence to read **H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; AND TO MAKE OTHER TECHNICAL CHANGES, is adopted and engrossed.

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**H.B. 1312** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE, TO CLARIFY THAT PUBLIC SERVICE VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY SHOULDERS, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT DISTRIBUTIONS OF PROCEEDS DERIVED FROM GARVEE BONDS FROM THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL ENGINEER, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11031, which changes the title upon concurrence to read **H.B. 1312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE, TO PROVIDE THAT PUBLIC SERVICE VEHICLES AND RURAL LETTER CARRIER VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY SHOULDERS, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT FUNDS RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM ROADS FROM THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO CLARIFY THAT FUNDS USED IN REPAYMENT OF GARVEE BONDS ARE SUBJECT TO THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM TO COMPLETE CONSTRUCTION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM ROADS, AND TO SPECIFY THAT

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THE YELLOW LIGHT DURATION INTERVAL FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL ENGINEER, is adopted and engrossed.

**H.B. 1329** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION 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 11030, is adopted and engrossed.

Pursuant to Senator Basnight's motion to adjourn having prevailed, the Senate adjourns at 9:45 P.M.

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### ONE-HUNDRED AND NINTH DAY

Senate Chamber  
Wednesday, August 5, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, a young minister was asked by a funeral director to hold a graveside service for a person who had no family or friends. The funeral was to be held at a new cemetery way back in the country and this person would be the first to be buried there. The young preacher was not familiar with this backwoods area, soon became lost, but did not stop for directions and finally arrived an hour late. He saw the backhoe and open grave, but the hearse was nowhere in sight. The digging crew was eating lunch. The preacher apologized for his tardiness, stepped to the edge of the grave, saw the vault lid already in place and began to offer his passionate tribute. The workers gathered around and stood silently. As the preacher continued, the workers responded with an amen or two. That inspired the preacher so his sermon and tribute went on and on.

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Finally, when he ended he walked back to the car, opened the door and was taking off his coat and heard one of the workers say, 'I have never seen anything like that before and I've been putting in septic tanks for 27 years.' When voting on the budget today, there may be a part of each Senator which feels like he or she is offering a tribute over, well, you know. The lesson: God looks down on us every day, affirming the good and redeeming the bad. We trust God to do the same thing with the proposed budget. Amen."

The Chair grants leaves of absence for today to Senator Atwater, Senator Bingham, and Senator Stevens.

Senator Basnight, President *Pro Tempore*, announces that the Journal of Tuesday, August 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

*The Chair extends privileges of the floor to Katie Pehan from Winston-Salem, North Carolina and Judy Reibel from Raleigh, North Carolina, who are serving the Senate as Nurses of the Day.*

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 64**, 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.

**S.B. 458**, AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION.

**S.B. 894**, AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND

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OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT.

**S.B. 978**, AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, AND TO EXPAND THE POWERS OF THE COMMISSION.

**S.B. 1006**, AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN).

**S.B. 1073**, AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE.

**H.B. 907**, AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE.

**H.B. 1020**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE.

**H.B. 1297**, AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS; ADDING A DEFINITION, AND AMENDING NOTICE AND CONTRACT NEGOTIATION PROVISIONS FOR HEALTH BENEFIT PLAN AND

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PROVIDER CONTRACTING; CLARIFYING A CON EXEMPTION CRITERION; AND MODIFYING INSPECTION PRACTICES OF CERTAIN HOSPITAL OUTPATIENT LOCATIONS.

**H.B. 1500**, AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS.

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. 251**, AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE LIMITS.

**S.B. 475**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES.

**H.J.R. 1657**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EUGENE BURNS TURNER. (Res. 29)

#### 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. 991**, AN ACT TO AUTHORIZE MONTGOMERY COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES. (Became law upon ratification, August 4, 2009 - S.L. 2009-402.)

#### REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES, with a favorable report.

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**H.B. 1166** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, TO REQUIRE AN INSURER TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, AND TO MAKE OTHER CHANGES, with a favorable report.

**H.B. 1570** (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.

**H.B. 1586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY, with a favorable report.

**H.B. 1637** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES, with a favorable report.

**S.B. 825**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE TO SUPPORT NC EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35387, which changes the title to read **S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, is adopted and engrossed.

**H.B. 465** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH AND THE TOWN OF CHAPEL HILL TO ALLOW ACTIVATION OF PARKING METERS BY CREDIT CARD OR OTHER ELECTRONIC MEANS AND TO USE PROCEEDS COLLECTED FROM PARKING METERS FOR PARKING PROGRAMS AND PROVIDING PARKING FACILITIES, 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 50791, which changes the title upon concurrence to read **H.B. 465** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO EXTEND AN ECONOMIC DEVELOPMENT DEADLINE FOR THE CONSTRUCTION OF ECONOMIC DEVELOPMENT PROJECTS, is adopted and engrossed.

By Senator Swindell for the **Appropriations/Base Budget Committee**:

**S.B. 968** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES, 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, 35385, is adopted and engrossed.

Upon motion of Senator Swindell, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar.

**H.B. 589** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS, 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 30448, which changes the title upon concurrence to read **H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS, is adopted and engrossed.

Upon motion of Senator Swindell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

By Senator Weinstein for the **Agriculture/Environment/Natural Resources Committee**:

**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, with a favorable report.

By Senator Foriest for the **Education/Higher Education Committee**:

**H.B. 1292** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR

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SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50787, is adopted and engrossed.

**H.B. 1474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT MANDATING A WEEK OF "CREDIT EDUCATION" FOR ALL HIGH SCHOOL STUDENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50781, which changes the title upon concurrence to read **H.B. 1474** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING "CREDIT EDUCATION" FOR ALL STUDENTS, is adopted and engrossed.

By Senator Soles for the **Commerce Committee**:

**H.B. 1305** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY; REQUIRE THAT THE NORTH CAROLINA RATE BUREAU PROVIDE PUBLIC NOTICE OF CERTAIN FILINGS IN NEWSPAPER PUBLICATIONS AND VIA INTERNET; REAFFIRM THAT THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION IS INTENDED TO BE EXEMPT FROM STATE AND FEDERAL TAXATION, EXCEPT FOR PREMIUM TAXES; CLARIFY THE POWERS AND DUTIES OF THE ASSOCIATION; CLARIFY AND PROVIDE CERTAINTY REGARDING ASSESSMENTS AGAINST MEMBER INSURANCE COMPANIES BY THE ASSOCIATION; ADJUST THE COASTAL INSURANCE COVERAGE LIMITS OF THE ASSOCIATION IN ORDER TO ENSURE THAT THE COASTAL PROPERTY INSURANCE POOL IS THE MARKET OF LAST RESORT; MANDATE THAT THE ASSOCIATION SHALL RETAIN ALL SURPLUS FOR USE IN PURCHASING REINSURANCE, PAYING CLAIMS TO POLICYHOLDERS, AND FOR ASSOCIATION OBLIGATIONS; PROHIBIT DISTRIBUTION OF SURPLUS TO MEMBER INSURANCE COMPANIES; REQUIRE THE ASSOCIATION TO FILE A SCHEDULE OF PREMIUM CREDITS FOR COASTAL INSURANCE POLICYHOLDERS WHO HAVE VOLUNTARILY MITIGATED THEIR RISK OF DAMAGE FROM HURRICANES AND OTHER WIND DAMAGE; REQUIRE THE ASSOCIATION TO ESTABLISH AND MAINTAIN AN INSTALLMENT PLAN FOR PREMIUM PAYMENTS FOR THE EASE OF POLICYHOLDERS; DEFINE AND ESTABLISH WHAT ACTIONS ARE ALLOWED UPON THE OCCURRENCE OF A DEFICIT EVENT,

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INCLUDING CAPPING ANY CATASTROPHIC ASSESSMENT RECOUPMENT FROM HOMEOWNERS STATEWIDE; IMPOSE AN ADDITIONAL REGULATORY CHARGE ON THE ASSOCIATION TO BE PAID TO THE DEPARTMENT; REQUIRE THAT ASSOCIATION ACTIVITIES BE MADE TRANSPARENT AND AVAILABLE TO ANY MEMBER COMPANY OR BOARD MEMBER; PROVIDE FOR SUCCESSION AND DISSOLUTION OF THE ASSOCIATION; PROVIDE FOR SURCHARGES OF TEN PERCENT FOR SEPARATE WIND AND HAIL COVERAGE, TWENTY PERCENT FOR WIND AND HAIL HOMEOWNERS COVERAGE, AND A MINIMUM NAMED STORM WIND AND HAIL DEDUCTIBLE OF ONE PERCENT FOR COVERAGE WRITTEN BY THE ASSOCIATION; PROVIDE FOR SURCHARGES ON COMMERCIAL AND DWELLING COVERAGE IN ADDITION TO SURCHARGES CURRENTLY IMPOSED ON HOMEOWNERS POLICIES; DELETE THE TIME LIMIT FOR THE COMMISSIONER TO DISAPPROVE A RATE BUREAU FILING; AND TO MAKE OTHER CHANGES CONSISTENT WITH THE FINDINGS OF THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES, 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 11032, which changes the title upon concurrence to read **H.B. 1305** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY; REQUIRE THAT THE NORTH CAROLINA RATE BUREAU PROVIDE PUBLIC NOTICE OF CERTAIN FILINGS IN NEWSPAPER PUBLICATIONS AND VIA INTERNET; REAFFIRM THAT THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION IS INTENDED TO BE EXEMPT FROM STATE AND FEDERAL TAXATION, EXCEPT FOR PREMIUM TAXES; CLARIFY THE POWERS AND DUTIES OF THE ASSOCIATION; CLARIFY AND PROVIDE CERTAINTY REGARDING ASSESSMENTS AGAINST MEMBER INSURANCE COMPANIES BY THE ASSOCIATION; ADJUST THE COVERAGE LIMITS OF THE ASSOCIATION IN ORDER TO ENSURE THAT THE COASTAL PROPERTY INSURANCE POOL IS THE MARKET OF LAST RESORT; MANDATE THAT THE ASSOCIATION SHALL RETAIN ALL SURPLUS FOR USE IN PURCHASING REINSURANCE, PAYING CLAIMS TO POLICYHOLDERS, AND FOR ASSOCIATION OBLIGATIONS; PROHIBIT DISTRIBUTION OF SURPLUS TO MEMBER INSURANCE COMPANIES; REQUIRE THE ASSOCIATION AND THE RATE BUREAU TO FILE A SCHEDULE OF PREMIUM CREDITS FOR POLICYHOLDERS WHO HAVE VOLUNTARILY MITIGATED THEIR RISK OF DAMAGE; REQUIRE THE ASSOCIATION TO ESTABLISH AND MAINTAIN AN

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INSTALLMENT PLAN FOR PREMIUM PAYMENTS FOR THE EASE OF POLICYHOLDERS; DEFINE AND ESTABLISH WHAT ACTIONS ARE ALLOWED UPON THE OCCURRENCE OF A DEFICIT EVENT, INCLUDING CAPPING ANY CATASTROPHE RECOVERY CHARGE FROM HOMEOWNERS STATEWIDE; REQUIRE THAT ASSOCIATION ACTIVITIES BE MADE TRANSPARENT AND AVAILABLE; PROVIDE FOR SUCCESSION AND DISSOLUTION OF THE ASSOCIATION; PROVIDE FOR SURCHARGES OF FIVE PERCENT FOR SEPARATE WIND AND HAIL COVERAGE, FIFTEEN PERCENT FOR WIND AND HAIL HOMEOWNERS COVERAGE, AND A MINIMUM NAMED STORM WIND AND HAIL DEDUCTIBLE OF ONE PERCENT FOR COVERAGE WRITTEN BY THE ASSOCIATION; PROVIDE FOR SURCHARGES ON COMMERCIAL AND DWELLING COVERAGE IN ADDITION TO SURCHARGES CURRENTLY IMPOSED ON HOMEOWNERS POLICIES; AND TO MAKE OTHER CHANGES, is adopted and engrossed.

### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 700** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 859** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN A CERTAIN POPULATION THRESHOLD TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

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**S.B. 860** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, August 6, for concurrence.

#### WITHDRAWAL FROM CALENDAR

**H.B. 1305** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY; REQUIRE THAT THE NORTH CAROLINA RATE BUREAU PROVIDE PUBLIC NOTICE OF CERTAIN FILINGS IN NEWSPAPER PUBLICATIONS AND VIA INTERNET; REAFFIRM THAT THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION IS INTENDED TO BE EXEMPT FROM STATE AND FEDERAL TAXATION, EXCEPT FOR PREMIUM TAXES; CLARIFY THE POWERS AND DUTIES OF THE ASSOCIATION; CLARIFY AND PROVIDE CERTAINTY REGARDING ASSESSMENTS AGAINST MEMBER INSURANCE COMPANIES BY THE ASSOCIATION; ADJUST THE COVERAGE LIMITS OF THE ASSOCIATION IN ORDER TO ENSURE THAT THE COASTAL PROPERTY INSURANCE POOL IS THE MARKET OF LAST RESORT; MANDATE THAT THE ASSOCIATION SHALL RETAIN ALL SURPLUS FOR USE IN PURCHASING REINSURANCE, PAYING CLAIMS TO POLICYHOLDERS, AND FOR ASSOCIATION OBLIGATIONS; PROHIBIT DISTRIBUTION OF SURPLUS TO MEMBER INSURANCE COMPANIES; REQUIRE THE ASSOCIATION AND THE RATE BUREAU TO FILE A SCHEDULE OF PREMIUM CREDITS FOR POLICYHOLDERS WHO HAVE VOLUNTARILY MITIGATED THEIR RISK OF DAMAGE; REQUIRE THE ASSOCIATION TO ESTABLISH AND MAINTAIN AN INSTALLMENT PLAN FOR PREMIUM PAYMENTS FOR THE EASE OF POLICYHOLDERS; DEFINE AND ESTABLISH WHAT ACTIONS ARE ALLOWED UPON THE OCCURRENCE OF A DEFICIT EVENT, INCLUDING CAPPING ANY CATASTROPHE RECOVERY CHARGE FROM HOMEOWNERS STATEWIDE; REQUIRE THAT ASSOCIATION ACTIVITIES BE MADE TRANSPARENT AND AVAILABLE; PROVIDE FOR SUCCESSION AND DISSOLUTION OF THE ASSOCIATION; PROVIDE FOR SURCHARGES OF FIVE PERCENT FOR SEPARATE WIND AND HAIL COVERAGE, FIFTEEN PERCENT FOR WIND AND HAIL HOMEOWNERS COVERAGE, AND A MINIMUM NAMED STORM WIND AND HAIL DEDUCTIBLE OF ONE PERCENT FOR COVERAGE WRITTEN BY THE ASSOCIATION; PROVIDE FOR SURCHARGES ON COMMERCIAL AND DWELLING

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COVERAGE IN ADDITION TO SURCHARGES CURRENTLY IMPOSED ON HOMEOWNERS POLICIES; AND TO MAKE OTHER CHANGES, placed on the Calendar for Thursday, August 6.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Thursday, August 6, and placed on today's Calendar.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Thursday, August 6, and places it on today's Calendar.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Select Committee on Economic Recovery**:

**H.B. 1387** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES, COUNTY ORDINANCES, AND DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL 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 50790, which changes the title upon concurrence to read **H.B. 1387** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS, is adopted and engrossed.

### WITHDRAWAL FROM CALENDAR

**S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, placed on the Calendar for Thursday, August 6.

Senator Hoyle offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Thursday, August 6, and placed on today's Calendar.

The Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, August 6, and places it on today's Calendar.

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**CONFERENCE REPORT**

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1409** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS, 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 1409, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS, Senate Commerce Committee Substitute Adopted 6/23/09 Fifth Edition Engrossed 6/25/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 6/23/09, Fifth Edition Engrossed 6/25/09, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Commerce Committee Substitute Adopted 6/23/09, Fifth Edition Engrossed 6/25/09, and substitute the attached Proposed Conference Committee Substitute H1409-PCCS50789-LB-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 5, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Carolyn H. Justice, Chair
S/Tony Rand	S/Pryor Gibson
Stan Bingham	S/W. Robert Grady
S/Joe Sam Queen	S/Bill Owens

The text of the attached Proposed Conference Committee Substitute, H1409-PCCS50789-LB-2 is as follows:

A BILL TO BE ENTITLED  
AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND  
FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES  
FROM BUILDING PERMITTING REQUIREMENTS.

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The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-138(b5) as amended by Section 1 of S.L. 2009-245 reads as rewritten:

"(b5) No building permit shall be required under the Code or any local variance thereof approved under subsection (e) for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair, or replacement of load bearing structures; the addition (excluding replacement of same ~~size and~~ capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, fixtures (excluding repair or replacement of electrical lighting devices and fixtures of the same type), appliances, appliances (excluding replacement of water heaters, provided that the energy use rate or thermal input is not greater than that of the water heater which is being replaced, and there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping), or equipment, the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. The exclusions from building permit requirements set forth in this paragraph for electrical lighting devices and fixtures and water heaters shall apply only to work performed on a one- or two-family dwelling. In addition, exclusions for electrical lighting devices and fixtures and electric water heaters shall apply only to work performed by a person licensed under G.S. 87-43 and exclusions for water heaters, generally, to work performed by a person licensed under G.S. 87-21."

**SECTION 2.** G.S. 153A-357(a) reads as rewritten:

"(a) No person may commence or proceed with any of the following without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any ~~building; building.~~
- (2) The installation, extension, or general repair of any plumbing ~~system; system~~ except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.

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- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment ~~system; or system.~~
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:
- a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
  - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.
  - c. The work is performed by a person licensed under G.S. 87-43.
  - d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

~~without first securing from the inspection department with jurisdiction over the site of the work each permit required by the State Building Code and any other State or local law or local ordinance or regulation applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws and local ordinances and regulations. Nothing in this section shall require a county to review and approve residential building plans submitted to the county pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the county may review and approve such residential building plans as it deems necessary. No permit may be issued unless the plans and specifications are identified by the name and address of the author thereof; and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit may be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. If a provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work may be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single-family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or

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change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section constitutes a Class 1 misdemeanor."

**SECTION 3.** G.S. 160A-417(a) reads as rewritten:

"(a) No person shall commence or proceed ~~with~~with any of the following without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other State or local laws applicable to the work:

- (1) The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building or ~~structure~~structure.
- (2) The installation, extension, or general repair of any plumbing ~~system~~system, system except that in any one- or two-family dwelling unit a permit shall not be required for the connection of a water heater that is being replaced, provided that the work is performed by a person licensed under G.S. 87-21, who personally examines the work at completion and ensures that a leak test has been performed on the gas piping, and provided the energy use rate or thermal input is not greater than that of the water heater which is being replaced, there is no change in fuel, energy source, location, capacity, or routing or sizing of venting and piping, and the replacement is installed in accordance with the current edition of the State Building Code.
- (3) The installation, extension, alteration, or general repair of any heating or cooling equipment ~~system, or system.~~
- (4) The installation, extension, alteration, or general repair of any electrical wiring, devices, appliances, or ~~equipment~~equipment except that in any one- or two-family dwelling unit a permit shall not be required for repair or replacement of electrical lighting fixtures or devices, such as receptacles and lighting switches, or for the connection of an existing branch circuit to an electric water heater that is being replaced, provided that all of the following requirements are met:
  - a. With respect to electric water heaters, the replacement water heater is placed in the same location and is of the same or less capacity and electrical rating as the original.
  - b. With respect to electrical lighting fixtures and devices, the replacement is with a fixture or device having the same voltage and the same or less amperage.

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- c. The work is performed by a person licensed under G.S. 87-43.
- d. The repair or replacement installation meets the current edition of the State Building Code, including the State Electrical Code.

~~without first securing from the inspection department with jurisdiction over the site of the work any and all permits required by the State Building Code and any other State or local laws applicable to the work.~~ A permit shall be in writing and shall contain a provision that the work done shall comply with the State Building Code and all other applicable State and local laws. Nothing in this section shall require a city to review and approve residential building plans submitted to the city pursuant to Section R-110 of Volume VII of the North Carolina State Building Code; provided that the city may review and approve such residential building plans as it deems necessary. No permits shall be issued unless the plans and specifications are identified by the name and address of the author thereof, and if the General Statutes of North Carolina require that plans for certain types of work be prepared only by a registered architect or registered engineer, no permit shall be issued unless the plans and specifications bear the North Carolina seal of a registered architect or of a registered engineer. When any provision of the General Statutes of North Carolina or of any ordinance requires that work be done by a licensed specialty contractor of any kind, no permit for the work shall be issued unless the work is to be performed by such a duly licensed contractor. No permit issued under Articles 9 or 9C of Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing five thousand dollars (\$5,000) or less in any single family residence or farm building unless the work involves: the addition, repair or replacement of load bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing. Violation of this section shall constitute a Class 1 misdemeanor."

**SECTION 4.** This act becomes effective October 1, 2009.

The Conference Report is placed on the Calendar for Thursday, August 6, for adoption.

#### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A

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LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 6.

The Senate recesses at 3:17 P.M. subject to the receipt of messages from the House of Representatives, committee reports, and conference reports for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 3:25 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

### CALENDAR *(continued)*

**H.B. 1312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE, TO PROVIDE THAT PUBLIC SERVICE VEHICLES AND RURAL LETTER CARRIER VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY SHOULDERS, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT FUNDS RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM ROADS FROM THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO CLARIFY THAT FUNDS USED IN REPAYMENT OF GARVEE BONDS ARE SUBJECT TO THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM TO COMPLETE CONSTRUCTION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM ROADS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL ENGINEER.

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Upon motion of Senator Goss, the Senate Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the **Appropriations/Base Budget Committee**.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 752**, A BILL TO BE ENTITLED AN ACT TO PROVIDE APPLICANTS WHO REGISTER MOTOR VEHICLES AT THE FARMER RATE TO CHOOSE BETWEEN A STAGGERED REGISTRATION YEAR OR AN ANNUAL REGISTRATION 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 70481, which changes the title upon concurrence to read **H.B. 752** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, is adopted and engrossed.

### CALENDAR *(continued)*

**S.B. 535** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM, upon third reading, as amended by a material amendment and ordered engrossed on August 3.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, McKissick, Preston, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

**H.B. 921** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

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. 565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES, as amended by the Finance Committee, upon second reading.

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---44.

Voting in the negative: Senator Forrester---1.

The Committee Substitute bill, as amended, remains on the Calendar for Thursday, August 6, upon third reading.

**S.B. 40** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO AND THE CITY OF SALISBURY TO LEVY A ROOM OCCUPANCY TAX AND TO AUTHORIZE ROCKINGHAM COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Jones, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 27, noes 20, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Blake, Blue, Boseman, Dannelly, Davis, Dorsett, Foriest, Garrou, Graham, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell and Weinstein---27.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, Clary, Clodfelter, East, Forrester, Goodall, Goss, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho, Tillman and Vaughan---20.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

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**REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Dannelly for the **Appropriations/Base Budget Committee**:

**H.B. 1172** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ALLOWING STATE GOVERNMENT EMPLOYEES AND PUBLIC SCHOOL PERSONNEL TO TAKE VOLUNTARY FURLOUGHS TO EFFECT NECESSARY ECONOMIES IN STATE EXPENDITURES, THEREBY REDUCING THE NEED FOR REDUCTIONS IN FORCE AND MANDATORY FURLOUGHS DURING THE CURRENT AND ANY FUTURE ECONOMIC CRISIS, 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 50788, which changes the title upon concurrence to read **H.B. 1172** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE BASE SALARY SCHEDULE FOR SCHOOL-BASED ADMINISTRATORS, is adopted and engrossed.

Upon motion of Senator Dannelly, the rules are suspended and the Senate Committee Substitute bill is placed on the Calendar for immediate consideration.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**CALENDAR** (*continued*)

**S.B. 80** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF JACKSONVILLE, LENOIR, LOWELL, AND MOUNT HOLLY AND THE TOWNS OF CRAMERTON, MCADENVILLE, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: Senators Brock, East, Forrester, Rouzer and Rucho---5.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

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**S.B. 359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY, for concurrence in House Amendment No. 1, upon second reading.

Upon motion of Senator Brown, the Senate concurs in House Amendment No. 1 on its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---47.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for concurrence upon third reading.

**S.B. 20** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT; TO MAKE TECHNICAL CHANGES TO THE ACT; AND TO PROVIDE FUNDING FOR THE ACT.

Senator Berger of Franklin offers Amendment No. 1 which is adopted (32-15).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 30, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---30.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---17.

The Committee Substitute bill, as amended, remains on the Calendar for Thursday, August 6, upon third reading.

**H.B. 148** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5)

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EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING, as amended by the Finance Committee, upon second reading.

Senator Berger of Rockingham announces a pair vote. If Senator Stevens were present, he would vote "aye"; Senator Berger of Rockingham votes "no".

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Blake, Blue, Boseman, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Graham, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---37.

Voting in the negative: Senators Allran, Brock, Brown, East, Forrester, Goodall, Jacumin, Rouzer and Rucho---9.

The Committee Substitute bill No. 2, as amended, remains on the Calendar for Thursday, August 6, upon third reading.

**H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS, placed earlier on today's Calendar.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 6.

**S.B. 202** (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, for adoption, upon third reading.

Upon motion of Senator Rand, the conference report is taken up out of its regular order of business and placed before the Senate for immediate consideration.

Senator Foriest announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Foriest votes "aye".

Senator Stein announces a pair vote. If Senator Bingham were present, he would vote "no"; Senator Stein votes "aye".

Upon motion of Senator Garrou, the Conference Report is adopted on its third reading, by roll-call vote, ayes 27, noes 18, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Garrou, Goss, Graham, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Swindell, Vaughan and Weinstein---27.

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Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hartsell, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---18.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Graham, Hartsell, Hoyle, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: Senators Brock, Goodall, Hunt and Rucho---4.

The Committee Substitute bill remains on the Calendar for Thursday, August 6, upon third reading.

**S.B. 829** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE REAL ESTATE APPRAISAL MANAGEMENT COMPANIES.

Senator Jenkins offers Amendment No. 1 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 1088**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A LAW ALLOWING THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO EXPEND FUNDS TO COVER FUNERAL EXPENSES FOR MEMBERS OF THE STATE HIGHWAY PATROL KILLED IN THE LINE OF DUTY, referred to the **Appropriations/Base Budget Committee** on March 31.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the Calendar for Thursday, August 6, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the Calendar for Thursday, August 6.

**CALENDAR** (*continued*)

**H.B. 104** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 212** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ONE HEALTH INSURANCE PILOT DEMONSTRATION PROJECT TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH INSURANCE; TO RECOGNIZE CREDENTIALLED HEALTH CARE PROVIDERS OF THE STATE HEALTH PLAN AND OTHER EXISTING MANAGED CARE PLANS FOR RAPID DEMONSTRATION PROJECT PROVIDER NETWORK DEVELOPMENT; AND TO ASSURE NETWORK PROVIDERS' CONTINUED PARTICIPATION IN THE STATE HEALTH PLAN AND OTHER MANAGED CARE PLANS, WHILE PARTICIPATING IN THE DEMONSTRATION PROJECT NETWORK.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 512** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO GEOTHERMAL HEAT PUMPS AND EQUIPMENT, TO ALLOW THE CREDIT TO BE TAKEN AGAINST THE GROSS PREMIUMS TAX, AND TO EXTEND THE SUNSET FOR THE CREDIT.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 760** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 817** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES.

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Senator Brunstetter offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; (6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; AND (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE.

Senator Clodfelter offers Amendment No. 1 which is adopted (46-0).

Senator Hartsell offers Amendment No. 2 which is adopted (43-4), and changes the title, upon concurrence, to read **H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND

COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; (6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE; AND (9) CREATE THE YADKIN RIVER TRUST TO ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY.

Senator Stein offers Amendment No. 3 which is adopted (46-1).

Senator McKissick offers Amendment No. 4 which is adopted (43-3).

The Senate Committee Substitute bill, as amended, passes its second reading (45-2) and, without objection, is read a third time and passes its third reading 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 MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL

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PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; AND TO MAKE OTHER TECHNICAL CHANGES.

*The President, relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of the Lieutenant Governor.*

The Senate Committee Substitute bill passes its second reading (36-11).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Thursday, August 6, upon third reading.

**H.B. 1160** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN FIREFIGHTERS THE OPPORTUNITY TO CONTINUE AS MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY MAKING RETROACTIVE PAYMENTS.

The Committee Substitute bill No. 2 passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

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Upon motion of Senator Clodfelter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 6.

**H.B. 1236** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL CAR WASHES.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1260** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM STATE LAW WITH FEDERAL LAW REGARDING DISENTITLEMENT TO PURCHASE, OWN, POSSESS, OR CONTROL A FIREARM AFTER THE FELONY CONVICTION OF CERTAIN WHITE COLLAR CRIMINAL OFFENSES.

The Senate Committee Substitute bill passes its second reading (43-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1269** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.

Senator Blue offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 1329** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

The Senate Committee Substitute bill No. 2 passes its second reading (34-13) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

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**H.B. 1389** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES AND COUNTIES TO ESTABLISH LOAN PROGRAMS TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY.

The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.J.R. 1652**, A JOINT RESOLUTION HONORING THE FALLEN SOLDIERS WHO SERVED OUR NATION IN OPERATIONS IRAQI FREEDOM AND ENDURING FREEDOM.

The joint resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 5, 2009

Mr. 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. 202** (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.

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. 202 earlier today, the President orders the bill enrolled and sent to the Governor by special message.

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**CALENDAR** *(continued)*

**S.B. 3**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF FEES COLLECTED FROM THE FRIENDS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK SPECIAL STATE ATTRACTION PLATE TO BE USED FOR ORDINARY ADMINISTRATIVE AND OPERATING EXPENSES AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL PLATES ON A BACKGROUND OTHER THAN "FIRST IN FLIGHT."

The bill passes its third reading (44-1) and is ordered sent to the House of Representatives by special message.

**S.B. 460** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ABUSIVE PRACTICES AND PROVIDE FOR THE HUMANE CARE AND TREATMENT OF DOGS AND PUPPIES BY ESTABLISHING STANDARDS FOR THEIR CARE AT COMMERCIAL BREEDING OPERATIONS, EXCLUDING KENNELS OR ESTABLISHMENTS OPERATED FOR THE PURPOSE OF BOARDING OR TRAINING HUNTING, SPORTING, HERDING, SHOW, OR WORKING DOGS.

Senator Brock announces a pair vote. If Senator Stevens were present, he would vote "aye"; Senator Brock votes "no".

The Committee Substitute bill No. 3 passes its third reading (23-22) and is ordered sent to the House of Representatives by special message.

**H.B. 578** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

Senator Berger of Rockingham offers Amendment No. 1.

Senator Boseman offers Amendment No. 2 as a Substitute Amendment for Amendment No. 1.

Senator Boseman withdraws Amendment No. 2.

Amendment No. 1 fails of adoption (15-32).

Senator Goodall announces a pair vote. If Senator Atwater were present, he would vote "aye"; Senator Goodall votes "no".

The Senate Committee Substitute bill No. 2 passes its third reading (33-13) and is ordered sent to the House of Representatives by special message for concurrence.

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**WITHDRAWAL FROM CALENDAR**

**H.B. 1637** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES, placed on the Calendar for Thursday, August 6.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Thursday, August 6, and placed on today's Calendar.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Thursday, August 6, and places it on today's Calendar.

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 202**, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

**H.B. 1172**, AN ACT TO ENACT THE BASE SALARY SCHEDULE FOR SCHOOL-BASED ADMINISTRATORS.

**CALENDAR** (*continued*)

**S.B. 97** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS, for concurrence in the House Committee Substitute bill, upon second reading.

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Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Graham, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence, upon third reading.

**S.B. 253** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 461** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO

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PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT.

Upon motion of Senator McKissick, the Chair orders, without objection, the House Committee Substitute bill No. 2 temporarily displaced.

**S.B. 958** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Nesbitt, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

**H.B. 804** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE, for adoption.

Upon motion of Senator Swindell, 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.

**S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, placed earlier on today's Calendar.

The Committee Substitute bill passes its second reading (40-5) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

**S.B. 968** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES, placed earlier on today's Calendar.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

**H.B. 1305** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH

CAROLINA INSURANCE INDUSTRY; REQUIRE THAT THE NORTH CAROLINA RATE BUREAU PROVIDE PUBLIC NOTICE OF CERTAIN FILINGS IN NEWSPAPER PUBLICATIONS AND VIA INTERNET; REAFFIRM THAT THE NORTH CAROLINA INSURANCE UNDERWRITING ASSOCIATION IS INTENDED TO BE EXEMPT FROM STATE AND FEDERAL TAXATION, EXCEPT FOR PREMIUM TAXES; CLARIFY THE POWERS AND DUTIES OF THE ASSOCIATION; CLARIFY AND PROVIDE CERTAINTY REGARDING ASSESSMENTS AGAINST MEMBER INSURANCE COMPANIES BY THE ASSOCIATION; ADJUST THE COVERAGE LIMITS OF THE ASSOCIATION IN ORDER TO ENSURE THAT THE COASTAL PROPERTY INSURANCE POOL IS THE MARKET OF LAST RESORT; MANDATE THAT THE ASSOCIATION SHALL RETAIN ALL SURPLUS FOR USE IN PURCHASING REINSURANCE, PAYING CLAIMS TO POLICYHOLDERS, AND FOR ASSOCIATION OBLIGATIONS; PROHIBIT DISTRIBUTION OF SURPLUS TO MEMBER INSURANCE COMPANIES; REQUIRE THE ASSOCIATION AND THE RATE BUREAU TO FILE A SCHEDULE OF PREMIUM CREDITS FOR POLICYHOLDERS WHO HAVE VOLUNTARILY MITIGATED THEIR RISK OF DAMAGE; REQUIRE THE ASSOCIATION TO ESTABLISH AND MAINTAIN AN INSTALLMENT PLAN FOR PREMIUM PAYMENTS FOR THE EASE OF POLICYHOLDERS; DEFINE AND ESTABLISH WHAT ACTIONS ARE ALLOWED UPON THE OCCURRENCE OF A DEFICIT EVENT, INCLUDING CAPPING ANY CATASTROPHE RECOVERY CHARGE FROM HOMEOWNERS STATEWIDE; REQUIRE THAT ASSOCIATION ACTIVITIES BE MADE TRANSPARENT AND AVAILABLE; PROVIDE FOR SUCCESSION AND DISSOLUTION OF THE ASSOCIATION; PROVIDE FOR SURCHARGES OF FIVE PERCENT FOR SEPARATE WIND AND HAIL COVERAGE, FIFTEEN PERCENT FOR WIND AND HAIL HOMEOWNERS COVERAGE, AND A MINIMUM NAMED STORM WIND AND HAIL DEDUCTIBLE OF ONE PERCENT FOR COVERAGE WRITTEN BY THE ASSOCIATION; PROVIDE FOR SURCHARGES ON COMMERCIAL AND DWELLING COVERAGE IN ADDITION TO SURCHARGES CURRENTLY IMPOSED ON HOMEOWNERS POLICIES; AND TO MAKE OTHER CHANGES.

Senator Rand offers Amendment No. 1 which is adopted (47-0), and changes the title, upon concurrence, to read **H.B. 1305** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY, AND TO MAKE OTHER CHANGES.

Senator Berger of Rockingham offers Amendment No. 2 which is adopted (42-5).

Senator Goodall offers Amendment No. 3 which fails of adoption (6-40).

The Senate Committee Substitute bill, as amended, passes its second reading

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(42-5) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

The Senate recesses at 6:40 P.M. to reconvene at 7:30 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

*The Chair grants a leave of absence for the remainder of today's session to Senator Goss.*

### CALENDAR *(continued)*

**S.B. 461** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT, temporarily displaced earlier today, for concurrence in the House Committee Substitute bill No. 2.

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Senator Rand announces a pair vote. If Senator Stevens were present, he would vote "no"; Senator Rand votes "aye".

Senator Vaughan announces a pair vote. If Senator Bingham were present, he would vote "no"; Senator Vaughan votes "aye".

Senator Hartsell announces a pair vote. If Senator Atwater were present, he would vote "aye"; Senator Hartsell votes "no".

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill No. 2 (25-18) and the bill is ordered enrolled and sent to the Governor by special message.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP.

Pursuant to the message from the House of Representatives received Tuesday, August 4, that the House fails to concur in the House Committee Substitute bill No. 2 for H.B. 291 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Garrou, Chair, Senator Rand 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.

Upon motion of Senator Dannelly, seconded by Senator Soles, the Senate adjourns with H.B. 1637 remaining on the Calendar as unfinished business and subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Thursday, August 6, at 11:00 A.M.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
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Mr. 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. 804** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

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Pursuant to your message that you have adopted the report of the Conferees, we will order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### CONFERENCE REPORT

Senator Blue, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 473** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, 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 473, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES, Senate Judiciary I Committee Substitute Adopted 6/15/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary I Committee Substitute, Senate Judiciary I Committee Substitute Adopted 6/15/09, and the House concurs in the Senate Judiciary I Committee Substitute as amended:

On page 1, line 31 by deleting "itself," and substituting "itself unless the magistrate is presiding in that courtroom,";

and on page 1, line 34 by inserting the following between "completed" and "weapons" on that line: "a one-time".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 5, 2009.

*Conferees for the Senate*  
S/Dan Blue, Chair  
S/Jerry W. Tillman

*Conferees for the House of Representatives*  
S/Pat B. Hurley, Chair  
S/Carolyn K. Justus

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S/Charlie Smith Dannelly      S/Roger West  
S/Ed Jones                        S/Timothy L. Spear  
   S/Ronnie Sutton

The Conference Report is placed on the Calendar for Thursday, August 6, for adoption.

### CONFERENCE REPORT

Senator McKissick, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 468** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING 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 Senate Bill 468, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS, House Committee Substitute Favorable 6/3/09, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/3/09, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/3/09, and substitute the attached Proposed Conference Committee Substitute S468-PCCS15327-RO-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 5, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Floyd B. McKissick, Jr., Chair	S/Marian N. McLawhorn, Chair
S/Tony Rand	S/Larry M. Bell
S/Eleanor Kinnaird	S/Russell E. Tucker

The text of the attached Proposed Conference Committee Substitute, S468-PCCS15327-RO-1 is as follows:

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## A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-93(d) reads as rewritten:

"(d) A county which is providing health insurance under G.S. 153A-92(d) may provide health insurance for all or any class of former officers and employees of the ~~county who are receiving benefits under subsection (a) of this section~~ county. Such health insurance may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county."

**SECTION 2.** G.S. 153A-93 is amended by adding two new subsections to read:

"(d1) On and after October 1, 2009, a county which is providing health insurance under G.S. 153A-92(d) may provide health insurance for all or any class of former officers and employees of the county who have obtained at least 10 years of service with the county prior to separation from the county and who are not receiving benefits under subsection (a) of this section. Such health insurance may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county.

(d2) Notwithstanding subsection (d) of this section, any county that has elected to and is covering its active employees only, or its active and retired employees, under the State Health Plan, or elects such coverage under the Plan, may not provide health insurance through the State Health Plan to all or any class of former officers and employees who are not receiving benefits under subsection (a) of this section. The county may, however, provide health insurance to such former officers and employees by any other means authorized by G.S. 153A-92(d). The health insurance premium may be paid entirely by the county, partly by the county and former officer or employee, or entirely by the former officer or employee, at the option of the county."

**SECTION 3.** Section 1 of this act is effective when it becomes law and applies to any county providing health insurance to former officers and employees on that date. Section 2 of this act becomes effective when it becomes law and applies to any officer or employee who separates from service with the county on or after October 1, 2009. The remainder of the act is effective when it becomes law.

The Conference Report is placed on the Calendar for Thursday, August 6, for adoption.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

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**H.B. 1336** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Finance Committee**.

**S.B. 167** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR A LOCAL CONFINEMENT FACILITY, AND TO MAKE IT A CRIMINAL OFFENSE FOR INMATES OF A LOCAL CONFINEMENT FACILITY TO POSSESS TOBACCO PRODUCTS OR CELL PHONES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 252** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 346** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, AND TO MODIFY THE FILING PERIOD FOR THE ELECTION OF MEMBERS TO THE CABARRUS COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 726** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC

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PURPOSES AND THE COURT OR PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 974** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Thursday, August 6, for concurrence.

**S.B. 990** (House Committee Substitute No. 2), 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, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Thursday, August 6, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 8:03 P.M.

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## ONE-HUNDRED AND TENTH DAY

Senate Chamber  
Thursday, August 6, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"O Lord, during this session you have been in the midst of the Senate family guiding the work of these friends and colleagues. You have come, sometimes as strangers, seeking welcome and been received. You have comforted us during times the members grieved and celebrated with us on two special occasions. In the midst of the practical and pragmatic decisions faced by the Senators each week, you have come as a dreamer, pointing sometimes to an even greater

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vision. In the midst of their questions, you have come as sure and solid rock. On days when answers seem too pat, you have come offering questions. In the midst of extraordinarily difficult times, you have been sustaining. Gratefully, we can't pin you down or box you in so out of a sense of deep gratitude we pray, 'Please let our light so shine that others might always see you in each of us.' Amen."

The Chair grants leaves of absence for today to Senator Atwater, Senator Bingham, Senator Graham, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Wednesday, August 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.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 133**, AN ACT TO ADJUST THE LIMIT ON THE MONTHLY PENSION AMOUNT PAYABLE FROM THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND.

**S.B. 138**, AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE, DELIVERY, OR POSSESSION OF SALVIA DIVINORUM.

**S.B. 253**, AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS.

**S.B. 461**, AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER

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EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT.

**S.B. 958**, AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD.

**H.B. 209**, AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES.

**H.B. 804**, AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE.

**H.B. 1160**, AN ACT TO ALLOW CERTAIN FIREFIGHTERS THE OPPORTUNITY TO CONTINUE AS MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY MAKING RETROACTIVE PAYMENTS.

**H.B. 1196**, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE.

**H.B. 1274**, AN ACT MAKING TECHNICAL AND OTHER CHANGES PERTAINING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE AND TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

The Enrolling Clerk reports the following joint resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

August 6, 2009

**H.J.R. 1652**, A JOINT RESOLUTION HONORING THE FALLEN SOLDIERS WHO SERVED OUR NATION IN OPERATIONS IRAQI FREEDOM AND ENDURING FREEDOM. (Res. 30)

### CALENDAR

A bill on the Calendar carried forward as unfinished business from Wednesday, August 5, is taken up and disposed of, as follows:

**H.B. 1637** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

### CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 565** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW UNION COUNTY TO ADJUST ITS FIRE PROTECTION FEES, as amended by the Finance Committee, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---41.

Voting in the negative: Senators Brock, Forrester, Rucho and Tillman---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. 465** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO EXTEND AN ECONOMIC DEVELOPMENT DEADLINE FOR THE CONSTRUCTION OF ECONOMIC DEVELOPMENT PROJECTS.

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The Senate Committee Substitute bill passes its second reading (44-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**S.B. 40** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO AND THE CITY OF SALISBURY TO LEVY A ROOM OCCUPANCY TAX AND TO AUTHORIZE ROCKINGHAM COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY TAX, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Jones, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 34, noes 11, as follows:

Voting in the affirmative are: Senators Albertson, Allran, Basnight, Berger of Franklin, Blake, Blue, Boseman, Clary, Dannelly, Davis, Dorsett, Foriest, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---34.

Voting in the negative: Senators Apodaca, Berger of Rockingham, Brock, Brown, Brunstetter, East, Forrester, Jacumin, Preston, Rouzer and Rucho---11.

The House Committee Substitute bill No. 2 is ordered enrolled.

**S.B. 80** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITIES OF JACKSONVILLE, LENOIR, LOWELL, AND MOUNT HOLLY AND THE TOWNS OF CRAMERTON, MCADENVILLE, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, for concurrence in the House Committee Substitute bill No. 2, upon third reading.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll-call vote, ayes 41, noes 5, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---41.

Voting in the negative: Senators Brock, Forrester, Rouzer, Rucho and Tillman---5.

The House Committee Substitute bill No. 2 is ordered enrolled.

**S.B. 359** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY, for concurrence in House Amendment No. 1, upon third reading.

Upon motion of Senator Brown, the Senate concurs in House Amendment No. 1 on its third reading, by roll-call vote, ayes 46, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S.B. 346** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, AND TO MODIFY THE FILING PERIOD FOR THE ELECTION OF MEMBERS TO THE CABARRUS COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The Chair rules that the House Committee Substitute bill does not require a call of the roll upon concurrence.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled.

**S.B. 20** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT; TO MAKE TECHNICAL CHANGES TO THE ACT; AND TO PROVIDE FUNDING FOR THE ACT, upon third reading, as amended on second reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 29, noes 17, as follows:

Voting in the affirmative: Senators Albertson, Basnight, Berger of Franklin, Blue, Boseman, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Hartsell, Hoyle, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---29.

Voting in the negative: Senators Allran, Apodaca, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goodall, Hunt, Jacumin, Preston, Rouzer, Rucho and Tillman---17.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message.

**H.B. 148** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3)

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RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING, as amended in the Finance Committee, upon third reading.

Senator Berger of Rockingham announces a pair vote. If Senator Stevens were present, he would vote "aye"; Senator Berger of Rockingham votes "no".

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 35, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Apodaca, Basnight, Berger of Franklin, Blake, Blue, Boseman, Brunstetter, Clary, Dannelly, Davis, Dorsett, Foriest, Garrou, Goss, Hartsell, Hoyle, Hunt, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---35.

Voting in the negative: Senators Allran, Brock, Brown, East, Forrester, Goodall, Jacumin, Rouzer and Rucho---9.

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. 1514** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brunstetter, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hartsell, Hoyle, Jacumin, Jenkins, Jones, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---39.

Voting in the negative: Senators Brock, Brown, Clary, Goodall, Hunt, Kinnaird and Rucho---7.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

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**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: Senator East---1.

The Committee Substitute bill remains on the Calendar for Friday, August 7, upon third reading.

#### WITHDRAWAL FROM COMMITTEE

**S.B. 923**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LONGEVITY RATES FOR MEMBERS OF THE UTILITIES COMMISSION, referred to the **Appropriations/Base Budget Committee** on March 26.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Appropriations/Base Budget Committee** and places it on today's Calendar.

#### CALENDAR *(continued)*

**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, with Amendment No. 1 pending.

Senator Goss withdraws pending Amendment No. 1.

Senator Goss offers Amendment No. 2 which fails of adoption (10-36).

The Committee Substitute bill No. 2 passes its second reading (45-1).

Senator Goss objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Friday, August 7, upon third reading.

**S.B. 1088**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A LAW ALLOWING THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO EXPEND FUNDS TO COVER FUNERAL EXPENSES FOR MEMBERS OF THE STATE HIGHWAY PATROL KILLED IN THE LINE OF DUTY.

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The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

**H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 752** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS.

The Senate Committee Substitute bill passes its second reading (46-0).

Senator Berger of Franklin objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Friday, August 7, upon third reading.

**H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**H.B. 1166** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, TO REQUIRE AN INSURER TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, AND TO MAKE OTHER CHANGES.

The Senate Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY.

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Upon motion of Senator Rand, the President orders, without objection, the Committee Substitute bill temporarily displaced.

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

Senator Tillman offers Amendment No. 1 which fails of adoption (21-25).

The Senate Committee Substitute bill passes its second reading (27-19).

Senator Tillman objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Friday, August 7, upon third reading.

**H.B. 1387** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS.

*The Chair grants leaves of absence for the remainder of today's session to Senator Blue and Senator Stein.*

Upon motion of Senator Kinnaird, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, August 7.

**H.B. 1474** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING "CREDIT EDUCATION" FOR ALL STUDENTS.

The Senate Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1570** (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.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

*Upon the appearance of Senator Stein in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.*

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES, passed

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second reading earlier today and, pursuant to an objection to third reading by Senator Tillman, is placed on the Calendar for Friday, August 7.

Senator Purcell requests to change his vote on Amendment No. 1 from “No” to “Aye” and on second reading from “Aye” to “No”

Senator Jones requests to change his vote on Amendment No. 1 from “No” to “Aye” and on second reading from “Aye” to “No”.

Senator Brock requests to change his vote on second reading from “No” to “Aye”.

Senator Rand objects to the requests for changes in the votes and the vote on Amendment No. 1 which fails of adoption (21-25) and on second reading (27-19) remains the same as the previous votes.

Senator Clodfelter offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading be reconsidered. The Chair rules that the motion fails for lack of a second to the motion.

**H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

The Senate Committee Substitute bill passes its third reading (33-12) and is ordered sent to the House of Representatives by special message for concurrence.

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**WITHDRAWAL FROM CALENDAR**

**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, placed on the Calendar for Friday, August 7, pursuant to an objection to third reading by Senator Goss. Senator Goss withdraws his objection to third reading.

Senator Rand offers a motion that the bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Calendar.

The Chair orders the bill withdrawn from the Calendar for Friday, August 7, and places it on today's Calendar.

**CALENDAR** *(continued)*

**H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; AND TO MAKE OTHER TECHNICAL CHANGES.

Senator Clodfelter offers Amendment No. 1 which is adopted (44-0), and changes the title upon concurrence to read **H.B. 1111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH

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CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; TO MAKE A CHANGE TO THE PROCEDURE FOR ALLOCATING MONEY IN THE POLITICAL PARTIES FINANCING FUND; AND TO MAKE OTHER TECHNICAL CHANGES.

The Senate Committee Substitute bill, as amended, passes its third reading (34-10) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**S.B. 97** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS, 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 42, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: Senators Brock, Goodall and Rucho---3.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 700** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, for concurrence in the House Committee Substitute bill No. 3, upon second reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 3 on its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill No. 3 remains on the Calendar for concurrence upon third reading.

**S.B. 860** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS, 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 45, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Boseman, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Shaw, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---45.

Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for concurrence upon third reading.

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**S.B. 167** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR A LOCAL CONFINEMENT FACILITY, AND TO MAKE IT A CRIMINAL OFFENSE FOR INMATES OF A LOCAL CONFINEMENT FACILITY TO POSSESS TOBACCO PRODUCTS OR CELL PHONES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (40-5) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 252** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS, 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.

**S.B. 726** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES AND THE COURT OR PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Berger of Rockingham, 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. 859** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN A CERTAIN POPULATION THRESHOLD TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 974** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

#### **RECALL FROM THE HOUSE OF REPRESENTATIVES**

**S.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES, which passed second and third readings on August 4.

Having voted with the majority on second reading on August 4, Senator Rand offers a motion that the Committee Substitute bill be recalled from the House of Representatives to reconsider third reading, which motion prevails.

#### **CALENDAR** *(continued)*

**S.B. 990** (House Committee Substitute No. 2), 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, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Davis, the Senate concurs in the House Committee Substitute bill No. 2 (44-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 468** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

Upon motion of Senator McKissick, the Senate adopts the Conference Report (43-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 473** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

Upon motion of Senator Tillman, the Senate adopts the Conference Report (42-3).

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The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

#### WITHDRAWAL FROM CALENDAR

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

Senator Tillman withdraws his objection to third reading and the Senate Committee Substitute bill is withdrawn from the Calendar of Friday, August 7, and placed on today's Calendar.

#### RECONSIDERATION

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

Having voted with the majority, Senator Clodfelter offers a motion that the vote by which the Senate Committee Substitute bill passed its second reading earlier today be reconsidered, which motion prevails (29-16). The question before the Body is the passage of the Senate Committee Substitute bill for H.B. 1292 on its second reading.

The Senate Committee Substitute bill passes its second reading (25-20).

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 Friday, August 7, upon third reading.

#### CALENDAR *(continued)*

**H.B. 1409** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS.

Upon motion of Senator Apodaca, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS, temporarily displaced earlier today.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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**S.B. 1068** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, placed earlier on today's Calendar.

The Committee Substitute bill No. 2 passes its third reading (42-1) and is ordered sent to the House of Representatives by special message.

**S.B. 923**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LONGEVITY RATES FOR MEMBERS OF THE UTILITIES COMMISSION, placed earlier on today's Calendar.

*Without objection, Senator Basnight requests to be excused from voting on the bill due to a conflict of interest.*

The bill passes its second reading (24-18).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Friday, August 7, upon third reading.

### INTRODUCTION OF BILLS AND RESOLUTIONS

A joint resolution is filed for introduction today, the Rules are suspended and it is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Rand:

**S.J.R. 1109**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2009 GENERAL ASSEMBLY TO MEET IN 2010 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 on today's Calendar.

The Senate recesses at 1:00 P.M. to reconvene at 1:30 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

*The Chair grants a leave of absence for the remainder of today's session to Senator Blake.*

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW

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COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Rules and Operations of the Senate Committee**.

**H.B. 1261**, A BILL TO BE ENTITLED AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A CLASS 1 MISDEMEANOR, 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 70482, which changes the title to read **H.B. 1261** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER-BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A MISDEMEANOR, is adopted and engrossed.

Upon motion of Senator Hartsell, the rules are suspended and the Senate Committee Substitute bill is placed on the today's Calendar.

**H.B. 1463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES AND TO ALLOW AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING SERVICES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50792, which changes the title to read **H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES, AND ALLOWING AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING SERVICES, is adopted and engrossed.

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Upon motion of Senator Hartsell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

#### WITHDRAWAL FROM COMMITTEE

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47(a), Senator Rand offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's Calendar.

**H.B. 12** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF DRIVERS LICENSES TO PERSONS USING BIOPTIC TELESCOPIC LENSES PROVIDED THEY MEET OTHER LICENSING REQUIREMENTS, referred to the **Commerce Committee** on May 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

#### WITHDRAWAL FROM CALENDAR

**H.B. 1387** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS, placed on the Calendar for Friday, August 7.

Senator Rand offers a motion that the rules be suspended and that the Senate Committee Substitute bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Calendar.

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The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Friday, August 7, and places it on today's Calendar.

**CALENDAR** (*continued*)

**S.J.R. 1109**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2009 GENERAL ASSEMBLY TO MEET IN 2010 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, placed earlier on today's Calendar.

Senator Rand offers Amendment No. 1 which is adopted (41-0).

Senator Rand offers Amendment No. 2 which is adopted (39-2).

The joint resolution, as amended, passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

**H.B. 1387** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS, placed earlier on today's Calendar.

The Senate Committee Substitute bill passes its second reading (28-13) and, without objection, is read a third time and passes its third reading and is ordered 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:

House of Representatives  
August 6, 2009

Mr. President:

Pursuant to your message requesting the return of **S.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES, the House respectfully herewith complies.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

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Upon motion of Senator Rand, the Committee Substitute bill for S.B. 898 is placed on the Calendar 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 August 4 be reconsidered, which motion prevails. The question before the Body is the passage of the Committee Substitute bill on its third reading.

#### **CALENDAR** (*continued*)

**S.B. 898** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Rockingham, Boseman, Brown, Brunstetter, Clary, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, Preston, Purcell, Queen, Rand, Rouzer, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---36.

Voting in the negative: Senators Brock, Goodall and Rucho---3.

(Second reading roll-call is noted in August 4 Journal day.)

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

**H.B. 1117**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS, placed earlier on today's Calendar.

The bill passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

#### **WITHDRAWAL FROM CLERK'S OFFICE**

**H.B. 713**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, ordered held in the Office of the Principal Clerk on May 19, pending referral to committee.

Senator Rand announces the referral of the bill to the **Finance Committee**.

The Senate recesses at 2:17 P.M. for the purpose of an Agriculture/Environment/Natural Resources Committee meeting, Finance Committee meeting and Judiciary II Committee meeting to reconvene at 3:30 P.M.

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**RECESS**

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

**ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 97**, AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS.

**S.B. 167**, AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR A LOCAL CONFINEMENT FACILITY, AND TO MAKE IT A CRIMINAL OFFENSE FOR INMATES OF A LOCAL CONFINEMENT FACILITY TO POSSESS TOBACCO PRODUCTS OR CELL PHONES.

**S.B. 252**, AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS.

**S.B. 726**, AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES AND THE COURT OR

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PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE.

**S.B. 859**, AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN A CERTAIN POPULATION THRESHOLD TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS.

**S.B. 990**, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER RESULTING IN DAMAGES THAT EXCEED ONE THOUSAND DOLLARS.

**H.B. 1514**, AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 40**, AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO AND THE CITY OF SALISBURY TO LEVY A ROOM OCCUPANCY TAX AND TO AUTHORIZE ROCKINGHAM COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY TAX.

**S.B. 80**, AN ACT TO AUTHORIZE THE CITIES OF JACKSONVILLE, LENOIR, LOWELL, AND MOUNT HOLLY AND THE TOWNS OF CRAMERTON, MCADENVILLE, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

**S.B. 346**, AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, AND TO MODIFY THE FILING PERIOD FOR THE ELECTION OF MEMBERS TO THE CABARRUS COUNTY BOARD OF EDUCATION.

**S.B. 359**, AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY.

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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. 1452**, AN ACT TO REQUIRE ALL CITIES, COUNTIES, LOCAL BOARDS OF EDUCATION, UNIFIED GOVERNMENTS, SANITARY DISTRICTS, AND CONSOLIDATED CITY-COUNTIES TO ADOPT A CODE OF ETHICS FOR THE GOVERNING BOARD AND TO REQUIRE THE MEMBERS OF THOSE GOVERNING BOARDS TO RECEIVE EDUCATION ON ETHICS LAWS APPLICABLE TO LOCAL GOVERNMENT OFFICIALS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-403.)

**S.B. 708**, AN ACT TO AMEND THE COMPULSORY SCHOOL ATTENDANCE LAW. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-404.)

**S.B. 820**, AN ACT TO CREATE NEW MOTOR VEHICLE TITLING AND REGISTRATION CATEGORIES FOR MOTOR VEHICLES CLASSIFIED AS REPLICA VEHICLES, STREET RODS, AND CUSTOM VEHICLES, AND TO MAKE CORRESPONDING CHANGES. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-405.)

**S.B. 831**, AN ACT TO EXTEND CERTAIN GOVERNMENT APPROVALS AFFECTING THE DEVELOPMENT OF REAL PROPERTY WITHIN THE STATE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-406.)

**S.B. 195**, AN ACT TO DIRECT THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO TAKE A LEADERSHIP ROLE IN HELPING NORTH CAROLINA PREPARE FOR INCREASED NUMBERS OF OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-407.)

**S.B. 969**, AN ACT AMENDING THE POLICY OF NORTH CAROLINA REGARDING THE PROTECTION OF CHILDREN'S WELFARE UNDER THE LAWS PERTAINING TO CHILD PLACING AND CARE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-408.)

**H.B. 1005**, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO PARTICIPATE IN FUNDING FIXED RAIL

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PROJECTS THAT DO NOT INCLUDE FEDERAL FUNDS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-409.)

**H.B. 1078**, AN ACT TO ENSURE THAT ACTS OF VIOLENCE IN SCHOOLS ARE REPORTED TO THE LOCAL SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE AND TO REQUIRE LOCAL BOARDS OF EDUCATION TO ADOPT A POLICY ON NOTIFICATION TO THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ALLEGED TO BE VICTIMS OF ANY ACT REQUIRED TO BE REPORTED TO LAW ENFORCEMENT AND THE SUPERINTENDENT. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-410.)

**S.B. 513**, AN ACT TO AUTHORIZE SERVICE BY MAIL OF NOTICES OF HEARINGS ON VIOLATIONS OF UNSUPERVISED PROBATION, CLARIFYING PROCEDURES FOR COMMUNITY SERVICE STAFF NOTIFYING PERSONS OF WILLFUL VIOLATIONS, AND TO CLARIFY THE COURT'S AUTHORITY WHEN A NOTICE OF VIOLATION OF UNSUPERVISED PROBATION IS SERVED BY MAIL. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-411.)

**S.B. 1078**, AN ACT TO PROVIDE THE PROCEDURE FOR DETERMINING PRETRIAL RELEASE CONDITIONS WHEN A PROBATIONER IS ARRESTED AND CHARGED WITH THE COMMISSION OF A FELONY, AND TO PROVIDE THAT WHEN A PROBATIONER IS CHARGED WITH A VIOLATION OF PROBATION AND HAS A PENDING FELONY CHARGE, A JUDICIAL OFFICIAL MUST DETERMINE WHETHER THE PROBATIONER POSES A DANGER TO THE PUBLIC AND, IF THE PROBATIONER IS A DANGER TO THE PUBLIC, THE JUDICIAL OFFICIAL MUST DENY RELEASE ON THE PROBATION VIOLATION CHARGE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-412.)

**S.B. 909**, AN ACT EXTINGUISHING THE LIABILITY OF RETAILERS FOR SALES TAX OVERCOLLECTIONS MADE IN RELIANCE ON WRITTEN ADVICE OF THE SECRETARY OF REVENUE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-413.)

**S.B. 38**, AN ACT TO CONTINUALLY APPLY THE SPECIAL RULES FOLLOWING A FEDERAL DECENNIAL CENSUS TO MUNICIPAL REDISTRICTING AFTER THAT CENSUS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-414.)

**S.B. 713**, AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-415.)

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**S.B. 931**, AN ACT TO PROVIDE RECIPROCITY TO A PERSON WHO HOLDS ANY COMMERCIAL DRIVERS LICENSE RECOGNIZED BY THE FEDERAL GOVERNMENT, TO EXPAND THE DEFINITION OF CONVICTION FOR OUT-OF-STATE VIOLATIONS, TO EXPAND THE DEFINITION OF EMPLOYER WITH REGARDS TO COMMERCIAL DRIVERS LICENSES, TO ADD A DISQUALIFYING VIOLATION TO COMMERCIAL DRIVERS LICENSES, TO INCREASE CIVIL PENALTIES, TO EXPAND EMPLOYER REPORTING RESPONSIBILITIES, AND TO MODIFY REQUIREMENTS FOR CONVICTIONS TEN YEARS OLD OR OLDER. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-416.)

**H.B. 1058**, AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-417.)

**S.B. 687**, AN ACT TO EXEMPT PLUMBING CONTRACTORS FROM WELL CONTRACTOR CERTIFICATION REQUIREMENTS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-418.)

**S.B. 514**, AN ACT TO PROVIDE CERTAIN MAGISTRATES WITH THE AUTHORITY TO PROVIDE FOR THE APPOINTMENT OF COUNSEL TO INDIGENT PERSONS WHEN AUTHORIZED BY THE CHIEF DISTRICT JUDGE. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-419.)

**S.B. 882**, AN ACT TO CLARIFY AND REFORM THE STATUTES OF LIMITATION AND REPOSE IN PRODUCT LIABILITY ACTIONS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-420.)

**S.B. 44**, 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. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-421.)

**S.B. 367**, AN ACT TO REMOVE BILLINGS IN EXCESS OF COSTS FROM THE FRANCHISE TAX CAPITAL BASE FOR TAXPAYERS USING THE PERCENTAGE OF COMPLETION METHOD OF REVENUE RECOGNITION. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-422.)

**H.B. 1296**, AN ACT TO ESTABLISH THE DRUG, SUPPLIES, AND MEDICAL DEVICE REPOSITORY PROGRAM IN THE NORTH CAROLINA BOARD OF PHARMACY. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-423.)

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**H.B. 1433**, AN ACT TO CLARIFY THE IMMUNITY FROM LIABILITY OF PERSONS USING AUTOMATED EXTERNAL DEFIBRILLATORS IN EMERGENCY SITUATIONS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-424.)

**S.B. 1062**, AN ACT STRENGTHENING DOMESTIC VIOLENCE PROTECTIVE ORDERS TO PROVIDE FOR THE PROTECTION OF PETS. (Became law upon approval of the Governor, August 5, 2009 - S.L. 2009-425.)

**S.B. 251**, AN ACT LIMITING THE TOWN OF FAISON'S AUTHORITY TO EXERCISE THE POWER OF EXTRATERRITORIAL JURISDICTION WITHIN A DEFINED AREA EXTENDING MORE THAN ONE MILE BEYOND THE TOWN'S CORPORATE LIMITS. (Became law upon ratification, August 5, 2009 - S.L. 2009-426.)

**S.B. 475**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARBORO TO AUTHORIZE THE BOARD OF ALDERMEN TO ADOPT ORDINANCES FOR THE ORDERLY INSTALLATION OF ENERGY-SAVING AND WATER-SAVING DEVICES. (Became law upon ratification, August 5, 2009 - S.L. 2009-427.)

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 713**, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70483, which changes the title, upon concurrence, to read **H.B. 713** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, is adopted and engrossed.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

**H.B. 764** (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, with an unengrossed amendment.

Referred to the **Rules and Operations of the Senate Committee**.

August 6, 2009

The Senate recesses at 3:37 P.M. subject to receipt of messages from the House of Representatives and committee reports for the purpose of an Appropriations/Base Budget Committee meeting and a Rules and Operations of the Senate Committee meeting, to reconvene at 4:00 P.M.

### RECESS

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 817**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FINANCIAL LITERACY COUNCIL TO COORDINATE AND EXPAND THE STATEWIDE DELIVERY OF FINANCIAL EDUCATION FOR ALL NORTH CAROLINIANS, and requests conferees. Speaker Hackney has appointed:

Representative Lucas, Chair, 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

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Weinstein for the **Agriculture/Environment/Natural Resources Committee**:

**H.B. 709**, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, 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 80503, which changes the title upon concurrence to read **H.B. 709** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF A TERMINAL GROIN AS AN EROSION CONTROL DEVICE, is adopted and engrossed.

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

#### WITHDRAWAL FROM CALENDAR

**H.B. 713** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, placed on the Calendar for Friday, August 7.

Senator Hoyle offers a motion that the rules be suspended and that the Senate Committee Substitute bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Supplemental Calendar.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Friday, August 7, and places it on today's Supplemental Calendar.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 889** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR 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 50783, which changes the title, upon concurrence, to read **H.B. 889** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR DEATH BY MOTOR VEHICLE FROM A CLASS 1 MISDEMEANOR TO A CLASS A1 MISDEMEANOR, is adopted and engrossed.

Upon motion of Senator Hartsell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

August 6, 2009

**CONFERENCE REPORT**

Senator Swindell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 643**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, 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 643, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS, Second Edition Engrossed 5/6/09, submit the following report:

The House recesses from House Amendment #1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 6, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/A. B. Swindell, Chair	S/Lucy T. Allen, Chair
S/Steve Goss	S/Randy Stewart
S/Ed Jones	S/Roger West

Upon motion of Senator Swindell, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar.

**CONFERENCE REPORT**

Senator Nesbitt, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 960** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, submits for adoption the following report:

August 6, 2009

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 960, A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, House Committee Substitute Favorable 7/30/09 Fourth Edition Engrossed 8/3/09, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/30/09, Fourth Edition Engrossed 8/3/09, as amended:

on page 7, lines 47 – 51, by rewriting the lines to read:

**"SECTION 14.(c).** The Energy Policy Council and the North Carolina Utilities Commission shall jointly study and design an online renewable energy certificates trading exchange to facilitate the establishment of a market for purchase and sale of renewable energy certificates. The study shall explore how to implement an exchange that will not require appropriated funds from the State and shall examine all costs to the consumer. The Energy Policy Council and the North Carolina Utilities Commission shall report their findings and recommendations to the General Assembly by April 1, 2010."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 6, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Martin L. Nesbitt, Jr., Chair	S/Joe P. Tolson, Chair
S/Josh Stein	S/Angela R. Bryant
S/Don Vaughan	S/Wil Neumann
S/R. C. Soles, Jr.	S/Bruce Goforth

Upon motion of Senator Nesbitt, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar.

#### WITHDRAWAL FROM CALENDAR

**S.B. 923**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LONGEVITY RATES FOR MEMBERS OF THE UTILITIES COMMISSION, placed on the Calendar for August 7 pursuant to an objection to third reading by Senator Apodaca.

Senator Apodaca withdraws his objection to third reading.

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Senator Rand offers a motion that the rules be suspended and that the bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Calendar.

The Chair orders the bill withdrawn from the Calendar for Friday, August 7, and places it on today's Calendar.

**H.B. 752** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, placed on the Calendar for August 7, pursuant to an objection to third reading by Senator Berger of Franklin.

Senator Berger of Franklin withdraws his objection to third reading.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Calendar.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Friday, August 7, and places it on today's Calendar.

**H.B. 709** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF A TERMINAL GROIN AS AN EROSION CONTROL DEVICE, placed on the Calendar for Friday, August 7.

Senator Rand offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Friday, August 7, and placed on today's Calendar for immediate consideration.

The Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Friday, August 7, and places it on today's Calendar for immediate consideration.

*The Chair grants a leave of absence for the remainder of today's session to Senator Boseman.*

The Senate Committee Substitute bill passes its second reading (40-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

## REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

**H.B. 764** (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

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REPRESENTATIVES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill, as amended.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50793, which changes the title upon concurrence to read **H.B. 764** (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.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill, as amended, is placed on today's Supplemental Calendar.

**H.B. 374**, A BILL TO BE ENTITLED AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY, 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 80504, which changes the title upon concurrence to read **H.B. 374** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, 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. 12** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF DRIVERS LICENSES TO PERSONS USING BIOPTIC TELESCOPIC LENSES PROVIDED THEY MEET OTHER LICENSING REQUIREMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50794, which changes the title upon concurrence to read **H.B. 12** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS APPLICABLE TO FUNDS USED IN REPAYMENT OF GARVEE BONDS, is adopted and engrossed.

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Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 817** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 817 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Goss, Chair, Senator Albertson 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.

The Senate recesses at 4:22 P.M. subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills to reconvene at 6:00 P.M.

#### **RECESS**

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 982** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE DEPARTMENT OF COMMERCE WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

**S.B. 984** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

**S.B. 777** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX

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ON OTHER TOBACCO PRODUCTS, TO PROHIBIT INTEGRATED WHOLESALE DEALERS FROM SELLING, BORROWING, LOANING, OR EXCHANGING NON-TAX-PAID TOBACCO PRODUCTS OTHER THAN CIGARETTES TO, FROM, OR WITH OTHER INTEGRATED WHOLESALE DEALERS, AND TO REQUIRE PERSONS TRANSPORTING OTHER TOBACCO PRODUCTS TO FILE A SHIPPING REPORT WITH THE SECRETARY OF REVENUE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

**S.B. 749** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on today's Supplemental Calendar for concurrence.

**S.B. 738** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

**S.B. 423** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY, for concurrence in House Amendment No. 1.

The Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

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**S.B. 293** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

**S.B. 1029** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS, AND TO CLARIFY THE APPLICATION OF TAX CREDITS AND OTHER INCENTIVES TO PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on today's Supplemental Calendar for concurrence.

**S.B. 1067** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL TO ADDRESS PROGRAM AND POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Supplemental Calendar for concurrence.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 274**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES 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 50795, which changes the title upon concurrence to read **H.B. 274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

Upon motion of Senator Hartsell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Supplemental Calendar.

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The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

*The Chair grants a leave of absence for the remainder of today's session to Senator McKissick.*

**H.B. 12** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS APPLICABLE TO FUNDS USED IN REPAYMENT OF GARVEE BONDS.

The Senate Committee Substitute bill passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Upon motion of Senator Hartsell, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

**H.B. 374** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

The Senate Committee Substitute bill passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 713** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Upon motion of Senator Garrou, the President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

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**H.B. 274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Hartsell offers Amendment No. 1 which is adopted (41-0).

Senator Rand offers Amendment No. 2 which is adopted (41-0).

Senator Clodfelter offers Amendment No. 3 which is adopted (40-0).

Senator Nesbitt offers Amendment No. 4 which is adopted (41-0).

*Without objection, Senator Apodaca requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.*

The Senate Committee Substitute bill, as amended, passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and 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 Jenkins.*

**H.B. 713** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, temporarily displaced earlier today.

The Senate Committee Substitute bill passes its second reading (23-18) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 764** (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.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 889** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR DEATH BY MOTOR VEHICLE FROM A CLASS 1 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1261** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER-BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A MISDEMEANOR.

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The Senate Committee Substitute bill passes its second reading (39-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES, AND ALLOWING AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING SERVICES.

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, August 7.

**S.B. 923**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LONGEVITY RATES FOR MEMBERS OF THE UTILITIES COMMISSION, placed earlier on today's Calendar.

*Without objection, Senator Basnight requests to be excused from voting on the bill due to a conflict of interest.*

The bill passes its third reading (21-19) and is ordered sent to the House of Representatives by special message.

**H.B. 752** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, placed earlier on today's Calendar.

Senator Berger of Franklin offers Amendment No. 1 which is adopted (41-0), and changes the title upon concurrence to read **H.B. 752** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, AND TO PROHIBIT LOBBYISTS FROM SERVING ON THE NORTH CAROLINA STATE HEALTH COORDINATING COUNCIL.

The Senate Committee Substitute bill, as amended, passes its third reading (41-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

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Pursuant to an objection to third reading by Senator Berger of Rockingham earlier today, the Senate Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Friday, August 7.

**S.B. 777** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, TO PROHIBIT INTEGRATED WHOLESALE DEALERS FROM SELLING, BORROWING, LOANING, OR EXCHANGING NON-TAX-PAID TOBACCO PRODUCTS OTHER THAN CIGARETTES TO, FROM, OR WITH OTHER INTEGRATED WHOLESALE DEALERS, AND TO REQUIRE PERSONS TRANSPORTING OTHER TOBACCO PRODUCTS TO FILE A SHIPPING REPORT WITH THE SECRETARY OF REVENUE, for concurrence in the House Committee Substitute bill, upon second reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.*

Upon motion of Senator Garrou, 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 Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---40.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence upon third reading.

**S.B. 1029** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS, AND TO CLARIFY THE APPLICATION OF TAX CREDITS AND OTHER INCENTIVES TO PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill No. 3, upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 3 on its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Foriest, Forrester, Garrou,

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Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jones, Kinnaird, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---41.

Voting in the negative: None.

The House Committee Substitute bill No. 3 remains on the Calendar for concurrence, upon third reading.

**S.B. 293** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (41-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 423** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY, for concurrence in House Amendment No. 1.

Upon motion of Senator Brown, the Senate concurs in House Amendment No. 1 (41-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 738** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (41-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 749** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR

August 6, 2009

UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill No. 2 (41-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 982** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE DEPARTMENT OF COMMERCE WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill (41-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 984** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 1067** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL TO ADDRESS PROGRAM AND POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Albertson, the Senate concurs in the House Committee Substitute bill (41-0) 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 6, 2009

Mr. 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. 960**

August 6, 2009

(Conference Report), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

When a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 1409** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS.

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 6, 2009

Mr. 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. 473**

August 6, 2009

(Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

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 6, 2009

Mr. 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. 468** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

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. 468 earlier today, the President orders the bill enrolled and sent to the Governor.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

August 6, 2009

House of Representatives  
August 6, 2009

Mr. 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. 578** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE NOTICE OF RIGHT TO SEEK LEGAL COUNSEL AND CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE, AS RECOMMENDED BY THE PARTITION SALES STUDY COMMITTEE, and requests conferees. Speaker Hackney has appointed:

Representative Bryant, Chair  
Representative Faison,  
Representative Allen,  
Representative Michaux,  
Representative Hurley, and  
Representative Hall

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **ENROLLED BILLS AND RESOLUTIONS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**H.B. 212**, AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ONE HEALTH INSURANCE PILOT DEMONSTRATION PROJECT TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH INSURANCE; TO RECOGNIZE CREDENTIALLED HEALTH CARE PROVIDERS OF THE STATE HEALTH PLAN AND OTHER EXISTING MANAGED CARE PLANS FOR RAPID DEMONSTRATION PROJECT PROVIDER NETWORK DEVELOPMENT; AND TO ASSURE NETWORK

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PROVIDERS' CONTINUED PARTICIPATION IN THE STATE HEALTH PLAN AND OTHER MANAGED CARE PLANS, WHILE PARTICIPATING IN THE DEMONSTRATION PROJECT NETWORK.

**H.B. 1117**, AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS.

**H.B. 1236**, AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL CAR WASHES.

**H.B. 1305**, AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY, AND TO MAKE OTHER CHANGES.

**H.B. 1570**, AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 109**, AN ACT TO AUTHORIZE ARNOLD SANDY TO CONVEY CERTAIN LANDS TO THE TOWN OF ROSEBORO.

#### 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. 40**, AN ACT TO AUTHORIZE THE TOWN OF MURFREESBORO AND THE CITY OF SALISBURY TO LEVY A ROOM OCCUPANCY TAX AND TO AUTHORIZE ROCKINGHAM COUNTY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY TAX. (Became law upon ratification, August 6, 2009 - S.L. 2009-428.)

**S.B. 80**, AN ACT TO AUTHORIZE THE CITIES OF JACKSONVILLE, LENOIR, LOWELL, AND MOUNT HOLLY AND THE TOWNS OF

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CRAMERTON, MCADENVILLE, AND RANLO TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, August 6, 2009 - S.L. 2009-429.)

**S.B. 346**, AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS, TO ASSIST CABARRUS COUNTY WITH THE EXPEDITING OF PUBLIC SCHOOL CONSTRUCTION, AND TO MODIFY THE FILING PERIOD FOR THE ELECTION OF MEMBERS TO THE CABARRUS COUNTY BOARD OF EDUCATION. (Became law upon ratification, August 6, 2009 - S.L. 2009-430.)

**S.B. 359**, AN ACT TO INCORPORATE THE VILLAGE OF SNEADS FERRY. (Became law upon ratification, August 6, 2009 - S.L. 2009-431.)

#### **SUPPLEMENTAL CALENDAR** *(continued)*

**S.B. 643** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

Upon motion of Senator Swindell, the Senate adopts the Conference Report (41-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

#### **CONFERENCE REPORT**

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 817** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 817, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES, Senate Judiciary I Committee Substitute Adopted 8/4/09 Third Edition Engrossed 8/5/09, submit the following report:

August 6, 2009

The House and Senate agree to the following amendments to the Senate Judiciary I Committee Substitute, Senate Judiciary I Committee Substitute Adopted 8/4/09, and the House concurs in the Senate Judiciary I Committee Substitute as amended:

On page 5, line 13 by inserting "of the General Statutes" between "120C" and "is" on that line;

On page 10, lines 36-38 by rewriting that line to read:  
"appointed to a local board of trustees for a community college.";

On page 11, line 13 by rewriting that line to read:

"law. Section 19 of this act applies only to appointments made on or after the effective date of this act, and does not apply to any reappointment of a member of the General Assembly serving on any board of trustees for a community college on that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 6, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Steve Goss, Chair	S/Marvin W. Lucas, Chair
S/Peter S. Brunstetter	S/Paul Stam
S/Charles W. Albertson	

Upon motion of Senator Brunstetter, the rules are suspended and the Conference Report is placed before the Senate for immediate consideration.

Upon motion of Senator Brunstetter, the Conference Report is adopted (38-0).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 7:38 P.M. to reconvene at 7:45 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### SUPPLEMENTAL CALENDAR *(continued)*

**S.B. 960** (Conference Report), A BILL TO BE ENTITLED AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

August 6, 2009

Upon motion of Senator Nesbitt, the Senate adopts the Conference Report (37-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

Pursuant to a message received earlier today from the House of Representatives that the House has adopted the report of the Conferees, the President orders the bill enrolled and sent to the Governor by special message.

**H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS, temporarily displaced earlier today.

Upon motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, August 7.

**H.B. 1586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY, temporarily displaced earlier today.

Upon motion of Senator Hoyle, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Friday, August 7.

**S.B. 974** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009, temporarily displaced earlier today, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill (36-0) and the bill is ordered enrolled and sent to the Governor by special message.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 578** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

August 6, 2009

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 578 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair, Senator Allran 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.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Purcell for the **Health Care Committee**:

**H.B. 1002**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONTROLLED SUBSTANCES REPORTING ACT TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION, 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 11038, which changes the title upon concurrence to read **H.B. 1002** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES, is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate Committee Substitute bill passes its second reading (36-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

Upon motion of Senator Dannelly, seconded by Senator Apodaca, the Senate adjourns subject to receipt of messages from the House of Representatives, committee reports, conference reports and ratification of bills, to meet Friday, August 7, at 10:00 A.M.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

**S.B. 79** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE TO ELIMINATE THE STAGGERING OF TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 563** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 1007** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 1057** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Friday, August 7, for concurrence.

**H.B. 926** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE.

Referred to the **Judiciary I Committee**.

**H.J.R. 1658**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WALTER LELAND CRONKITE, JR., FORMER ANCHOR AND JOURNALIST.

Referred to the **Rules and Operations of the Senate Committee**.

**S.B. 203** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN

August 6, 2009

EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 425** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE PLAN REVIEW AND INSPECTION PROCESS FOR STATE BUILDINGS BY TRANSFERRING THE AUTHORITY FOR BUILDING CODE ENFORCEMENT WITH RESPECT TO STATE BUILDINGS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY TRANSFERRING FOUR CODE ENFORCEMENT POSITIONS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY CREATING FOUR CODE ENFORCEMENT POSITIONS IN THE DEPARTMENT OF ADMINISTRATION; AND TO CONTINUE THE SECRETARY OF ADMINISTRATION'S AUTHORITY TO APPOINT MEMBERS TO THE BOARD OF AWARDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Friday, August 7, for concurrence.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 1329** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, and requests conferees. Speaker Hackney has appointed:

August 6, 2009

Representative Bryant, Chair  
Representative Bordsen,  
Representative Adams, and  
Representative Moore

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 1099** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; AND (6) EXTEND BY ONE YEAR THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, and requests conferees. Speaker Hackney has appointed:

Representative Allen, Chair  
Representative Gibson,  
Representative Martin,  
Representative Weiss,  
Representative Crawford,  
Representative Justice,

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Representative Tarleton,  
Representative Coates, and  
Representative Gillespie

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. 1329** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 1329 and requests conferees, Senator Basnight, President *Pro Tempore*, announces the appointment of Senator Nesbitt, Chair; Senator Rand; Senator Soles; and Senator Stein 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. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL LAWS TO: (1) EXTEND BY ONE YEAR THE IMPLEMENTATION OF WATER SYSTEM EFFICIENCY CRITERIA FOR ELIGIBILITY FOR STATE WATER INFRASTRUCTURE FUNDS; (2) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (3) AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS;

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(6) PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED; (7) DIRECT THE REVENUE LAWS STUDY COMMITTEE AND THE ENVIRONMENTAL REVIEW COMMISSION TO CONDUCT A STUDY OF REVENUE GENERATING OPPORTUNITIES ASSOCIATED WITH ENTITIES USING CERTAIN NATURAL RESOURCES OF THE STATE IN ORDER TO FUND ACTIVITIES THAT WILL PROTECT AND ENHANCE PUBLIC HEALTH AND THE ENVIRONMENT; (8) LIMIT TRANSFERS OF WATER FROM THE CATAWBA RIVER BASIN UNDER THE CONCORD AND KANNAPOLIS INTERBASIN TRANSFER CERTIFICATE; AND (9) CREATE THE YADKIN RIVER TRUST TO ACQUIRE AND OPERATE THE YADKIN PROJECT, AN EXISTING HYDROELECTRIC FACILITY.

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. 1099 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Hartsell; Senator Queen; and Senator Stein as conferees on the part of the Senate to resolve the differences arising between the two Bodies. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

**S.B. 838** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO

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VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS; AND (10) DELAY THE EFFECTIVE DATES FOR LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS TO JULY 1, 2010, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 884** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the Calendar for Friday, August 7, for concurrence.

**S.B. 1020** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the Calendar for Friday, August 7, for concurrence.

Pursuant to Senator Dannelly's motion to adjourn having prevailed, the Senate adjourns at 9:51 P.M.

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**ONE-HUNDRED AND ELEVENTH DAY**

Senate Chamber  
Friday, August 7, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

Prayer is offered by The Reverend Mike Morris, Senate Chaplain, as follows:

"With deep gratitude for the extraordinarily difficult work and resulting accomplishments of the Senators and staff during this session, I offer the last day's traditional benediction. This is the day the Lord has made, let us rejoice, but get on with it. God speed Senators. Amen."

The Chair grants leaves of absence for today to Senator Atwater, Senator Bingham, Senator Boseman, Senator Foriest, Senator Graham, Senator Shaw, and Senator Stevens.

Senator Dannelly, Deputy President *Pro Tempore*, announces that the Journal of Thursday, August 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**WITHDRAWAL FROM COMMITTEE**

**H.B. 530** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, referred to the **Commerce Committee** on April 21.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

**H.J.R. 1517**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP, referred to the **Rules and Operations of the Senate Committee** on April 21.

Pursuant to Rule 47 (a), Senator Rand offers a motion that the joint resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's Calendar, which motion prevails with unanimous consent.

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The Chair orders the joint resolution be 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 bills duly ratified for presentation to the Governor:

**S.B. 293**, AN ACT TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST.

**S.B. 423**, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY.

**S.B. 468**, AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS.

**S.B. 738**, AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES.

**S.B. 749**, AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES.

**S.B. 786**, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

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**S.B. 960**, AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT.

**S.B. 974**, AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009.

**S.B. 1067**, AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL TO ADDRESS PROGRAM AND POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA.

**H.B. 512**, AN ACT TO EXTEND THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO GEOTHERMAL HEAT PUMPS AND EQUIPMENT, TO ALLOW THE CREDIT TO BE TAKEN AGAINST THE GROSS PREMIUMS TAX, AND TO EXTEND THE SUNSET FOR THE CREDIT.

**H.B. 569**, AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

**H.B. 760**, AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS.

**H.B. 775**, AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL RETARDATION, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY.

**H.B. 1135**, AN ACT TO DETER AND PUNISH PERSONS WHO MAKE FALSE OR FRAUDULENT CLAIMS FOR PAYMENT BY THE STATE AND TO PROVIDE REMEDIES IN THE FORM OF TREBLE DAMAGES AND CIVIL PENALTIES WHEN MONEY IS OBTAINED FROM THE STATE BY REASON OF SUCH CLAIMS.

**H.B. 1269**, AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE

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ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE.

**H.B. 1389**, AN ACT TO AUTHORIZE CITIES AND COUNTIES TO ESTABLISH LOAN PROGRAMS TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY.

**H.B. 1409**, AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS.

### 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. 109**, AN ACT TO AUTHORIZE ARNOLD SANDY TO CONVEY CERTAIN LANDS TO THE TOWN OF ROSEBORO. (Became law upon ratification, August 6, 2009 - S.L. 2009-432.)

### RECALL FROM ENROLLING

**S.B. 982** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE DEPARTMENT OF COMMERCE WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, ordered enrolled and sent to the Governor on Thursday, August 6.

Having voted with the majority on the concurrence motion on August 6, Senator Rand offers a motion to the end that the House Committee Substitute bill be recalled from the Enrolling Office for further consideration and further moves that the bill be placed before the Senate for immediate consideration, which motions prevail (40-0).

The question before the Body becomes concurrence in the House Committee Substitute bill.

Upon motion of Senator Rand, the Senate fails to concur in the House Committee Substitute bill (0-41).

Senator Rand offers a motion that the Senate appoint conferees, which motion prevails.

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**WITHDRAWAL FROM COMMITTEE**

**H.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE, 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 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**.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 274**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAW CONCERNING THE RECOGNITION OF FOREIGN MONEY JUDGMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, and requests conferees. Speaker Hackney has appointed:

Representative Martin, Chair  
Representative Insko,  
Representative Bryant, 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

August 7, 2009

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 589** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS, and requests conferees. Speaker Hackney has appointed:

Representative England, Chair  
Representative Michaux,  
Representative Holliman, and  
Representative Barnhart

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 6, 2009

Mr. 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. 908** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY

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REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDING OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; AND TO COMPLETE THE BURDEN OF PROOF PROVISIONS IN THE CANDIDATE-CHALLENGE STATUTE, and requests conferees. Speaker Hackney has appointed:

Representative Martin, Chair  
Representative Insko,  
Representative Bryant, 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  
August 6, 2009

Mr. 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. 291** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.

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 MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following special messages are received from the House of Representatives:

August 7, 2009

**S.B. 631** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

**S.B. 262** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, AND TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on today's Calendar for concurrence.

**S.B. 220** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN 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 No. 2.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

**S.B. 943** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's Calendar for concurrence.

**S.B. 968** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES, for concurrence in House Amendments No. 1, 2, and 3.

The Committee Substitute bill, as amended, is placed on today's Calendar for concurrence in House Amendments No. 1, 2, and 3.

August 7, 2009

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 1292** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE DISMISSAL, DEMOTION, OR SUSPENSION OF NONCERTIFIED SCHOOL EMPLOYEES.

Upon motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 19, 2010.

The Senate recesses at 10:27 A.M. subject to appointment of conference committees and receipt of committee reports for the purpose of a Rules and Operations of the Senate Committee meeting and a Finance Committee meeting, to reconvene at 10:50 A.M.

**RECESS****REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 530** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT FURTHER AUTHORIZING THE UTILITIES COMMISSION TO DETERMINE THE UNIVERSAL SERVICE PROVIDER IN CERTAIN SUBDIVISIONS AND AREAS, 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 80506, which changes the title upon concurrence to read **H.B. 530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN INCENTIVE FOR INVESTING IN CAPITAL FACILITIES IN THE LIFE SCIENCES IN THIS STATE, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

**H.B. 884** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY SAFETY INSPECTION STATION AND SAFETY SELF-INSPECTOR RESPONSIBILITIES AND NOTICE REQUIREMENTS, 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 50797, which changes the title upon concurrence to read **H.B. 884** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND, is adopted and engrossed.

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Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 274** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

Pursuant to the message from the House of Representatives received Thursday, August 6, that the House fails to concur in the Senate Committee Substitute bill for H.B. 274 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair, Senator Jones and Senator Vaughan 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. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS.

Pursuant to the message from the House of Representatives received Thursday, August 6, that the House fails to concur in the Senate Committee Substitute bill for H.B. 589 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Purcell, 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.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION

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OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

Pursuant to the message from the House of Representatives received Thursday, August 6, that the House fails to concur in the Senate Committee Substitute bill for H.B. 908 and requests conferees, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair, Senator Hoyle 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

**S.B. 982** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE DEPARTMENT OF COMMERCE WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 982 earlier today and the motion by Senator Rand to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Jenkins, Chair, Senator Rand 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.

#### CONFERENCE REPORT

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT

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AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, 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 291, A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, Senate Finance Committee Substitute Adopted 7/23/09, Sixth Edition Engrossed 7/30/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 7/23/09, Sixth Edition Engrossed 7/30/09, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 3-4, by rewriting the lines the read:

"PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.";

And on page 7, lines 3-9, by rewriting the lines to read:

**"SECTION 14.** Section 1.2 of this act is effective when it becomes law. The remainder of this act becomes effective July 1, 2010, and applies to acts occurring on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 6, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Linda Garrou, Chair	S/Earline W. Parmon, Chair
S/Tony Rand	S/Larry Womble
S/A. B. Swindell	S/Carolyn H. Justice

The Conference Report, which changes the title, is placed on today's Calendar for adoption.

#### CONFERENCE REPORT

Senator Nesbitt, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1329** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO

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CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1329, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, Senate Judiciary I Committee Substitute #2 Adopted 8/4/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary I Committee Substitute #2 Adopted 8/4/09, and the House concurs in the Senate Judiciary I Committee Substitute #2 as amended:

On page 7, between lines 37 and 38, by inserting the following:

**"SECTION 3.1.** G.S. 15A-146(a1) reads as rewritten:

(a1) Notwithstanding subsection (a) of this section, if a person is charged with multiple offenses and all the charges are dismissed, or findings of not guilty or not responsible are made, then a person may apply to have each of those charges expunged if the offenses occurred within the same 12-month period of time or if the charges are dismissed or findings are made at the same term of court. Unless circumstances otherwise clearly provide, the phrase "term of court" shall mean one week for superior court and one day for district court. There is no requirement that the multiple offenses arise out of the same transaction or occurrence or that the multiple offenses were consolidated for judgment. The court shall hold a hearing on the application. If the court finds (i) that the person had not previously received an expungement under this subsection, subsection, or that any previous expungement received under this subsection occurred prior to October 1, 2005 and was for an offense that occurred within the same 12-month period of time, or was dismissed or findings made at the same term of court, as the offenses that are the subject of the current application. (ii) that the person had not previously received an expungement

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under G.S. 15A-145 or G.S. 90-96, and (iii) that the person had not previously been convicted of any felony under the laws of the United States, this State, or any other state, the court shall order the expunction. No person as to whom such an order has been entered shall be held thereafter under any provision of any law to be guilty of perjury, or to be guilty of otherwise giving a false statement or response to any inquiry made for any purpose, by reason of his failure to recite or acknowledge any expunged entries concerning apprehension or trial.";

And on page 19, line 43, by inserting between the words "person" and "was" the following:

"has no prior felony convictions and";

And on page 19, lines 44, by deleting the number "10" and substituting the number "15";

And on page 19, lines 47 through 51, by rewriting the lines to read:

"(1) An affidavit by the petitioner that he has not been convicted of any felony, has been of good behavior for the 15-year period preceding the filing of the petition, and has not been convicted of any misdemeanor other than a traffic violation, under the laws of the United States or the laws of this State or any other state during the 15-year period."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 7, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Martin L. Nesbitt, Jr., Chair	S/Angela R. Bryant, Chair
S/R. C. Soles, Jr., Chair	S/Alma Adams
S/Tony Rand, Chair	S/Alice L. Bordsen
S/Josh Stein, Chair	S/Tim Moore

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*.

#### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

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**H.B. 945** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STUDY HOW THE TRADITIONAL NATIVE AMERICAN CULTURE, CUSTOMS, AND TRADITIONS OF STATE INDIAN TRIBE CHILDREN CAN BE PROTECTED WHEN THE CHILDREN ARE INVOLVED IN CUSTODY, ADOPTION, AND OTHER PROCEEDINGS IN STATE COURTS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill, as amended.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50796, which changes the title upon concurrence to read **H.B. 945** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS, is adopted and engrossed.

Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Rand, the rules are suspended and the Senate Committee Substitute bill, as amended, is placed on today's Calendar for immediate consideration.

The Senate Committee Substitute bill, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

#### **RECALL FROM THE HOUSE OF REPRESENTATIVES**

**H.B. 764** (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.

Having voted with the majority, Senator Rand offers a motion that the Senate Committee Substitute bill be recalled from the House of Representatives for further consideration by the Senate, which motion prevails, with unanimous consent.

Having voted with the majority, Senator Rand offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading on Thursday, August 6, be reconsidered, which motion prevails (43-0).

The question before the Body is the passage of H.B. 764 on its third reading.

Senator Rand offers Amendment No. 1 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its third reading (43-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

#### **CALENDAR** *(continued)*

**S.B. 79** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE TO

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ELIMINATE THE STAGGERING OF TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jones, the Senate concurs in the House Committee Substitute bill (43-0) and the bill is ordered enrolled.

**H.B. 1151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 3, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Vaughan and Weinstein---40.

Voting in the negative: Senators Blake, East and Tillman---3.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

**H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.

The Senate Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 1463** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING ADULT BIOLOGICAL SIBLINGS OF ADULT ADOPTEES, ADULT BIOLOGICAL HALF SIBLINGS OF ADULT ADOPTEES, ADULT FAMILY MEMBERS OF DECEASED ADOPTEES, AND ADULT FAMILY MEMBERS OF DECEASED BIOLOGICAL PARENTS TO HAVE ACCESS TO CONFIDENTIAL INTERMEDIARY SERVICES UPON THE CONSENT OF THE PARTIES, AND ALLOWING AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF THE PERSON WHO IS THE SUBJECT OF THE SEARCH AND DELIVER IT TO THE PERSON REQUESTING SERVICES.

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Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 19, 2010.

**H.B. 1586** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY.

The Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**S.B. 700** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY, for concurrence in the House Committee Substitute bill No. 3, upon third reading.

Upon motion of Senator Rand, the Senate concurs in the House Committee Substitute bill No. 3 on its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---42.

Voting in the negative: None.

The House Committee Substitute bill No. 3 is ordered enrolled and sent to the Governor by special message.

**S.B. 777** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, TO PROHIBIT INTEGRATED WHOLESALE DEALERS FROM SELLING, BORROWING, LOANING, OR

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EXCHANGING NON-TAX-PAID TOBACCO PRODUCTS OTHER THAN CIGARETTES TO, FROM, OR WITH OTHER INTEGRATED WHOLESALE DEALERS, AND TO REQUIRE PERSONS TRANSPORTING OTHER TOBACCO PRODUCTS TO FILE A SHIPPING REPORT WITH THE SECRETARY OF REVENUE, for concurrence in the House Committee Substitute bill, upon third reading.

*Without objection, Senator Brunstetter requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.*

Upon motion of Senator Garrou, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Blake, Blue, Brock, Brown, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---41.

Voting in the negative: Senator Berger of Rockingham---1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

**S.B. 860** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS, for concurrence in the House Committee Substitute bill No. 2, 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 43, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

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. 1029** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS, AND TO CLARIFY THE APPLICATION OF TAX CREDITS AND OTHER INCENTIVES TO PROFESSIONAL EMPLOYER ORGANIZATIONS, for concurrence in the House Committee Substitute bill No. 3, upon third reading.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 3 on its third reading, by roll-call vote, ayes 43, noes 0, as follows:

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Voting in the affirmative: Senators Albertson, Allran, Apodaca, Basnight, Berger of Franklin, Berger of Rockingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Dorsett, East, Forrester, Garrou, Goodall, Goss, Hartsell, Hoyle, Hunt, Jacumin, Jenkins, Jones, Kinnaird, McKissick, Nesbitt, Preston, Purcell, Queen, Rand, Rouzer, Rucho, Snow, Soles, Stein, Swindell, Tillman, Vaughan and Weinstein---43.

Voting in the negative: None.

The House Committee Substitute bill No. 3 is ordered enrolled and sent to the Governor by special message.

**S.B. 203** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Berger of Franklin, the Senate fails to concur in the House Committee Substitute bill No. 2 (0-43).

Senator Berger of Franklin offers a motion that the Senate appoint conferees, which motion prevails.

**S.B. 425** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE PLAN REVIEW AND INSPECTION PROCESS FOR STATE BUILDINGS BY TRANSFERRING THE AUTHORITY FOR BUILDING CODE ENFORCEMENT WITH RESPECT TO STATE BUILDINGS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY TRANSFERRING FOUR CODE ENFORCEMENT POSITIONS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY CREATING FOUR CODE ENFORCEMENT POSITIONS IN THE DEPARTMENT OF ADMINISTRATION; AND TO CONTINUE THE SECRETARY OF ADMINISTRATION'S AUTHORITY TO APPOINT MEMBERS TO THE BOARD OF AWARDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Kinnaird, the Senate concurs in the House Committee Substitute bill (37-6) and the bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 563** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Davis, the Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 838** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS; AND (10) DELAY THE EFFECTIVE DATES FOR LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS TO JULY 1, 2010, 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 (42-1) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 884** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE, for concurrence in the House Committee Substitute bill No. 2.

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Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill No. 2 (43-0) 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:

**H.B. 473**, AN ACT TO PROVIDE THAT A MAGISTRATE WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY OR POSSESS A CONCEALED HANDGUN WHILE IN A COURTHOUSE TO DISCHARGE OFFICIAL DUTIES.

### CALENDAR *(continued)*

**S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

Upon motion of Senator Hoyle, the President orders, without objection, the House Committee Substitute bill No. 2 temporarily displaced.

**S.B. 984** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, 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.

**S.B. 1007** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 1020** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY

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THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

Upon motion of Senator Stein, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

**S.B. 1057** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Dorsett, the Senate concurs in the House Committee Substitute bill (42-1) and the bill is ordered enrolled and sent to the Governor by special message.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**S.B. 203** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 203 earlier today and the motion by Senator Berger of Franklin to appoint conferees having prevailed, Senator Dannelly, Deputy President *Pro Tempore*, announces the appointment of Senator Berger of Franklin, Chair, Senator Snow and Senator Vaughan 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 12:02 P.M. subject to receipt of committee reports and conference reports for the purpose of a Judiciary I Committee meeting to reconvene at 12:30 P.M.

#### **RECESS**

#### **REPORTS OF COMMITTEES**

A standing committee report is submitted as follows:

By Senator Nesbitt for the **Judiciary I Committee**:

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**H.B. 926** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE, with a favorable report.

Upon motion of Senator Nesbitt, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**S.B. 563**, AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA.

### SUPPLEMENTAL CALENDAR

Bills on today's Supplemental Calendar are taken up and disposed of, as follows:

**H.B. 530** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN INCENTIVE FOR INVESTING IN CAPITAL FACILITIES IN THE LIFE SCIENCES IN THIS STATE.

The Senate Committee Substitute bill passes its second reading (37-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

**H.B. 884** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

Senator Jenkins offers Amendment No. 1 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (38-5) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 926** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A

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REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE.

The Committee Substitute bill No. 2 passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

**H.J.R. 1517**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP, placed earlier on today's Calendar.

The joint resolution passes its second reading (43-0) and, without objection, is read a third time and passes its third reading with members standing and is ordered enrolled.

**S.B. 220** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN 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.

Upon motion of Senator Hartsell, 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.

**S.B. 262** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, AND TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Berger of Franklin, the Senate concurs in the House Committee Substitute bill No. 2 (43-0) and the bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 631** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

**S.B. 943** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Garrou, the Senate concurs in the House Committee Substitute bill (25-18) and the bill is ordered enrolled and sent to the Governor by special message.

**S.B. 631** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT, temporarily displaced earlier today, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, 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. 968** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES, for concurrence in House Amendments No. 1, 2, and 3.

Upon motion of Senator Queen, the Senate concurs in House Amendments No. 1, 2, and 3 (42-0) and the bill is ordered enrolled and sent to the Governor by special message.

**H.B. 291** (Conference Report), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, for adoption.

Upon motion of Senator Rand, the Conference Report is withdrawn from today's Calendar and re-referred to the conference committee.

**H.B. 1329** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES, for adoption.

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Upon motion of Senator Nesbitt, the Senate adopts the Conference Report (27-16).

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 7, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 203** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO INDIVIDUALS WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION, and requests conferees, Speaker Hackney appoints:

Representative Dollar

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following special message is received from the House of Representatives:

House of Representatives  
August 7, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Spear and E. Warren have been added as conferees to Senate Committee Substitute for **H.B. 589** (Committee Substitute

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No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **DISMISSAL OF CONFEREES**

**H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP.

Senator Rand announces that the Senate Conferees appointed on August 5 to resolve the differences in the Senate Committee Substitute bill No. 2 are hereby dismissed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

Pursuant to the dismissal of conferees for **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, earlier today, Senator Dannelly announces that the following new conferees are appointed: Senator Garrou, Chair; Senator Berger of Franklin; Senator East; and Senator Rand. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### **SUPPLEMENTAL CALENDAR** *(continued)*

**S.B. 914** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS, temporarily displaced earlier today, for concurrence in the House Committee Substitute bill No. 2.

*Without objection, Senator Brown and Senator Rand request to be excused from voting on the House Committee Substitute bill No. 2 due to a conflict of interest.*

Upon motion of Senator Hoyle, the Senate concurs in the House Committee Substitute bill No. 2 (39-0) and the bill is ordered enrolled and sent to the Governor by special message.

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**S.B. 1020** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, temporarily displaced earlier today.

Upon motion of Senator Rand, the President orders, without objection, the House Committee Substitute bill temporarily displaced.

The Senate recesses at 1:30 P.M. subject to receipt of conference reports for the purpose of a Finance Committee meeting to reconvene at 2:30 P.M.

### RECESS

### CONFERENCE REPORT

Senator Berger of Franklin, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 203** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, 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 203, A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING

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THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, House Committee Substitute #2 Favorable 8/6/09, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 8/6/09, and the Senate concurs in the House Committee Substitute as amended:

On page 1, line 11, by rewriting that line to read:

"DISPLAYED, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO A PERSON WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION."

And on page 2, lines 11-12, by rewriting those lines to read:

"**SECTION 3.** G.S. 20-37.7(d) reads as rewritten:

'(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who is legally blind, is at least 70 years old, ~~or is homeless~~, is homeless, or who has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.'

**SECTION 4.** Sections 1 and 2 of this act become effective January 1, 2010, and apply to placards that are issued or renewed on or after that date. The remainder of this act is effective when it becomes law."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 7, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Doug Berger	S/Nelson Dollar
S/John Snow	
S/Don Vaughan	

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The Conference Report, which changes the title, is placed on today's Calendar, for adoption.

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hoyle for the **Finance Committee**:

**H.B. 1490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND CERTAIN PERMITS AND APPROVALS AFFECTING THE PHYSICAL DEVELOPMENT OF REAL PROPERTY LOCATED WITHIN THE STATE OF NORTH CAROLINA, THEREBY SUPERSEDING ALL STATUTORY AND REGULATORY REQUIREMENTS TO THE CONTRARY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80508, which changes the title upon concurrence to read **H.B. 1490** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS, is adopted and engrossed.

Upon motion of Senator Hoyle, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

### CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 578** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES, 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 578, A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO REVISE THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES, Senate Judiciary II Committee Substitute #2 Adopted 8/3/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Judiciary II Committee Substitute, Senate Judiciary II Committee Substitute #2 Adopted 8/3/09, and the House concurs in the Senate Judiciary II Committee Substitute as amended:

On page 1, line 8, by deleting the word "REVISE" and substituting "CLARIFY";

and on page 1, lines 28-34, and page 2, lines 1-14, by rewriting the lines to read:

**"SECTION 2.** G.S. 46-22 reads as rewritten:

**'§ 46-22. Sale in lieu of partition.**

(a) Subject to G.S. 46-22.1(b), the ~~The~~ court shall order a sale of the property described in the petition, or of any part, only if it finds, by a preponderance of the evidence, that an actual partition of the lands cannot be made without substantial injury to any of the interested ~~parties~~ parties, after having considered evidence in favor of actual partition and evidence in favor of a sale presented by any of the interested parties.

(b) In determining whether an actual partition would cause ~~"Substantial"~~ substantial injury" to any of the interested parties, the court shall consider the following:

(1) Whether ~~means~~ the fair market value of each cotenant's share in an ~~in-kind partition~~ actual partition of the property would be materially less than the ~~share of amount~~ share of amount each cotenant ~~in the money equivalent that would be obtained~~ would receive from the sale of the ~~whole,~~ whole.

(2) Whether ~~and if an in-kind division~~ actual partition would result in material impairment of ~~the any~~ the any cotenant's rights.

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(b1) The court, in its discretion, shall consider the remedy of owelty where such remedy can aid in making an actual partition occur without substantial injury to the parties.

(c) The court shall ~~specifically find the facts~~ make specific findings of fact and conclusions of law supporting an order of sale of the property.

(d) The party seeking a sale of the property shall have the burden of proving substantial injury under the provisions of this section."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 7, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Fletcher L. Hartsell, Jr., Chair	Angela R. Bryant, Chair
S/Austin M. Allran	Bill Faison
S/Joe Sam Queen	Lucy T. Allen
	Henry M. Michaux, Jr.
	Pat B. Hurley
	Larry D. Hall

The Conference Report, which changes the title, is placed on today's Calendar for adoption.

The Senate recesses at 2:42 P.M. for the purpose of a Judiciary II Committee meeting to reconvene at 2:44 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### CONFERENCE REPORT

Senator Clodfelter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION

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OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES, 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 908, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING

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BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES, Senate Judiciary I Committee Substitute Adopted 7/30/09 Fifth Edition Engrossed 8/6/09, submit the following report:

The House and Senate agree to the following amendments and the House concurs in the Senate Judiciary I Committee Substitute Adopted 7/30/09, Fifth Edition Engrossed 8/6/09, as amended:

On page 12, line 31 through page 13, line 12 by rewriting those lines to read:

**"SECTION 23.** G.S. 163-227.2(g) reads as rewritten:

"(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county.

(g1) The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds

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that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board elections received a response to the request, the matter shall be resolved by the State Board of Elections."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 7, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Daniel G. Clodfelter, Chair	S/Grier Martin, Chair
S/William R. Purcell	S/Verla Insko
S/David W. Hoyle	S/Angela R. Bryant
	S/Paul Stam

The Conference Report is placed on today's Calendar, for adoption.

## REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Hartsell for the **Judiciary II Committee**:

**H.B. 191**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS IN THE GENERAL STATUTES AS REQUESTED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

August 7, 2009

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50798, which changes the title upon concurrence to read **H.B. 191** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE GENERAL STATUTES, is adopted and engrossed.

Upon motion of Senator Hartsell, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

*The Chair grants leaves of absence for the remainder of today's session to Senator Apodaca, Senator Goss, Senator Jacumin, Senator Rucho, and Senator Tillman.*

#### **DISMISSAL OF CONFEREES**

**H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP.

Upon motion of Senator Garrou, the second conferees appointed to resolve the differences in the Senate Committee Substitute No. 2 are dismissed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

Pursuant to the dismissal of conferees for **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, earlier today, Senator Dannelly announces that the following conferees are appointed: Senator Garrou, Chair, Senator Rand, 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.

#### **CONFERENCE REPORT**

Senator Garrou, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 291** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, re-submits for adoption the following report:

To:           The President of the Senate  
              The Speaker of the House of Representatives

August 7, 2009

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 291, A BILL TO BE ENTITLED AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE AND TO ALLOW BARBERS TO ENGAGE IN BARBERING OUTSIDE OF A BARBER SHOP, Senate Finance Committee Substitute Adopted 7/23/09, Sixth Edition Engrossed 7/30/09, re-submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 7/23/09, Sixth Edition Engrossed 7/30/09, and the House concurs in the Senate Finance Committee Substitute as amended:

On page 1, lines 3-4, by rewriting the lines the read:

"PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.";

And on page 7, lines 3-9, by rewriting the lines to read:

**"SECTION 14.** Section 1.2 of this act is effective when it becomes law. The remainder of this act becomes effective July 1, 2010, and applies to acts occurring on or after that date."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: August 6, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Linda Garrou, Chair	S/Earline W. Parmon, Chair
S/Tony Rand	S/Larry Womble
S/A. B. Swindell	S/Carolyn H. Justice

The Conference Report, which changes the title, is placed on today's Calendar for immediate consideration.

Upon motion of Senator Garrou, the Senate adopts the Conference Report (33-4).

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 McKissick.*

#### **SUPPLEMENTAL CALENDAR** *(continued)*

**H.B. 1490** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS, placed earlier on today's Calendar.

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*Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.*

The Senate Committee Substitute bill passes its second reading (33-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

### CONFERENCE REPORT

Senator Purcell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS, 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 589, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS AND THE STATE HEALTH PLAN TO COVER HEARING AIDS AND REPLACEMENT HEARING AIDS; AND TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE COVERAGE FOR AUTISM TREATMENT DISORDERS, Senate Appropriations/Base Budget Committee Substitute Adopted 8/5/09, submit the following report:

The House and Senate agree to the following amendments to the Senate Appropriations/Base Budget Committee Substitute, Senate Appropriations/Base Budget Committee Substitute Adopted 8/5/09, and the House concurs in the Senate Appropriations/Base Budget Committee Substitute as amended:

On page 2, lines 19 through 24, by rewriting those lines to read:

"of twenty-five thousand dollars (\$25,000) per Plan year. Coverage under this section shall not exceed ten million dollars (\$10,000,000) per Plan year. Payments made by the Plan on"

And on page 3, lines 17 and 18, by deleting "January 1, 2010" on line 17 and substituting "July 1, 2010", and by deleting "March 1, 2010" on line 18 and substituting "July 1, 2010".

The conferees recommend that the Senate and the House of Representatives adopt this report.

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Date Conferees approved report: August 7, 2009.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Linda Garrou	Bob England, M.D., Chair
S/Tony Rand	S/Henry M. Michaux, Jr.
S/William R. Purcell	S/Hugh Holliman
	S/Jeff Barnhart
	S/Edith D. Warren
	S/Timothy L. Spear

Upon motion of Senator Purcell, the rules are suspended and the Conference Report is placed on today's Supplemental Calendar for adoption.

Upon motion of Senator Purcell, 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.

#### **SUPPLEMENTAL CALENDAR** *(continued)*

**H.B. 908** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

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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.

**H.B. 578** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO CLARIFY THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (35-1).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 3:01 P.M. for the purpose of an Appropriations/Base Budget Committee meeting to reconvene at 3:06 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Dannelly for the **Appropriations/Base Budget Committee**:

**H.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF REMOVING, DESTROYING, OR CIRCUMVENTING THE OPERATION OF AN ELECTRONIC MONITORING DEVICE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11041, which changes the title upon concurrence to read **H.B. 836** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009, is adopted and engrossed.

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Upon motion of Senator Dannelly, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calendar.

**SUPPLEMENTAL CALENDAR** (*continued*)

**S.B. 1020** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS, temporarily displaced earlier today, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (36-0) and the bill is ordered enrolled and sent to the Governor, by special message.

**S.B. 203** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO A PERSON WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION, placed earlier on today's Calendar for adoption.

Upon motion of Senator Berger of Franklin, 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:

August 7, 2009

House of Representatives  
August 7, 2009

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 982** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SMALL BUSINESS ASSISTANCE ACT OF 2009 AND TO ESTABLISH THE SMALL BUSINESS JOBS PRESERVATION FUND IN THE OFFICE OF STATE BUDGET AND MANAGEMENT WITH RELATED PROGRAMS COORDINATED BY A TECHNICAL ASSISTANCE PROVIDER, and requests conferees, Speaker Hackney appoints:

Representative Dickson, Chair  
Representative Martin,  
Representative Mobley,  
Representative Parmon, and  
Representative Dollar

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

#### **SUPPLEMENTAL CALENDAR** *(continued)*

**H.B. 191** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE GENERAL STATUTES, placed earlier on today's Calendar.

Senator Blue offers Amendment No. 1 which is adopted (36-0).

Senator Nesbitt offers Amendment No. 2 which is adopted (36-0), and changes the title upon concurrence to read **H.B. 191** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE A CLARIFYING CHANGE TO THE GENERAL STATUTES AND SESSION LAWS.

Senator Clodfelter offers Amendment No. 3 which is adopted (35-0).

The Senate Committee Substitute bill, as amended, passes its second reading (36-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

**H.B. 836** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009, placed earlier on today's Calendar.

August 7, 2009

Senator Garrou offers Amendment No. 1 which is adopted (35-0).

Senator Dorsett offers Amendment No. 2 which she subsequently withdraws.

Upon motion of Senator Rand, the President orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

The Senate recesses at 3:42 P.M. for the purpose of a Rules and Operations of the Senate Committee meeting to reconvene at 3:47 P.M.

### RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Marc Basnight, President *Pro Tempore*.

### REPORTS OF COMMITTEES

A standing committee report is submitted as follows:

By Senator Rand for the **Rules and Operations of the Senate Committee:**

**H.B. 596**, A BILL TO BE ENTITLED AN ACT DESIGNATING APRIL AS WOODWORKING MONTH IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill as amended by Committee Amendment No. 1 and No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50799, which changes the title upon concurrence to read **H.B. 596** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSED BARBERS TO PRACTICE BARBERING IN A CLIENT'S HOME, is adopted and engrossed. Committee Amendments No. 1 and No. 2 are 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 reading (35-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence.

### SUPPLEMENTAL CALENDAR *(continued)*

**H.B. 836** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009, as amended and temporarily displaced earlier today.

Senator Nesbitt offers Amendment No. 3 which is adopted (34-2).

The Senate Committee Substitute bill, as amended, passes its second reading (24-12) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence.

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Upon motion of Senator Dannelly, seconded by Senator Queen, the Senate adjourns at 3:55 P.M. subject to receipt of messages from the House of Representatives and ratification of bills to meet Tuesday, August 11, at 1:00 P.M.

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## ONE-HUNDRED AND TWELFTH DAY

Senate Chamber  
Tuesday, August 11, 2009

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Lin Carter, Associate Minister, First Baptist Church, Raleigh, North Carolina as follows:

"Great God, as this legislative session comes to an end, I ask that you would bless those all who work in and with the Senate with a sense of pride and accomplishment. As the laws that have been passed become reality for the people of this State, I ask that you would work through those laws and through each of us to fulfill your perfect will in the world. Amen."

Senator Rouzer announces that the Journal of Friday, August 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.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives  
August 10, 2009

Mr. 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. 203** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED

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OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO A PERSON WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION.

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. 203 on Friday, August 7, 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 10, 2009

Mr. 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. 643** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

August 11, 2009

Pursuant to the Senate having adopted the Conference Report for S.B. 643 on Thursday, August 6, 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 10, 2009

Mr. 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. 578** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO CLARIFY THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

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 10, 2009

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 817**

August 11, 2009

(Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES.

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 10, 2009

Mr. 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. 908** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDING OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT

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RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

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 10, 2009

Mr. 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. 1329** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

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  
Monday, August 10, 2009

August 11, 2009

Mr. 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. 274**, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. On motion of Rep. Grier Martin the House has concurred.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

Upon motion of Senator Blue, seconded by Senator Swindell, the Senate adjourns subject to ratification of bills, to meet Wednesday, May 12, 2010, at 12:00 Noon.

### ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 220**, AN ACT TO MAKE TECHNICAL CORRECTIONS IN 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. 262**, AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, AND TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY.

**S.B. 425**, AN ACT TO STREAMLINE THE PLAN REVIEW AND INSPECTION PROCESS FOR STATE BUILDINGS BY TRANSFERRING THE AUTHORITY FOR BUILDING CODE ENFORCEMENT WITH RESPECT TO STATE BUILDINGS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY

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TRANSFERRING FOUR CODE ENFORCEMENT POSITIONS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY CREATING FOUR CODE ENFORCEMENT POSITIONS IN THE DEPARTMENT OF ADMINISTRATION; AND TO CONTINUE THE SECRETARY OF ADMINISTRATION'S AUTHORITY TO APPOINT MEMBERS TO THE BOARD OF AWARDS.

**S.B. 631**, AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT.

**S.B. 700**, AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY.

**S.B. 777**, AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, TO PROHIBIT INTEGRATED WHOLESALE DEALERS FROM SELLING, BORROWING, LOANING, OR EXCHANGING NON-TAX-PAID TOBACCO PRODUCTS OTHER THAN CIGARETTES TO, FROM, OR WITH OTHER INTEGRATED WHOLESALE DEALERS, AND TO REQUIRE PERSONS TRANSPORTING OTHER TOBACCO PRODUCTS TO FILE A SHIPPING REPORT WITH THE SECRETARY OF REVENUE.

**S.B. 838**, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL

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STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS; AND (10) DELAY THE EFFECTIVE DATES FOR LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS TO JULY 1, 2010.

**S.B. 860**, AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS.

**S.B. 884**, AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE.

**S.B. 914**, AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS.

**S.B. 943**, AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

**S.B. 968**, AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES.

**S.B. 984**, AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS.

**S.B. 1007**, AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT.

**S.B. 1020**, AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING

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THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

**S.B. 1029**, AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS, AND TO CLARIFY THE APPLICATION OF TAX CREDITS AND OTHER INCENTIVES TO PROFESSIONAL EMPLOYER ORGANIZATIONS.

**S.B. 1057**, AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS.

**H.B. 926**, AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE.

**H.B. 1151**, AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES.

**H.B. 1586**, AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY.

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. 79**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE TO ELIMINATE THE STAGGERING OF TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS.

**H.J.R. 1517**, A JOINT RESOLUTION RECOGNIZING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S

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BASKETBALL TEAM FOR AN OUTSTANDING SEASON CULMINATING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP. (Res. 31)

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**H.B. 291**, AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.

**S.B. 488**, AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT.

**S.B. 489**, 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.

**S.B. 898**, AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES.

**H.B. 12**, AN ACT TO CLARIFY PROVISIONS APPLICABLE TO FUNDS USED IN REPAYMENT OF GARVEE BONDS.

**H.B. 104**, AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY.

**H.B. 148**, AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING.

**H.B. 191**, AN ACT TO MAKE A CLARIFYING CHANGE TO THE GENERAL STATUTES AND SESSION LAWS.

**H.B. 274**, AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

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**H.B. 596**, AN ACT TO ALLOW LICENSED BARBERS TO PRACTICE BARBERING IN A CLIENT'S HOME.

**H.B. 667**, AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO SELL UNFORTIFIED WINE AT A NON-CAMPUS LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB TO INCLUDE CERTAIN EQUESTRIAN CENTERS.

**H.B. 709**, AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF A TERMINAL GROIN AS AN EROSION CONTROL DEVICE.

**H.B. 752**, AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, AND TO PROHIBIT LOBBYISTS FROM SERVING ON THE NORTH CAROLINA STATE HEALTH COORDINATING COUNCIL.

**H.B. 806**, AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS.

**H.B. 836**, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009.

**H.B. 884**, AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND.

**H.B. 889**, AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR DEATH BY MOTOR VEHICLE FROM A CLASS 1 MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

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**H.B. 945**, AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

**H.B. 1002**, AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES.

**H.B. 1111**, AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; TO MAKE A CHANGE TO THE PROCEDURE FOR ALLOCATING MONEY IN THE POLITICAL PARTIES FINANCING FUND; AND TO MAKE OTHER TECHNICAL CHANGES.

**H.B. 1166**, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, TO REQUIRE AN INSURER TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, AND TO MAKE OTHER CHANGES.

**H.B. 1261**, AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER-BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A MISDEMEANOR.

**H.B. 1313**, AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS.

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**H.B. 1387**, AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS.

**H.B. 1474**, AN ACT REQUIRING "CREDIT EDUCATION" FOR ALL STUDENTS.

**H.B. 1490**, AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS.

**H.B. 1637**, AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES.

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. 535**, AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM.

**S.B. 553**, AN ACT TO INCORPORATE THE TOWN OF SWANNANOA, SUBJECT TO A REFERENDUM.

**H.B. 465**, AN ACT TO ALLOW THE CITY OF RALEIGH TO EXTEND AN ECONOMIC DEVELOPMENT DEADLINE FOR THE CONSTRUCTION OF ECONOMIC DEVELOPMENT PROJECTS.

**H.B. 921**, AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON.

**S.J.R. 1100**, A JOINT RESOLUTION DECLARING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MEN'S BASKETBALL TEAM A NORTH CAROLINA INSTITUTION AND CONGRATULATING THEM ON SIGNIFICANT ACCOMPLISHMENTS RESULTING IN THE 2009 NCAA DIVISION I CHAMPIONSHIP. (Res. 32)

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**H.B. 764**, 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 bills duly ratified for presentation to the Governor:

**H.B. 578**, AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO CLARIFY THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES.

**H.B. 817**, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES.

**H.B. 908**, AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN

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ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES.

**H.B. 1329**, AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES.

**S.B. 203**, AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO A PERSON WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION.

**S.B. 643**, AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS.

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. 1109**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 2009 GENERAL ASSEMBLY TO MEET IN 2010 AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION. (Res. 33)

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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. 107**, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE OYSTER AND HARD CLAM FISHERY MANAGEMENT PLAN, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-433.)

**H.B. 819**, AN ACT TO ESTABLISH THE POLYSOMNOGRAPHY PRACTICE ACT. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-434.)

**S.B. 802**, AN ACT TO PROVIDE THAT A NONPROFIT COMMUNITY HEALTH REFERRAL SERVICE THAT REFERS LOW-INCOME PATIENTS TO PHYSICIANS FOR FREE SERVICES IS NOT LIABLE FOR THE ACTS OR OMISSIONS OF THE PHYSICIAN IN RENDERING SERVICE TO THAT PATIENT, IF THE PHYSICIAN MAINTAINS PROFESSIONAL LIABILITY COVERAGE FOR THAT SERVICE. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-435.)

**S.B. 698**, AN ACT REQUIRING THAT CITIES, COUNTIES, SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES GIVE ELECTRONIC NOTICE OF THE IMPOSITION OF CERTAIN NEW FEES AND INCREASES IN CERTAIN EXISTING FEES AND AN OPPORTUNITY TO BE HEARD WHEN THE IMPOSITION OR INCREASE OF THOSE FEES IS CONSIDERED. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-436.)

**S.B. 929**, AN ACT TO AMEND REQUIREMENTS APPLICABLE TO MOTIONS TO SET ASIDE BAIL BOND FORFEITURES AND CLARIFY SANCTIONS THAT MAY BE IMPOSED IN CONJUNCTION WITH SUCH MOTIONS; AND TO PROVIDE THAT A COURT MAY NOT SET ASIDE A BAIL BOND FORFEITURE IF, BEFORE EXECUTING THE BOND, THE SURETY OR BAIL AGENT HAD ACTUAL NOTICE OF A DEFENDANT'S FAILURE TO APPEAR ON TWO OR MORE PRIOR OCCASIONS IN THE CASE FOR WHICH THE BOND WAS EXECUTED. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-437.)

**S.B. 628**, AN ACT TO CHANGE THE REPORTING FORMAT FOR DATA ON CONTROLLED SUBSTANCES TRANSMITTED BY DISPENSERS TO THE DEPARTMENT, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO RELEASE CONFIDENTIAL DATA IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM TO THE CHIEF MEDICAL EXAMINER AND

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COUNTY MEDICAL EXAMINERS FOR THE PURPOSE OF INVESTIGATING DEATHS, AND TO MAKE CHANGES PERTAINING TO CONFIDENTIALITY OF PRESCRIPTION INFORMATION. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-438.)

**S.B. 600**, AN ACT TO REQUIRE A DEMONSTRATION OF LACK OF PRUDENT AND FEASIBLE ALTERNATIVE IN ORDER FOR PUBLIC CONDEMNORS TO CONDEMN PROPERTY ENCUMBERED BY A CONSERVATION EASEMENT. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-439.)

**S.B. 660**, AN ACT TO PROVIDE AN ALTERNATIVE METHOD OF DETERMINING PROPERTY DAMAGES AS A PART OF MOTOR VEHICLE LIABILITY INSURANCE. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-440.)

**H.B. 1057**, AN ACT TO ABOLISH DEFICIENCY JUDGMENTS IN CERTAIN CASES WHERE THE MORTGAGE IS SECURED BY PRIMARY RESIDENCE. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-441.)

**S.B. 345**, AN ACT TO ADD PUBLIC HEALTH PREPAREDNESS AND QUALITY IMPROVEMENT TO THE LIST OF ESSENTIAL PUBLIC HEALTH SERVICES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND DISASTER MANAGEMENT RECOVERY. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-442.)

**S.B. 834**, AN ACT REWRITING THE LAWS REGULATING SANITARIANS AND AUTHORIZING THE STATE BOARD OF SANITARIAN EXAMINERS TO IMPOSE AN APPLICATION FEE, AND TO INCREASE CERTAIN FEES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-443.)

**S.B. 606**, AN ACT TO ESTABLISH A PROCEDURE FOR PROVIDING NOTICE TO CREDITORS WITHOUT ESTATE ADMINISTRATION WHEN A DECEDENT DIES LEAVING NO PROPERTY SUBJECT TO PROBATE AND TO MAKE A TECHNICAL CORRECTION TO THE PROVISION PROVIDING FOR COSTS IN THE ADMINISTRATION OF ESTATES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-444.)

**S.B. 509**, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-445.)

**H.B. 1481**, AN ACT TO TRANSFER THE STATE ENERGY OFFICE FROM THE DEPARTMENT OF ADMINISTRATION TO THE

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DEPARTMENT OF COMMERCE, TO TRANSFER THE RESIDENTIAL ENERGY CONSERVATION ASSISTANCE PROGRAM FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE ENERGY OFFICE OF THE DEPARTMENT OF COMMERCE, AND TO MAKE VARIOUS CHANGES TO THE ENERGY POLICY ACT OF 1975. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-446.)

**H.B. 951**, AN ACT TO ALLOW THE COUNTY BOARD OF COMMISSIONERS TO APPOINT A LICENSED OPTOMETRIST FROM ANOTHER COUNTY TO THE COUNTY BOARD OF HEALTH UNDER CERTAIN CIRCUMSTANCES AND TO ABOLISH THE STATE BOARD OF OSTEOPATHIC EXAMINATION AND REGISTRATION. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-447.)

**S.B. 780**, AN ACT TO EXPAND COVERAGE UNDER THE INSURANCE GUARANTY ASSOCIATION WITH RESPECT TO STRUCTURED SETTLEMENT ANNUITIES FOR MATTERS INVOLVING PERSONAL INJURY OR ILLNESS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-448.)

**H.B. 406**, AN ACT TO AUTHORIZE THE DEPARTMENT OF JUSTICE AND THE WILDLIFE RESOURCES COMMISSION TO DEVELOP JOINTLY A PLAN FOR CONSTRUCTION OF A FIRING RANGE FOR USE BY CRIMINAL JUSTICE OFFICERS ATTENDING THE WESTERN JUSTICE ACADEMY, LAW ENFORCEMENT OFFICERS OF THE WILDLIFE RESOURCES COMMISSION, AND OTHERS, AND FOR A FIRING AND ARCHERY RANGE OPEN AND ACCESSIBLE FOR PUBLIC USE; AND TO PROVIDE THAT ANY FIRING RANGE CONSTRUCTED ON THE GROUNDS OF THE LARRY T. JUSTUS WESTERN JUSTICE ACADEMY SHALL BE AN INDOOR FACILITY. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-449.)

**H.B. 1172**, AN ACT TO ENACT THE BASE SALARY SCHEDULE FOR SCHOOL-BASED ADMINISTRATORS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-450.)

**S.B. 202**, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-451.)

**S.B. 851**, AN ACT TO ALLOW DISTRICT COURTS TO SUPERVISE DEFENDANTS CONVICTED IN SUPERIOR COURT WHO ARE ASSIGNED TO DRUG TREATMENT COURTS OR THERAPEUTIC COURTS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-452.)

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**S.B. 1028**, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ENCOURAGE COMMUNITY ACADEMIC BOOSTER ORGANIZATIONS, SUCH AS COMMUNITY ACHIEVEMENT NETWORK – DEVELOPING OUR EDUCATIONAL RESOURCES (CAN DOER) ORGANIZATIONS, TO SUPPORT STUDENT ACADEMIC ACHIEVEMENT, TO DEVELOP POLICIES APPROVING USE OF VOLUNTEER ORGANIZATIONS AND INDIVIDUAL VOLUNTEERS, AND TO DEVELOP POLICIES TO MAKE INFORMATION ON TUTORING AND ACADEMIC SUPPORT SERVICES AVAILABLE TO PARENTS AND STUDENTS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-453.)

**S.B. 405**, AN ACT TO ASSIST COUNTIES AND THE DEPARTMENT OF REVENUE IN OBTAINING ACCURATE REAL PROPERTY SALES INFORMATION NEEDED FOR PROPERTY TAX APPRAISALS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-454.)

**H.B. 1103**, AN ACT TO UPDATE THE SEED LAW AND TO INCREASE FEES FOR SEED DEALER LICENSES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-455.)

**H.B. 67**, AN ACT TO PROHIBIT THE COVERING OF THE STATE NAME, YEAR STICKER, OR MONTH STICKER ON A STATE LICENSE PLATE BY A LICENSE PLATE FRAME AND TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE AND THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE AUTHORIZATION OF SPECIAL REGISTRATION PLATES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-456.)

**H.B. 1222**, AN ACT TO UPDATE THE RATE SPREAD AND HIGH-COST HOME LOANS STATUTES, AND TO MAKE A CONFORMING CHANGE TO THE EMERGENCY PROGRAM TO REDUCE HOME FORECLOSURES ACT. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-457.)

**H.B. 1411**, AN ACT TO DIRECT OCCUPATIONAL LICENSING BOARDS TO ADOPT RULES TO POSTPONE OR WAIVE CONDITIONS OF LICENSURE FOR CERTAIN INDIVIDUALS SERVING IN THE ARMED FORCES. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-458.)

**H.B. 121**, AN ACT TO ALLOW ALL UNITS OF LOCAL GOVERNMENT TO REGULATE GOLF CARTS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-459.)

**H.B. 1098**, AN ACT TO PROVIDE THE SAME PROTECTIONS TO SEARCH AND RESCUE ANIMALS AS THOSE PROVIDED TO LAW

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ENFORCEMENT AGENCY ANIMALS AND ANIMALS THAT ASSIST THE DISABLED. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-460.)

**S.B. 69**, AN ACT TO MAKE CERTAIN PARTS OF A RULE ADOPTED BY THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY RELATING TO ROTATION WRECKER SERVICES VOID AND UNENFORCEABLE AND TO DIRECT THE SECRETARY TO ADOPT RULES CONSISTENT WITH THIS ACT AND TO AMEND THE DUTIES OF THE HIGHWAY PATROL. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-461.)

**H.B. 456**, AN ACT TO MAKE TECHNICAL AND ORGANIZATIONAL CHANGES TO THE LAW REGARDING THE LICENSURE AND INSPECTION OF FACILITIES FOR AGED AND DISABLED INDIVIDUALS. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-462.)

**S.B. 1091**, AN ACT TO AMEND THE LAW REGARDING TRAFFICKING IN METHAMPHETAMINE AND AMPHETAMINE TO CLARIFY THAT THE CHARGE OF TRAFFICKING IS BASED ON THE WEIGHT OF THE ENTIRE POWDER OR LIQUID MIXTURE RATHER THAN THE WEIGHT OF THE ACTUAL AMOUNT OF THE CONTROLLED SUBSTANCE IN THE POWDER OR LIQUID MIXTURE. (Became law upon approval of the Governor, August 7, 2009 - S.L. 2009-463.)

**S.B. 461**, AN ACT TO PROHIBIT SEEKING OR IMPOSING THE DEATH PENALTY ON THE BASIS OF RACE; TO ESTABLISH A PROCESS BY WHICH RELEVANT EVIDENCE MAY BE USED TO ESTABLISH THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY WITHIN THE COUNTY, THE PROSECUTORIAL DISTRICT, THE JUDICIAL DIVISION, OR THE STATE, TO IDENTIFY TYPES OF EVIDENCE THAT MAY BE CONSIDERED BY THE COURT WHEN CONSIDERING WHETHER RACE WAS A BASIS FOR SEEKING OR IMPOSING THE DEATH PENALTY, INCLUDING STATISTICAL EVIDENCE, AND TO AUTHORIZE THE DEFENDANT TO RAISE THIS CLAIM AT THE PRETRIAL CONFERENCE OR IN POSTCONVICTION PROCEEDINGS; TO PROVIDE THAT THE DEFENDANT HAS THE BURDEN OF PROVING THAT RACE WAS A SIGNIFICANT FACTOR IN SEEKING OR IMPOSING THE DEATH PENALTY AND TO PROVIDE THAT THE STATE MAY OFFER EVIDENCE TO REBUT THE CLAIMS OR EVIDENCE OF THE DEFENDANT AND IN DOING SO TO USE STATISTICAL EVIDENCE AS WELL AS ANY OTHER EVIDENCE THE COURT DEEMS RELEVANT AND MATERIAL; TO PROVIDE THAT IF RACE IS FOUND TO BE A SIGNIFICANT FACTOR IN THE IMPOSITION OF THE DEATH PENALTY, THE DEATH SENTENCE SHALL BE VACATED AND THE

August 11, 2009

DEFENDANT RESENTENCED TO LIFE IMPRISONMENT WITHOUT THE POSSIBILITY OF PAROLE; TO PROVIDE THAT THIS ACT IS EFFECTIVE WHEN IT BECOMES LAW AND APPLIES RETROACTIVELY, THAT MOTIONS UNDER THIS ACT FOR THOSE CURRENTLY UNDER A DEATH SENTENCE SHALL BE FILED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS ACT, AND THAT MOTIONS FOR THOSE WHOSE DEATH SENTENCE IS IMPOSED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE FILED AS PROVIDED IN THIS ACT. (Became law upon approval of the Governor, August 11, 2009 - S.L. 2009-464.)

**S.B. 79**, AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE TO ELIMINATE THE STAGGERING OF TERMS OF OFFICE FOR THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS. (Became law upon ratification, August 11, 2009 - S.L. 2009-465.)

**S.B. 535**, AN ACT TO INCORPORATE THE TOWN OF ARCHER LODGE, SUBJECT TO A REFERENDUM. (Became law upon ratification, August 11, 2009 - S.L. 2009-466.)

**S.B. 553**, AN ACT TO INCORPORATE THE TOWN OF SWANNANOVA, SUBJECT TO A REFERENDUM. (Became law upon ratification, August 11, 2009 - S.L. 2009-467.)

**H.B. 465**, AN ACT TO ALLOW THE CITY OF RALEIGH TO EXTEND AN ECONOMIC DEVELOPMENT DEADLINE FOR THE CONSTRUCTION OF ECONOMIC DEVELOPMENT PROJECTS. (Became law upon ratification, August 11, 2009 - S.L. 2009-468.)

**H.B. 921**, AN ACT TO AMEND THE TRAPPING LAWS IN DARE COUNTY AND TO REMOVE THE WARREN FIELD AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF WASHINGTON. (Became law upon ratification, August 11, 2009 - S.L. 2009-469.)

**H.B. 764**, 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 11, 2009 - S.L. 2009-470.)

Pursuant to Senator Blue's motion to adjourn having prevailed, the Senate adjourns at 1:31 P.M.

WALTER DALTON  
*President of the Senate*

JANET B. PRUITT  
*Principal Clerk*

August 11, 2009

**ADDENDUM**

**SENATE JOURNAL**

**FIRST SESSION**

**2009**





## EDITOR'S NOTES

A number of bills and resolutions passed second reading and were read a third time on the same day.

Rule 50 states:

No bill on its third reading shall be acted upon out of the regular order in which it stands on the calendar, and no bill shall be acted upon on its third reading the same day on which it passed its second reading, unless so ordered by two-thirds of the membership of the Senate present and voting.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended and this motion prevails by at least a two-thirds vote of the membership of the Senate present and voting, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time and remains before the Senate for further consideration.

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The phrase "without objection" 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.

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When a bill passes its second reading and remains on the Calendar for further consideration, unless indicated otherwise the measure is placed on the Calendar for the next legislative day in its regular order of business.

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Rule 20(2) of the House of Representatives requires that "*all measures affecting a fee imposed by the State or any subdivision thereof*" are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require the same, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the Presiding Officer.

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The Presiding Officer of the Senate rules in a number of instances that "*the bill does not require a call of the roll*" or "*requires a call of the roll.*" The ruling is made pursuant to the following citation which reads:

## North Carolina Constitution—Article II

*Sec. 23.—Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

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The numerical figures which appear within parentheses throughout the Senate Journal represent the affirmative and negative votes cast and recorded electronically, pursuant to Rule 25. Copies of the vote print-out are on file in the Legislative Library and the original is deposited in the Division of Archives and History of the Department of Cultural Resources.

Janet B. Pruitt  
*Principal Clerk*

\_\_\_\_\_

**VETO MESSAGE FROM THE GOVERNOR**

The following veto message and Proclamation of a reconvened session was received from Governor Beverly Eaves Perdue, on September 10, 2009.

**H.B. 104, AN ACT TO CLARIFY LEGISLATIVE CONFIDENTIALITY.**



STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE  
GOVERNOR

September 10, 2009

**GOVERNOR'S OBJECTIONS AND VETO MESSAGE**

*House Bill 104, "An act to clarify legislative confidentiality."*

This bill unnecessarily adds new restrictions on public access to documents and information.

Further, it unfairly and unequally subjects state employees to criminal penalties for performing their duties.

Therefore, I veto this bill.

  
Beverly Eaves Perdue

*This bill, having been vetoed, is returned to the Clerk of the North Carolina House of Representatives on this 10<sup>th</sup> day of September 2009 at 3:26p for reconsideration by that body.*

**RECEIVED**

SEP 10 2009

MA 4:45pm

SEP 11 2009

MCA

LOCATION: 116 WEST JONES STREET • RALEIGH, NC • TELEPHONE: (919) 733-5811  
WWW.GOVERNOR.STATE.NC.US



**PROCLAMATION OF RECONVENED SESSION**

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22 (7) the General Assembly shall reconvene on Friday, September 18<sup>th</sup>, 2009, at 1:00 a.m./p.m. to reconsider House Bill 104, "An act to clarify legislative confidentiality," which was vetoed on September 10, 2009.

Done in Raleigh, North Carolina, on September 10, 2009.




\_\_\_\_\_  
Beverly Eaves Perdue  
Governor

The following members of the Senate signed the following letter to Governor Purdue stating that a reconvened session is not necessary to consider the vetoed bill: Senator Charles W. Albertson, Senator Austin M. Allran, Senator Tom M. Apodaca, Senator Marc Basnight, Senator Philip Edward Berger, Senator Stan Bingham, Senator Harris Blake, Senator Daniel T. Blue, Senator Julia Boseman, Senator Harry Brown, Senator Peter S. Brunstetter, Senator Debbie A. Clary, Senator Charlie Smith Dannelly, Senator Donald Gene Davis, Senator Katie G. Dorsett, Senator Don W. East, Anthony (Tony) E. Foriest, Senator James Forrester, Senator Linda Garrou, Senator W. Edward (Eddie) Goodall, Senator Steve Goss, Senator Malcolm Graham, Senator Fletcher L. Hartsell, Senator David W. Hoyle, Senator Jim Jacumin, Senator S. Clark Jenkins, Senator Edward

Walter Jones, Senator Eleanor Kinnaird, Senator Floyd B. McKissick, Senator Martin L. Nesbitt Jr., Senator William R. Purcell, Senator Joe Sam Queen, Senator Tony Rand, Senator David Rouzer, Senator Larry Shaw, Senator John J. Snow, Senator R. C. Soles Jr., Senator Joshua H. Stein, Senator Richard Y. Stevens, Senator A. B. Swindell IV, and Senator Donald Vaughan.



NORTH CAROLINA GENERAL ASSEMBLY  
SENATE CHAMBER  
STATE LEGISLATIVE BUILDING  
RALEIGH, NORTH CAROLINA 27611

The Honorable Beverly Eaves Perdue  
Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

To the Governor:

A reconvened session to reconsider vetoed legislation is unnecessary.

This \_\_\_\_\_ day of September, 2009,

\_\_\_\_\_, Member of the Senate  
(Signature)

\_\_\_\_\_  
(Printed Name)

NORTH CAROLINA SENATE • RALEIGH, NORTH CAROLINA 27611

Three-fifths of the members of the House of Representatives also signed the letter.

The following Proclamation rescinding the Proclamation of a reconvened session was received on September 16.

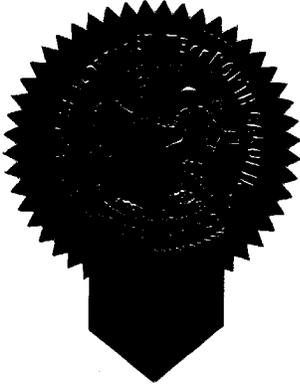


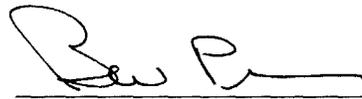
**ORDER RESCINDING  
PROCLAMATION OF RECONVENED SESSION**

The Proclamation of Reconvened Session issued September 10, 2009, directing the General Assembly to reconvene on September 18, 2009, to reconsider House Bill 104 is hereby rescinded.

This rescission is issued based on the expectation that the House and Senate will soon confirm to the Governor that a reconvened session is unnecessary.

Done in Raleigh, North Carolina, on September 16, 2009, at 8:30 a.m.



  
\_\_\_\_\_  
Beverly Eaves Perdue  
Governor

**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 2009 Regular Session adjourned on August 11:

**H.B. 596**, AN ACT TO ALLOW LICENSED BARBERS TO PRACTICE BARBERING IN A CLIENT'S HOME. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-471.)

**H.B. 1305**, AN ACT TO MAKE CHANGES TO THE COASTAL PROPERTY INSURANCE POOL, PRESENTLY KNOWN AS THE BEACH PLAN, AS RECOMMENDED BY THE JOINT SELECT STUDY COMMITTEE ON THE POTENTIAL IMPACT OF MAJOR HURRICANES ON THE NORTH CAROLINA INSURANCE INDUSTRY, AND TO MAKE OTHER CHANGES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-472.)

**S.B. 252**, AN ACT TO AMEND STATE LAW REGARDING THE INTRODUCTION OF LAB REPORTS AND RELATED DOCUMENTS TO COMPLY WITH REQUIREMENTS OF THE UNITED STATES SUPREME COURT DECISION IN MELENDEZ-DIAZ V. MASSACHUSETTS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-473.)

**S.B. 425**, AN ACT TO STREAMLINE THE PLAN REVIEW AND INSPECTION PROCESS FOR STATE BUILDINGS BY TRANSFERRING THE AUTHORITY FOR BUILDING CODE ENFORCEMENT WITH RESPECT TO STATE BUILDINGS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY TRANSFERRING FOUR CODE ENFORCEMENT POSITIONS FROM THE DEPARTMENT OF INSURANCE TO THE DEPARTMENT OF ADMINISTRATION; BY CREATING FOUR CODE ENFORCEMENT POSITIONS IN THE DEPARTMENT OF ADMINISTRATION; AND TO CONTINUE THE SECRETARY OF ADMINISTRATION'S AUTHORITY TO APPOINT MEMBERS TO THE BOARD OF AWARDS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-474.)

**S.B. 960**, AN ACT TO FACILITATE EXPEDITED USE AND EXPENDITURE OF FEDERAL FUNDS PROVIDED UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-475.)

**S.B. 1006**, AN ACT TO REQUIRE WITHHOLDING ON CONTRACTORS IDENTIFIED BY AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN). (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-476.)

**H.B. 752**, AN ACT TO REQUIRE NOTICE BE GIVEN PRIOR TO ASSESSING A LATE FILING FEE FOR LOBBYISTS AND LOBBYIST PRINCIPALS, AND TO PROHIBIT LOBBYISTS FROM SERVING ON THE NORTH CAROLINA STATE HEALTH COORDINATING COUNCIL. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-477.)

**H.B. 569**, AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO AUTHORIZE THE USE OF THREE-SIDED, OPEN-BOTTOM, OR BOTTOMLESS CULVERTS ON PRIVATE PROPERTY, BASED ON SOUND ENGINEERING PRACTICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-478.)

**H.B. 709**, AN ACT TO IMPOSE A MORATORIUM ON CERTAIN ACTIONS OF THE COASTAL RESOURCES COMMISSION RELATED TO TEMPORARY EROSION CONTROL STRUCTURES AND TO DIRECT THE COASTAL RESOURCES COMMISSION TO STUDY THE FEASIBILITY AND ADVISABILITY OF THE USE OF A TERMINAL GROIN AS AN EROSION CONTROL DEVICE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-479.)

**H.B. 1236**, AN ACT TO PROMOTE VOLUNTARY, YEAR-ROUND WATER CONSERVATION AND WATER USE EFFICIENCY MEASURES BY COMMERCIAL CAR WASHES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-480.)

**H.B. 1586**, AN ACT TO CLARIFY THE VALUATION OF COMMUNITY LAND TRUST PROPERTY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-481.)

**H.B. 1637**, AN ACT TO MODERNIZE THE RECORD KEEPING OF PRECIOUS METALS PURCHASES BY DEALERS, TO SUBJECT ALL DEALERS IN PRECIOUS METALS TO SIMILAR RECORD-KEEPING REQUIREMENTS, TO INCREASE PRECIOUS METALS PERMITTING FEES, TO REQUIRE THAT A CRIMINAL HISTORY RECORD CHECK BE CONDUCTED ON EMPLOYEES OF PRECIOUS METALS DEALERS, AND TO MAKE VARIOUS OTHER CHANGES TO THE PRECIOUS METALS PERMITTING STATUTES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-482.)

**S.B. 700**, AN ACT TO: (1) EXTEND SUNSET DATES APPLICABLE TO THE DRY-CLEANING SOLVENT CLEANUP ACT, THE DRY-CLEANING SOLVENT CLEANUP FUND, AND THE DRY-CLEANING SOLVENT TAX; (2) ALLOW THE USE OF STATE AND LOCAL LAND-USE CONTROLS AND DEED NOTICES IN LIEU OF LAND-USE

RESTRICTIONS FOR PROPERTIES IN THE AREA OF CONTAMINATED DRY-CLEANING SITES, NOT INCLUDING PROPERTIES ON WHICH A DRY-CLEANING FACILITY IS OR WAS LOCATED WHICH IS THE SOURCE OF A SITE'S CONTAMINATION; (3) MODIFY NOTICE AND COMMENT REQUIREMENTS ASSOCIATED WITH A NOTICE OF INTENT TO REMEDIATE; AND (4) REMOVE THE LIMITATION ON DISBURSEMENT OF MONIES FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR COSTS INCURRED TO ADDRESS DRY-CLEANING SOLVENT CONTAMINATION ON STATE-OWNED PROPERTY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-483.)

**S.B. 838**, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS; AND (10) DELAY THE EFFECTIVE DATES FOR LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS TO JULY 1, 2010. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-484.)

**S.B. 968**, AN ACT TO SUPPORT PLANNING FOR MOUNTAIN RESOURCES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-485.)

**S.B. 1020**, AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A

SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-486.)

**H.B. 1297**, AN ACT PERTAINING TO THE CREDENTIALING OF HEALTH CARE PROVIDERS UNDER HEALTH BENEFIT PLANS; ADDING A DEFINITION, AND AMENDING NOTICE AND CONTRACT NEGOTIATION PROVISIONS FOR HEALTH BENEFIT PLAN AND PROVIDER CONTRACTING; CLARIFYING A CON EXEMPTION CRITERION; AND MODIFYING INSPECTION PRACTICES OF CERTAIN HOSPITAL OUTPATIENT LOCATIONS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-487.)

**H.B. 1151**, AN ACT TO ESTABLISH REQUIREMENTS FOR CERTIFICATION OF PERSONS PERFORMING LEAD-BASED PAINT RENOVATION WORK IN CERTAIN RESIDENTIAL HOUSING AND CHILD-OCCUPIED FACILITIES; AND TO REQUIRE ACCREDITATION OF RENOVATION TRAINERS AND RENOVATION TRAINING COURSES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-488.)

**H.B. 1280**, AN ACT CLARIFYING VARIOUS PROVISIONS UNDER THE LAWS PERTAINING TO THE FEDERAL WORK FIRST PROGRAM. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-489.)

**S.B. 884**, AN ACT TO MAKE CHANGES TO THE FIRE-SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ESTABLISH A PILOT PROGRAM TO STUDY ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES AND TO DIRECT THE COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES TO ADOPT RULES ESTABLISHING ACCEPTABLE ELECTRONIC SUPERVISION STANDARDS AND RELATED PERSONNEL REQUIREMENTS AT FACILITIES FOR CHILDREN AND ADOLESCENTS WHO HAVE A PRIMARY DIAGNOSIS OF MENTAL ILLNESS AND/OR EMOTIONAL DISTURBANCE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-490.)

**H.B. 1117**, AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL NOT ISSUE OR RENEW COMMERCIAL DRIVERS LICENSES WITH ENDORSEMENTS THAT QUALIFY A PERSON TO DRIVE A COMMERCIAL PASSENGER VEHICLE OR SCHOOL BUS FOR ANYONE REQUIRED TO REGISTER UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAMS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-491.)

**S.B. 64**, 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. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-492.)

**S.B. 203**, AN ACT TO ENSURE THE ACCESSIBILITY OF PARKING FOR PERSONS WITH DISABILITIES IN NORTH CAROLINA BY REQUIRING AN EXPIRATION DATE VISIBLE FROM AT LEAST TWENTY FEET ON ALL SUCH PLACARDS, TO ENSURE INCREASED ENFORCEMENT AND COLLECTION OF EXPIRED OR REVOKED PLACARDS BY REQUIRING THAT PLACARDS DISPLAY THE MONTH AND YEAR OF EXPIRATION, TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE "HANDICAPPED PLACARD" REGISTRATION CARDS, AND TO REQUIRE THAT THE PERSON TO WHOM THE PLACARD IS ISSUED BE THE OPERATOR OF OR A PASSENGER IN THE VEHICLE IN WHICH THE PLACARD IS DISPLAYED, AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL IDENTIFICATION CARD FREE OF CHARGE TO A PERSON WHOSE VALID DRIVERS LICENSE IS ADMINISTRATIVELY REVOKED DUE TO A MEDICAL DISQUALIFICATION. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-493.)

**S.B. 423**, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL MOTOR VEHICLES SKILLS TEST FOR MEMBERS OF THE ARMED FORCES IF THE APPLICANT MEETS THE QUALIFICATIONS FOR ISSUANCE AND HAS PREVIOUSLY TAKEN A SKILLS TEST FOR THE VEHICLE CLASS AND SIZE TO BE OPERATED OR HAS, WHILE IN SERVICE TO AN ACTIVE OR RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES, OPERATED THE VEHICLE CLASS AND SIZE FOR A RELEVANT TWO-YEAR PERIOD PRIOR TO APPLICATION FOR THE COMMERCIAL DRIVERS LICENSE AND HAS TAKEN A SKILLS TEST ADMINISTERED BY THE MILITARY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-494.)

**S.B. 631**, AN ACT CONCERNING THE DISPOSITION AND USE OF SEIZED VEHICLES BY THE DIVISION OF MOTOR VEHICLES, BUREAU OF LICENSE AND THEFT. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-495.)

**S.B. 914**, AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAWS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-496.)

**H.B. 12**, AN ACT TO CLARIFY PROVISIONS APPLICABLE TO FUNDS USED IN REPAYMENT OF GARVEE BONDS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-497.)

**H.B. 209**, AN ACT TO ADD THE OFFENSE OF TAKING INDECENT LIBERTIES WITH A STUDENT TO THE LIST OF SEX OFFENSES THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON SEX OFFENDER ISSUES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-498.)

**H.B. 760**, AN ACT TO EXEMPT PESTICIDE CONTAINERS FROM THE PROHIBITION ON DISPOSAL OF RIGID PLASTIC CONTAINERS IN LANDFILLS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-499.)

**H.B. 926**, AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS TO MEET REQUIREMENTS FOR THE RESTORATION OF A REVOKED DRIVERS LICENSE, AND TO AUTHORIZE THE USE OF CERTAIN FUNDS FOR THE PROMULGATION OF DIVISION OF MOTOR VEHICLES GUIDELINES RELATING TO THE USE OF THE RESULTS OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS EVIDENCE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-500.)

**H.B. 1002**, AN ACT TO AMEND PUBLIC HEALTH-RELATED LAWS TO CLARIFY PROCEDURES FOR INVESTIGATING AND CONTROLLING COMMUNICABLE DISEASES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-501.)

**H.B. 1020**, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSIST CANCER PATIENTS WITH THE MANAGEMENT OF THE DISEASE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-502.)

**H.B. 1196**, AN ACT TO DEDICATE AND ACCEPT CERTAIN PROPERTIES AS PART OF THE STATE NATURE AND HISTORIC PRESERVE AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-503.)

**H.B. 1474**, AN ACT REQUIRING "CREDIT EDUCATION" FOR ALL STUDENTS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-504.)

**H.B. 1500**, AN ACT TO CREATE A NEW DEVELOPMENT TIER DESIGNATION EXCEPTION FOR CERTAIN SEAFOOD INDUSTRIAL PARKS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-505.)

**S.B. 894**, AN ACT TO AMEND THE EMPLOYMENT SECURITY LAWS RELATING TO THE DEFINITION OF SUBSTITUTE TEACHER AND OTHER SCHOOL-RELATED POSITIONS IN DETERMINING ELIGIBILITY FOR UNEMPLOYMENT INSURANCE BENEFITS AND RELATING TO DISQUALIFICATION FOR BENEFITS DUE TO INABILITY TO OBTAIN A LICENSE OR CERTIFICATION NECESSARY FOR THE PERFORMANCE OF AN INDIVIDUAL'S EMPLOYMENT. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-506.)

**S.B. 563**, AN ACT TO IMPROVE PYROTECHNICS SAFETY IN NORTH CAROLINA. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-507.)

**S.B. 990**, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CUTTING, INJURING, OR REMOVING ANOTHER'S TIMBER RESULTING IN DAMAGES THAT EXCEED ONE THOUSAND DOLLARS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-508.)

**S.B. 1007**, AN ACT AMENDING THE LAWS UNDER THE NORTH CAROLINA HOME INSPECTOR LICENSURE ACT. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-509.)

**S.B. 262**, AN ACT TO CLARIFY THAT AN ORDER TO EXPUNGE AN INDIVIDUAL'S RECORD SHALL BE FORWARDED BY THE CLERK OF COURT TO ALL APPLICABLE STATE AND LOCAL GOVERNMENT AGENCIES, TO REQUIRE A STATE GOVERNMENT AGENCY TO FORWARD NOTICE OF EXPUNCTION ORDERS RECEIVED BY THE AGENCY TO ANY PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION THAT IS LICENSED BY THE AGENCY TO ACCESS THE AGENCY'S CRIMINAL HISTORY RECORD DATABASE, AND TO PROVIDE THAT A PRIVATE ENTITY THAT DISSEMINATES CRIMINAL HISTORY RECORDS FOR COMPENSATION HAS A DUTY TO UPDATE THOSE HISTORIES BEFORE DISSEMINATING THEM AND IS SUBJECT TO CIVIL LIABILITY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-510.)

**S.B. 1057**, AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR AIRCRAFT SIMULATORS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-511.)

**H.B. 578**, AN ACT TO CLARIFY NOTICE REQUIRED TO PARTIES WHO MAY BE UNKNOWN OR UNLOCATABLE IN A PARTITION PROCEEDING; TO CODIFY THE CURRENT PRACTICE OF GRANTING OWNERS CREDIT FOR THEIR EXISTING INTEREST IN LAND WHEN BIDDING ON A PARTITION SALE; TO PERMIT A COURT TO ORDER AN INDEPENDENT APPRAISAL IF REQUESTED AND PAID FOR BY A PARTY TO THE PARTITION WHO CHALLENGES THE AMOUNT BID IN A PARTITION SALE; TO CLARIFY THE STANDARD FOR DETERMINING WHAT CONSTITUTES "SUBSTANTIAL INJURY" WITH REGARDS TO A PETITION FOR A SALE OF THE PROPERTY; AND TO PROVIDE FOR MEDIATION OF PARTITION DISPUTES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-512.)

**H.B. 473**, AN ACT TO PROVIDE THAT A MAGISTRATE 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 26, 2009 - S.L. 2009-513.)

**H.B. 775**, AN ACT TO PROVIDE FOR ALTERNATIVE MEANS OF TESTIMONY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES AND PERSONS WITH MENTAL RETARDATION, AS RECOMMENDED BY THE JOINT STUDY COMMITTEE ON AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-514.)

**H.B. 806**, AN ACT TO REQUIRE THAT A HOMEOWNERS ASSOCIATION MAKE REASONABLE AND DILIGENT EFFORTS TO LOCATE AND NOTIFY A LOT OWNER UNDER THE PLANNED COMMUNITY ACT OR A UNIT OWNER UNDER THE CONDOMINIUM ACT PRIOR TO FILING A CLAIM OF LIEN FOR ASSESSMENTS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-515.)

**H.B. 1269**, AN ACT TO AUTHORIZE A COUNTY OR CITY TO USE EXCESS FACILITY FEES WITHOUT THE APPROVAL OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO ADD TO THE DIRECTOR'S POWERS AND DUTIES THE ESTABLISHMENT AND STAFFING OF AN INTERNAL AUDITING DIVISION FOR THE JUDICIAL DEPARTMENT, TO MODIFY CERTAIN STATUTES RELATED TO DRUG TREATMENT COURTS, AND TO CLARIFY THE EMERGENCY POWERS OF THE CHIEF JUSTICE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-516.)

**S.B. 853**, AN ACT TO PROVIDE THAT AN ATTORNEY MAKING A MOTION FOR APPROPRIATE RELIEF IN SUPERIOR COURT, WHETHER BY ORAL OR WRITTEN MOTION, MUST CERTIFY IN WRITING TO THE

COURT THAT THE MOTION IS MADE IN GOOD FAITH AND ON SOUND LEGAL BASIS, THAT THE ATTORNEY HAS REVIEWED THE TRIAL TRANSCRIPT AS APPROPRIATE, OR IF THE TRANSCRIPT IS UNAVAILABLE, STATE THE EFFORTS UNDERTAKEN TO LOCATE THE TRANSCRIPT, AND THE ATTORNEY HAS NOTIFIED BOTH THE DISTRICT ATTORNEY AND THE DEFENSE ATTORNEY WHO INITIALLY REPRESENTED THE DEFENDANT OF THE MOTION, TO REQUIRE THAT THE CERTIFICATION APPEAR IN WRITING ON THE MOTION; AND TO REQUIRE THAT PRIOR TRIAL AND APPELLATE COUNSEL FOR THE DEFENDANT AND THE STATE MAKE ALL FILES RELATED TO THE DEFENDANT'S CASE AVAILABLE TO THE DEFENDANT'S ATTORNEY FOR POSTCONVICTION PROCEEDINGS IN SUPERIOR COURT. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-517.)

**S.B. 293**, AN ACT TO AUTHORIZE THE REGISTER OF DEEDS TO STORE AN ELECTRONIC COPY OF THE JUROR MASTER LIST. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-518.)

**S.B. 859**, AN ACT TO ALLOW CITIES WITH POPULATION GREATER THAN A CERTAIN POPULATION THRESHOLD TO BE SUBJECT TO THE STATE TORT CLAIMS ACT WITH CERTAIN MODIFICATIONS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-519.)

**H.B. 884**, AN ACT TO MODIFY THE REQUIREMENTS FOR A GRANT FROM THE JOB MAINTENANCE AND CAPITAL DEVELOPMENT FUND. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-520.)

**H.B. 291**, AN ACT AMENDING THE COSMETIC ART ACT TO PROVIDE FOR LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-521.)

**H.B. 1389**, AN ACT TO AUTHORIZE CITIES AND COUNTIES TO ESTABLISH LOAN PROGRAMS TO FINANCE THE INSTALLATION OF DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES OR ENERGY EFFICIENCY IMPROVEMENTS THAT ARE PERMANENTLY AFFIXED TO REAL PROPERTY. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-522.)

**H.B. 1514**, AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL TIER ONE AND TIER TWO COUNTIES, TO INCREASE THE MAXIMUM EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND, TO EXEMPT FROM RULE MAKING THE CUSTOMIZED TRAINING PROGRAM UNDER THE COMMUNITY COLLEGE SYSTEM, AND TO AMEND THE COUNTY

SERVICE DISTRICT ACT OF 1973 TO ALLOW ADDITIONAL COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-523.)

**S.B. 898**, AN ACT TO MODIFY THE EXCEPTION FOR TWO-COUNTY INDUSTRIAL PARKS FOR DEVELOPMENT TIER DESIGNATION PURPOSES. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-524.)

**S.B. 97**, AN ACT TO ALIGN THE AUTHORIZED PURPOSES FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS WITH THE PURPOSES OF PROJECT DEVELOPMENT FINANCING; TO ADD RENEWABLE ENERGY SOURCES AND ENERGY EFFICIENCY IMPROVEMENTS AS PURPOSES; TO CLARIFY THE LAW CONCERNING FINANCING A PROJECT FOR WHICH ASSESSMENTS MAY BE PLEDGED, TO EXEMPT PRIVATE ENTITIES THAT IMPLEMENT CERTAIN PROJECTS FOR WHICH ASSESSMENTS MAY BE PLEDGED FROM THE COMPETITIVE BIDDING REQUIREMENTS OF LOCAL GOVERNMENTS; AND TO PROVIDE GUIDANCE FOR LOCAL GOVERNMENTS WHEN ISSUING CERTAIN DEBT INSTRUMENTS AND ENTERING INTO CERTAIN AGREEMENTS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-525.)

**H.B. 191**, AN ACT TO MAKE A CLARIFYING CHANGE TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 26, 2009 - S.L. 2009-526.)

**H.B. 148**, AN ACT TO ESTABLISH A CONGESTION RELIEF AND INTERMODAL TRANSPORTATION 21ST CENTURY FUND; TO PROVIDE FOR ALLOCATION OF THOSE FUNDS TO: (1) LOCAL GOVERNMENTS AND TRANSPORTATION AUTHORITIES FOR PUBLIC TRANSPORTATION PURPOSES, (2) SHORT-LINE RAILROADS, FOR ASSISTANCE IN MAINTAINING AND EXPANDING FREIGHT SERVICE STATEWIDE, (3) RAILROADS FOR INTERMODAL FACILITIES, MULTIMODAL FACILITIES, AND INLAND PORTS, (4) MAKE CAPITAL IMPROVEMENTS ON RAIL LINES TO ALLOW IMPROVED FREIGHT SERVICE TO THE PORTS AND MILITARY INSTALLATIONS, (5) EXPAND INTERCITY PASSENGER RAIL SERVICE; TO EXTEND LEVELS OF LOCAL TRANSIT FUNDING AUTHORIZATION TO THREE URBAN REGIONS; AND TO ALLOW OTHER LOCAL GOVERNMENTS OPTIONS FOR LOCAL TRANSIT FUNDING. (Became law upon approval of the Governor, August 27, 2009 - S.L. 2009-527.)

**H.B. 889**, AN ACT TO INCREASE THE PENALTY FOR MISDEMEANOR DEATH BY MOTOR VEHICLE FROM A CLASS 1 MISDEMEANOR TO A CLASS A1 MISDEMEANOR. (Became law upon approval of the Governor, August 27, 2009 - S.L. 2009-528.)

**S.B. 943**, AN ACT TO PROVIDE FOR AN ALTERNATIVE CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY. (Became law upon approval of the Governor, August 27, 2009 - S.L. 2009-529.)

**S.B. 1067**, AN ACT TO ESTABLISH THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL TO ADDRESS PROGRAM AND POLICY CONSIDERATIONS REGARDING THE DEVELOPMENT OF A SUSTAINABLE LOCAL FOOD ECONOMY IN NORTH CAROLINA. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-530.)

**S.B. 295**, AN ACT TO REQUIRE THE CLOSEST MARKET TO WHICH A CROP MAY BE HAULED TO BE WITHIN ONE HUNDRED FIFTY MILES OF THE FARM FROM WHICH THE CROP IS HAULED. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-531.)

**H.B. 1409**, AN ACT TO EXEMPT CERTAIN ELECTRICAL LIGHTING DEVICES AND FIXTURES AND WATER HEATER REPLACEMENT IN RESIDENCES FROM BUILDING PERMITTING REQUIREMENTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-532.)

**S.B. 810**, AN ACT PROVIDING THAT IT IS A VIOLATION OF THE STATE'S FAIR HOUSING ACT TO DISCRIMINATE IN LAND-USE DECISIONS OR THE PERMITTING OF DEVELOPMENT BASED ON THE FACT THAT A DEVELOPMENT CONTAINS AFFORDABLE HOUSING UNITS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-533.)

**H.B. 1111**, AN ACT TO MAKE MORE SPECIFIC WHEN AN INDIVIDUAL BECOMES A "CANDIDATE" FOR CAMPAIGN FINANCE LAW; TO USE DIFFERENT TERMINOLOGY AND DEFINE TERMS IN THE LEGAL EXPENSE FUNDS STATUTE AND CLARIFY CANDIDATE CONTRIBUTIONS TO LEGAL EXPENSE FUNDS; TO REVISE THE WAY THE DEFINITIONS OF "CONTRIBUTION" AND "EXPENDITURE" DEAL WITH PROMISES; TO REQUIRE THAT A TREASURER FOR A NORTH CAROLINA COMMITTEE BE A NORTH CAROLINA RESIDENT; TO REDUCE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR CERTAIN LOCAL ELECTED OFFICES TO ONE THOUSAND DOLLARS OR LESS AND TO ELIMINATE THE THREE-THOUSAND-DOLLAR OR LESS EXEMPTION FOR CAMPAIGN REPORTING FOR CANDIDATES FOR ALL OTHER OFFICES; TO EXEMPT COMMERCIAL COMMUNICATIONS FROM THE ELECTIONEERING COMMUNICATION LAWS AND CANDIDATE-SPECIFIC COMMUNICATION LAWS; TO AUTHORIZE AN OPTIONAL PROCESS TO DETERMINE WHETHER OR NOT A COMMUNICATION IS AN ELECTIONEERING COMMUNICATION OR A CANDIDATE-

SPECIFIC COMMUNICATION PRIOR TO ITS DISTRIBUTION; TO MAKE A CHANGE TO THE PROCEDURE FOR ALLOCATING MONEY IN THE POLITICAL PARTIES FINANCING FUND; AND TO MAKE OTHER TECHNICAL CHANGES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-534.)

**S.B. 643**, AN ACT TO PROVIDE THAT A PROSPECTIVE EMPLOYEE REQUIRED TO SUBMIT TO A CONTROLLED SUBSTANCE EXAMINATION WHOSE FIRST SCREENING TEST PRODUCES A POSITIVE RESULT MAY WAIVE A SECOND EXAMINATION THAT IS INTENDED TO CONFIRM THE RESULTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-535.)

**S.B. 458**, AN ACT REQUIRING AN APPLICANT FOR LICENSURE AS A BAIL BONDSMAN OR RUNNER TO HAVE OBTAINED A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT; TO REQUIRE A RENEWAL APPLICATION EVERY YEAR AND A CRIMINAL HISTORY RECORD CHECK EVERY OTHER YEAR FOR RENEWING A LICENSE; TO PROVIDE THAT A LICENSEE SHALL PAY FOR THE COSTS OF A CRIMINAL HISTORY RECORD CHECK WHEN RENEWING A LICENSE; TO PROHIBIT THE RENEWAL OF A LICENSE OF A LICENSEE WHO HAS BEEN CONVICTED OF A MISDEMEANOR DRUG CHARGE; AND TO PROHIBIT A PERSON FROM BEING LICENSED IF THE PERSON IS CONVICTED OF A MISDEMEANOR DRUG VIOLATION WITHIN THE PREVIOUS TWENTY-FOUR MONTHS OF THE DATE OF THE APPLICATION. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-536.)

**S.B. 253**, AN ACT TO MAKE IMPROVEMENTS TO THE ABSENTEE VOTING LAWS, ESPECIALLY TO IMPROVE THE ABILITY OF MILITARY AND OVERSEAS VOTERS TO CAST TIMELY BALLOTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-537.)

**S.B. 138**, AN ACT TO CREATE THE OFFENSE OF UNLAWFUL MANUFACTURE, SALE, DELIVERY, OR POSSESSION OF SALVIA DIVINORUM. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-538.)

**H.B. 667**, AN ACT TO AMEND THE STATE'S ABC LAWS TO CREATE AN EXEMPTION FOR ACCREDITED COMMUNITY COLLEGES, COLLEGES, AND UNIVERSITIES FOR THE MANUFACTURE, POSSESSION, AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PURPOSE OF CONDUCTING SCIENTIFIC, CHEMICAL, PHARMACEUTICAL, MECHANICAL, INDUSTRIAL, AND EDUCATIONAL RESEARCH, TO ALLOW THE HOLDER OF A VITICULTURE/ENOLOGY COURSE AUTHORIZATION TO SELL

UNFORTIFIED WINE AT A NON-CAMPUS LOCATION, TO ALLOW WINE PRODUCERS AND WINERIES HOLDING AN OFF-PREMISES UNFORTIFIED WINERY PERMIT TO SELL UNFORTIFIED WINE AT THEIR PREMISES DURING BUSINESS HOURS AND TO ALLOW WINERIES TO SELL THEIR WINE AT AN ADDITIONAL LOCATION IN THE COUNTY UNDER SPECIFIED CONDITIONS, AND TO AMEND THE DEFINITION OF SPORTS CLUB TO INCLUDE CERTAIN EQUESTRIAN CENTERS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-539.)

**S.B. 786**, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENT PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-540.)

**H.B. 908**, AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION LAWS RELATED TO VOTING EQUIPMENT, PREPARATION OF BALLOTS, AND TO THE DUTIES OF THE COUNTY BOARDS OF ELECTIONS AND THE STATE BOARD OF ELECTIONS; TO PROVIDE FOR PREREGISTRATION OF QUALIFIED INDIVIDUALS WHO ARE SIXTEEN OR SEVENTEEN YEARS OF AGE AND TO EXPAND INSTRUCTION ON THE IMPORTANCE OF VOTING IN THE HIGH SCHOOL SOCIAL STUDIES CURRICULUM AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO PROMOTE REGISTRATION AND PREREGISTRATION OF STUDENTS; TO PERMIT THE RETENTION OF VOTER REGISTRATION RECORDS IN ANY FORMAT APPROVED BY THE DEPARTMENT OF CULTURAL RESOURCES; TO DESIGNATE THE VOTING TABULATION DISTRICTS OF NORTH CAROLINA; TO CLARIFY THE AUTHORITY TO DEMAND THE USE OF PUBLIC BUILDINGS AS ONE-STOP SITES; TO PROVIDE FOR EQUAL TREATMENT OF POLITICAL AND COMMERCIAL EXPRESSION AROUND A VOTING PLACE; TO CLARIFY THAT SEVENTEEN-YEAR-OLDS MAY REGISTER AT EARLY VOTING SITES UNDER THE SAME CONDITIONS THEY MAY REGISTER ELSEWHERE AND TO MAKE RELATED TECHNICAL CHANGES; TO PROHIBIT THE AWARDED OF ATTORNEYS' FEES AGAINST THE STATE BOARD OF ELECTIONS IN ELECTION PROTEST CASES; TO REQUIRE A PUBLIC HEARING BEFORE A LOCAL GOVERNMENT ADOPTS INSTANT RUNOFF VOTING AND TO ALLOW THE USE OF THE TERM RANKED CHOICE VOTING; AND TO AUTHORIZE A STUDY OF THE PROCESS OF FILLING VACANCIES IN LOCAL ELECTED OFFICES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-541.)

**H.B. 804**, AN ACT TO AMEND THE LAW REGARDING PERSONAL EDUCATION PLANS FOR STUDENTS AT RISK OF ACADEMIC FAILURE. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-542.)

**H.B. 907**, AN ACT TO AMEND THE JUDICIAL PUBLIC CAMPAIGN LAW BY ALLOWING THE ACCEPTANCE OF QUALIFYING CONTRIBUTIONS IN THE SAME FORM AS OTHER CONTRIBUTIONS; BY PROVIDING THAT NO OPPORTUNITY TO WIN ANYTHING OF VALUE MAY BE OFFERED IN EXCHANGE FOR A QUALIFYING CONTRIBUTION; BY SPECIFYING HOW MULTIPLE CONTRIBUTIONS BY THE SAME INDIVIDUAL AND CONTRIBUTIONS BY FAMILY MEMBERS ARE TREATED FOR PURPOSES OF THE QUALIFYING CONTRIBUTION THRESHOLDS; BY ADDRESSING HOW MATCHING FUNDS ARE AVAILABLE BEFORE A PRIMARY; BY PROVIDING THAT NO MATCHING FUNDS WILL BE TRIGGERED BY COMMUNICATIONS THAT SUPPORT OR OPPOSE ALL CANDIDATES; AND BY MAKING MORE FLEXIBLE THE WORD LIMITATIONS IN THE VOTER'S GUIDE. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-543.)

**S.B. 464**, AN ACT TO AMEND THE LAW REQUIRING THE COLLECTION OF TRAFFIC LAW ENFORCEMENT STATISTICS IN ORDER TO PREVENT RACIAL PROFILING AND TO PROVIDE FOR THE CARE OF MINOR CHILDREN WHEN PRESENT AT THE ARREST OF CERTAIN ADULTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-544.)

**S.B. 984**, AN ACT AMENDING THE JUVENILE CODE REGARDING ACCESS TO JUVENILE COURT RECORDS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-545.)

**S.B. 978**, AN ACT TO DIRECT THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION TO COORDINATE WITH LOCAL AND STATE LAW ENFORCEMENT OFFICERS AND WITH THE COMMUNITY COLLEGE SYSTEM TO PROVIDE MULTIPLE FIREARMS QUALIFICATION SITES FOR CERTIFICATION TO CARRY A CONCEALED HANDGUN PURSUANT TO FEDERAL LAW, AND TO EXPAND THE POWERS OF THE COMMISSION. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-546.)

**S.B. 726**, AN ACT TO PROVIDE THAT HOUSE ARREST MAY BE IMPOSED AS A CONDITION OF PRETRIAL RELEASE; TO PROVIDE THAT THE COURT MAY AUTHORIZE AN OFFENDER UNDER ELECTRONIC HOUSE ARREST TO LEAVE THE OFFENDER'S RESIDENCE FOR SPECIFIC PURPOSES AND THE COURT OR

PROBATION OFFICER MAY MODIFY THOSE CONDITIONS; AND TO AMEND THE DEFINITION OF HOUSE ARREST UNDER JUVENILE LAW TO STATE THE SPECIFIC PURPOSES FOR WHICH A JUVENILE MAY BE AUTHORIZED TO LEAVE THE JUVENILE'S RESIDENCE. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-547.)

**H.B. 512**, AN ACT TO EXTEND THE CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO GEOTHERMAL HEAT PUMPS AND EQUIPMENT, TO ALLOW THE CREDIT TO BE TAKEN AGAINST THE GROSS PREMIUMS TAX, AND TO EXTEND THE SUNSET FOR THE CREDIT. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-548.)

**H.B. 817**, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO CHAPTERS 120, 120C, AND 138A OF THE GENERAL STATUTES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-549.)

**H.B. 274**, AN ACT TO MAKE VARIOUS CLARIFYING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-550.)

**H.B. 1261**, AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER-BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A MISDEMEANOR. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-551.)

**S.B. 1029**, AN ACT TO AMEND THE NORTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT CONCERNING BONDING PROVISIONS AND MAINTENANCE OF EMPLOYEE BENEFITS, AND TO CLARIFY THE APPLICATION OF TAX CREDITS AND OTHER INCENTIVES TO PROFESSIONAL EMPLOYER ORGANIZATIONS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-552.)

**H.B. 1387**, AN ACT TO MAKE THE CURRENT LIMITATIONS ON CITY ORDINANCES AND COUNTY ORDINANCES THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY AND THE CURRENT LIMITATIONS ON DEED RESTRICTIONS THAT REGULATE THE INSTALLATION OF SOLAR COLLECTORS FOR SINGLE-FAMILY RESIDENCES APPLICABLE TO ALL RESIDENTIAL PROPERTY EXCEPT CERTAIN MULTI-STORY CONDOMINIUMS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-553.)

**H.B. 1135**, AN ACT TO DETER AND PUNISH PERSONS WHO MAKE FALSE OR FRAUDULENT CLAIMS FOR PAYMENT BY THE STATE

AND TO PROVIDE REMEDIES IN THE FORM OF TREBLE DAMAGES AND CIVIL PENALTIES WHEN MONEY IS OBTAINED FROM THE STATE BY REASON OF SUCH CLAIMS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-554.)

**S.B. 489**, 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. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-555.)

**S.B. 488**, AN ACT TO MAKE THE INCREASE IN SENTENCE LENGTHS BETWEEN PRIOR RECORD LEVELS MORE PROPORTIONATE USING A SET PERCENTAGE INCREMENT. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-556.)

**S.B. 1073**, AN ACT AMENDING THE NORTH CAROLINA ALARM SYSTEMS LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD TO ESTABLISH A LATE REGISTRATION FEE. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-557.)

**S.B. 958**, AN ACT AMENDING DISCIPLINARY PROCEEDINGS OF THE NORTH CAROLINA MEDICAL BOARD. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-558.)

**S.B. 777**, AN ACT TO ALLOW AFFILIATES OF A TOBACCO PRODUCTS MANUFACTURER TO BE TREATED THE SAME AS THE MANUFACTURER FOR PURPOSES OF PAYMENT OF THE EXCISE TAX ON OTHER TOBACCO PRODUCTS, TO PROHIBIT INTEGRATED WHOLESALE DEALERS FROM SELLING, BORROWING, LOANING, OR EXCHANGING NON-TAX-PAID TOBACCO PRODUCTS OTHER THAN CIGARETTES TO, FROM, OR WITH OTHER INTEGRATED WHOLESALE DEALERS, AND TO REQUIRE PERSONS TRANSPORTING OTHER TOBACCO PRODUCTS TO FILE A SHIPPING REPORT WITH THE SECRETARY OF REVENUE. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-559.)

**S.B. 167**, AN ACT TO PROHIBIT SMOKING ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO PROHIBIT THE POSSESSION OF TOBACCO PRODUCTS OR CELL PHONES OUTSIDE OF A LOCKED VEHICLE ON THE PREMISES OF CORRECTIONAL INSTITUTIONS, TO MAKE IT A CRIMINAL OFFENSE TO PROVIDE TOBACCO PRODUCTS OR CELL PHONES TO INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR A LOCAL CONFINEMENT FACILITY, AND TO MAKE IT A CRIMINAL OFFENSE FOR INMATES OF

A LOCAL CONFINEMENT FACILITY TO POSSESS TOBACCO PRODUCTS OR CELL PHONES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-560.)

**S.B. 749**, AN ACT TO REVISE AND CLARIFY THE REQUIREMENTS FOR UNINSURED AND UNDERINSURED MOTORIST COVERAGE IN MOTOR VEHICLE LIABILITY INSURANCE POLICIES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-561.)

**S.B. 860**, AN ACT TO ESTABLISH A STUDENT PROTECTION FUND FOR PROPRIETARY SCHOOL STUDENTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-562.)

**S.B. 738**, AN ACT TO REQUIRE BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO IMPLEMENT THE GUIDELINES ADOPTED BY THE STATE BOARD OF EDUCATION FOR THE DEVELOPMENT AND IMPLEMENTATION OF INDIVIDUAL DIABETES CARE PLANS AND TO REQUIRE LOCAL BOARDS OF EDUCATION AND BOARDS OF DIRECTORS OF CHARTER SCHOOLS TO REPORT ANNUALLY TO THE STATE BOARD OF EDUCATION ABOUT THEIR COMPLIANCE WITH THESE GUIDELINES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-563.)

**S.B. 468**, AN ACT TO AUTHORIZE COUNTIES TO PROVIDE HEALTH INSURANCE BENEFITS TO FORMER EMPLOYEES WHO ARE NOT RECEIVING RETIREMENT BENEFITS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-564.)

**H.B. 1313**, AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-565.)

**H.B. 1166**, AN ACT TO MAKE VARIOUS CHANGES IN THE LAWS GOVERNING INSURANCE PRODUCERS AND BROKERS, BAIL BONDSMEN, MOTOR CLUBS, PREMIUM FINANCE COMPANIES, AND COLLECTION AGENCIES, TO REQUIRE AN INSURER TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, TO DELETE OBSOLETE REFERENCES TO ASSIGNMENTS OF ERROR, AND TO MAKE OTHER CHANGES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-566.)

**H.B. 1160**, AN ACT TO ALLOW CERTAIN FIREFIGHTERS THE OPPORTUNITY TO CONTINUE AS MEMBERS OF THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY MAKING RETROACTIVE PAYMENTS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-567.)

**H.B. 212**, AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ONE HEALTH INSURANCE PILOT DEMONSTRATION PROJECT TO PROVIDE A MODEL FOR AFFORDABLE EMPLOYER-BASED HEALTH INSURANCE; TO RECOGNIZE CREDENTIALLED HEALTH CARE PROVIDERS OF THE STATE HEALTH PLAN AND OTHER EXISTING MANAGED CARE PLANS FOR RAPID DEMONSTRATION PROJECT PROVIDER NETWORK DEVELOPMENT; AND TO ASSURE NETWORK PROVIDERS' CONTINUED PARTICIPATION IN THE STATE HEALTH PLAN AND OTHER MANAGED CARE PLANS, WHILE PARTICIPATING IN THE DEMONSTRATION PROJECT NETWORK. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-568.)

**H.B. 1570**, AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-569.)

**S.B. 220**, AN ACT TO MAKE TECHNICAL CORRECTIONS IN 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 28, 2009 - S.L. 2009-570.)

**H.B. 1274**, AN ACT MAKING TECHNICAL AND OTHER CHANGES PERTAINING TO THE STATE HEALTH PLAN BLUE RIBBON TASK FORCE AND TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-571.)

**H.B. 1490**, AN ACT CONCERNING THE APPLICATION OF CERTAIN PERMIT EXTENSIONS. (Became law upon approval of the Governor, August 28, 2009 - S.L. 2009-572.)

**S.B. 974**, AN ACT TO ENACT THE CONSUMER ECONOMIC PROTECTION ACT OF 2009. (Became law upon approval of the Governor, September 9, 2009 - S.L. 2009-573.)

**H.B. 945**, AN ACT TO PROVIDE FOR STUDIES BY THE COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS. (Became law upon approval of the Governor, September 10, 2009 - S.L. 2009-574.)

**H.B. 836**, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE APPROPRIATIONS ACT OF 2009. (Became law upon approval of the Governor, September 10, 2009 - S.L. 2009-575.)

**S.B. 133**, AN ACT TO ADJUST THE LIMIT ON THE MONTHLY PENSION AMOUNT PAYABLE FROM THE REGISTERS OF DEEDS' SUPPLEMENTAL PENSION FUND. (Became law upon approval of the Governor, September 10, 2009 - S.L. 2009-576.)

**H.B. 1329**, AN ACT TO CONSOLIDATE ALL STATUTES RELATED TO EXPUNCTION OF RECORDS IN ONE ARTICLE OF THE GENERAL STATUTES, TO MODIFY THE AGE REQUIREMENTS OF CERTAIN EXPUNCTIONS TO BE THE AGE AT THE TIME OF THE OFFENSE RATHER THAN THE AGE AT THE TIME OF CONVICTION, TO ALLOW THE EXPUNCTION OF MISDEMEANOR LARCENY, AND TO MAKE CLARIFYING AND CONFORMING CHANGES TO THE EXPUNCTION STATUTES. (Became law upon approval of the Governor, September 10, 2009 - S.L. 2009-577.)

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**APPENDIX**

**SENATE JOURNAL**

**FIRST SESSION**

**2009**



**NORTH CAROLINA GENERAL ASSEMBLY  
SENATE DISTRICTS**

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	<b>BEAUFORT, CAMDEN, CURRITUCK, DARE, HYDE, PASQUOTANK, TYRRELL, WASHINGTON.</b>
2nd (1)	<b>CARTERET, CRAVEN, PAMLICO.</b>
3rd (1)	<b>EDGECOMBE, MARTIN, PITT:</b> Precinct Arthur: <b>Tract 16:</b> 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; <b>Tract 17:</b> 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; <b>Tract 18:</b> Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Ayden B: <b>Tract 12:</b> Block Group 2: Block 2006, Block 2007; <b>Tract 14:</b> 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: <b>Tract 19:</b> Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1018; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2048; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3033; Precinct Greenville 01, Precinct Greenville 03,



Precinct Greenville 04, Precinct Greenville 05A, Precinct Greenville 05B, Precinct Greenville 06, Precinct Greenville 09: **Tract 3:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1008, Block 1009, Block 1010, Block 1018, Block 1019, Block 1998, Block 1999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057; **Tract 9:** Block Group 2: Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2036, Block 2037, Block 2055, Block 2056, Block 2057, Block 2059, Block 2993, Block 2994, Block 2995, Block 2996; **Tract 10:** Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4997; Precinct Greenville 12A: **Tract 6:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2026; Precinct Grifton, Precinct Grimesland, Precinct Pactolus, Precinct Simpson A, Precinct Simpson B, Precinct Swift Creek.

4th (1) **BERTIE, CHOWAN, GATES, HALIFAX, HERTFORD, NORTHAMPTON, PERQUIMANS.**

5th (1) **GREENE, PITT:** Precinct Arthur: **Tract 6:** Block Group 2: Block 2018, Block 2021; **Tract 16:** Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1020; Block Group 2: Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2049, Block 2050, Block 2054; Block Group 3: Block 3005, Block 3006; Precinct Ayden A, Precinct Ayden B: **Tract 12:** Block Group 1: Block 1033, Block 1034; **Tract 14:** Block Group 1: Block 1005, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1059, Block 1060, Block 1061, Block 1062; Block Group 2: Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2039, Block 2041;

Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5015, Block 5016, Block 5025, Block 5026, Block 5027, Block 5028; Precinct Farmville A, Precinct Farmville B, Precinct Fountain: **Tract 18:** Block Group 3: Block 3001; **Tract 19:** Block Group 1: Block 1044; Block Group 2: Block 2001, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2047; Block Group 3: Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct Greenville 07A, Precinct Greenville 07B, Precinct Greenville 07C, Precinct Greenville 08A, Precinct Greenville 08B, Precinct Greenville 09: **Tract 1:** Block Group 5: Block 5024, Block 5025; **Tract 2:** Block Group 5: Block 5022, Block 5023, Block 5024, Block 5025; **Tract 3:** Block Group 1: Block 1007, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2037; Block Group 4: Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4999; **Tract 4:** Block Group 3: Block 3005, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029; Block Group 4: Block 4004, Block 4005; Precinct Greenville 10A, Precinct Greenville 10B, Precinct Greenville 11A, Precinct Greenville 11B, Precinct Greenville 12A: **Tract 6:** Block Group 2: Block 2019, Block 2020, Block 2022, Block 2023, Block 2024, Block 2025, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044; **Tract 16:** Block Group 2: Block 2035, Block 2036; Precinct Greenville 12B, Precinct Winterville Central A, Precinct Winterville Central B, Precinct Winterville East; **WAYNE:** Precinct 02: **Tract 2:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019; Block Group 2: Block 2000, Block 2001; Block Group 3; **Tract 3.01:** Block Group 1: Block 1000, Block 1001, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1051,

Block 1052, Block 1053, Block 1054, Block 1055; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3010, Block 3011, Block 3012; Precinct 06, Precinct 07, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 21, Precinct 22, Precinct 23, Precinct 25; **Tract 8:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3050; **Tract 9:** Block Group 6: Block 6010; Block Group 7: Block 7023, Block 7024, Block 7025, Block 7026, Block 7027, Block 7028, Block 7029, Block 7032, Block 7033, Block 7034, Block 7035, Block 7036, Block 7037, Block 7038, Block 7039, Block 7040, Block 7042, Block 7043, Block 7044; Precinct 26: **Tract 6.01:** Block Group 3: Block 3005, Block 3006, Block 3007, Block 3010, Block 3011, Block 3012; **Tract 6.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1014, Block 1015, Block 1016, Block 1017; **Tract 9:** Block Group 5: Block 5016, Block 5017, Block 5024, Block 5025, Block 5026, Block 5027, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040; Block Group 7: Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7012, Block 7013, Block 7014, Block 7015, Block 7016, Block 7017, Block 7018, Block 7019, Block 7020, Block 7021, Block 7022, Block 7041; Precinct 27, Precinct 28, Precinct 29, Precinct 30.

- 6th (1) **JONES, ONSLOW.**
- 7th (1) **FRANKLIN, GRANVILLE, VANCE, WARREN.**
- 8th (1) **BRUNSWICK, COLUMBUS, PENDER.**
- 9th (1) **NEW HANOVER.**
- 10th (1) **DUPLIN, LENOIR, SAMPSON.**
- 11th (1) **NASH, WILSON.**
- 12th (1) **JOHNSTON, WAYNE:** Precinct 01, Precinct 02: **Tract 2:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1027; **Tract 3.01:** Block Group 4: Block 4000, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009; Precinct 03, Precinct 04, Precinct 05, Precinct 08, Precinct 09, Precinct 16, Precinct 24, Precinct 25: **Tract 8:** Block Group 2: Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018; **Tract 9:** Block Group 3: Block 3010; Block Group 6: Block 6001, Block 6002, Block 6003, Block 6005, Block 6007, Block 6008, Block 6009, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6017, Block 6998, Block 6999; Block Group 7: Block 7030, Block 7031; **Tract 10:** Block Group 1: Block 1026; Precinct 26: **Tract 9:** Block Group 4: Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4021, Block 4022, Block 4023; Block Group 5: Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5028, Block 5029, Block 5041, Block 5042, Block 5995, Block 5996; Block Group 7: Block 7005, Block 7006.
- 13th (1) **HOKE, ROBESON.**
- 14th (1) **WAKE:** Precinct 01-12: **Tract 527.01:** Block Group 2: Block 2028, Block 2029, Block 2030, Block 2031, Block 2036, Block 2037, Block 2038; Precinct 01-18: **Tract 527.01:** Block Group 1: Block 1013, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034; Precinct 01-19, Precinct 01-20: **Tract 507:** Block Group 1, Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011; Block Group 4: Block 4000, Block 4001,

Block 4002, Block 4003, Block 4004, Block 4005; **Tract 521.02:** Block Group 1: Block 1009; Precinct 01-21: **Tract 521.01:** Block Group 2: Block 2033, Block 2035, Block 2036, Block 2037, Block 2038, Block 2042, Block 2043; **Tract 522.02:** Block Group 1: Block 1027, Block 1028, Block 1029, Block 1039, Block 1040, Block 1041, Block 1050, Block 1052, Block 1053, Block 1056, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1069, Block 1080; Precinct 01-22, Precinct 01-26: **Tract 507:** Block Group 3: Block 3012, Block 3013; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013; Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5008; **Tract 508:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010; Block Group 2: Block 2000, Block 2001, Block 2002; Block Group 3; **Tract 509:** Block Group 1: Block 1019; Block Group 2: Block 2000, Block 2001, Block 2009, Block 2010; **Tract 521.01:** Block Group 2: Block 2000; Precinct 01-28, Precinct 01-34, Precinct 01-35: **Tract 508:** Block Group 1: Block 1011, Block 1012; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; **Tract 509:** Block Group 2: Block 2002, Block 2003, Block 2006, Block 2007, Block 2008, Block 2011, Block 2012; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3019, Block 3020, Block 3021; **Tract 521.01:** Block Group 1, Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2039, Block 2040, Block 2041, Block 2044, Block 2045; **Tract 522.01:** Block Group 1: Block 1021; **Tract 522.02:** Block Group 1: Block 1000; Precinct 01-38, Precinct 01-40, Precinct 01-46, Precinct 01-50, Precinct 09-01, Precinct 09-02, Precinct 09-03, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-03, Precinct 13-05: **Tract 540.10:** Block Group 1: Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-06: **Tract 540.10:** Block Group 1: Block 1000, Block 1058, Block 1059; Precinct 13-07, Precinct 16-01: **Tract 528.03:** Block Group 2: Block 2033, Block 2035; **Tract 528.04:** Block Group 1: Block 1000, Block 1001, Block 1002; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2033, Block 2034, Block 2035,

Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048; Precinct 16-02, Precinct 16-08, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07, Precinct 17-08, Precinct 17-09, Precinct 17-10, Precinct 17-11, Precinct 19-01, Precinct 19-02: **Tract 542.01**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5142, Block 5143; **Tract 542.02**: Block Group 2: Block 2013, Block 2014; Precinct 19-04, Precinct 19-07: **Tract 542.01**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4999; **Tract 542.02**: Block Group 2: Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2030, Block 2996; Precinct 19-08.

15th (1) **WAKE**: Precinct 01-11, Precinct 01-15, Precinct 01-17, Precinct 01-18: **Tract 526.02**: Block Group 2: Block 2009; **Tract 527.01**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1017, Block 1018, Block 1019; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2999; Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1000, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023; Precinct 01-30, Precinct 01-36, Precinct 01-37, Precinct 01-39, Precinct 01-42, Precinct 01-43, Precinct 01-44, Precinct 01-45, Precinct 01-47, Precinct 01-51, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-09, Precinct 07-11, Precinct 07-12, Precinct 07-13, Precinct 08-01, Precinct 08-02, Precinct 08-03, Precinct 08-04, Precinct 08-05, Precinct 08-06, Precinct 08-07, Precinct 08-08, Precinct 08-09, Precinct 13-02, Precinct 13-04, Precinct 13-05: **Tract 540.10**: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, Block 1056, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084; Precinct 13-06: **Tract 540.10**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1031, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045,

Block 1048, Block 1049, Block 1051, Block 1054, Block 1055; Precinct 14-01, Precinct 14-02, Precinct 19-02: **Tract 542.01**: Block Group 1, Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5113, Block 5114, Block 5115, Block 5116, Block 5117, Block 5118, Block 5119, Block 5120, Block 5121, Block 5122, Block 5123, Block 5124, Block 5125, Block 5132, Block 5133, Block 5134, Block 5135, Block 5136, Block 5137, Block 5138, Block 5139, Block 5140, Block 5141; Precinct 19-03, Precinct 19-05, Precinct 19-06, Precinct 19-07: **Tract 540.10**: Block Group 2: Block 2000, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023.

16th (1) **WAKE**: Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-10, Precinct 01-12: **Tract 517**: Block Group 1: Block 1008; **Tract 518**: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1020, Block 1021, Block 1022, Block 1023; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005; Block Group 3; **Tract 527.01**: Block Group 2: Block 2039; Precinct 01-13, Precinct 01-14, Precinct 01-16, Precinct 01-20: **Tract 501**: Block Group 1: Block 1052, Block 1053, Block 1054, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102; **Tract 507**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003; Precinct 01-21: **Tract 522.02**: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block

1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1042, Block 1043, Block 1044, Block 1045, Block 1051, Block 1997, Block 1998, Block 1999; Block Group 2, Block Group 3; Precinct 01-23, Precinct 01-25, Precinct 01-26: **Tract 501**: Block Group 1: Block 1090, Block 1091, Block 1092, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117; **Tract 509**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1015, Block 1016, Block 1017, Block 1018, Block 1020, Block 1021; Precinct 01-27, Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1008; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2017, Block 2018, Block 2019; **Tract 515.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010; Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-35: **Tract 508**: Block Group 2: Block 2011, Block 2012, Block 2013; **Tract 509**: Block Group 1: Block 1022, Block 1023, Block 1024, Block 1025; Block Group 2: Block 2004, Block 2005, Block 2013; Block Group 3: Block 3004, Block 3005, Block 3006, Block 3016, Block 3017, Block 3018; **Tract 522.01**: Block Group 1: Block 1000, Block 1001, Block 1018, Block 1019, Block 1020; **Tract 522.02**: Block Group 1: Block 1001, Block 1002; Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04: **Tract 535.07**: Block Group 2: Block 2001, Block 2002; Block Group 3: Block 3007, Block 3008, Block 3009; Precinct 04-05, Precinct 04-08, Precinct 04-09, Precinct 04-11, Precinct 04-12, Precinct 04-15, Precinct 04-17, Precinct 04-18, Precinct 04-20, Precinct 04-21, Precinct 05-01, Precinct 05-02, Precinct 05-03, Precinct 07-01, Precinct 07-10, Precinct 11-01, Precinct 11-02, Precinct 18-01: **Tract 523.01**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1021, Block 1022, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041; **Tract 523.02**: Block Group 2: Block 2003, Block 2004, Block 2005, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2999; Precinct 18-06: **Tract 523.01**: Block Group 1: Block 1003, Block 1005, Block 1006, Block 1017, Block 1018, Block

1019, Block 1020, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 524.04**: Block Group 1: Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 530.01**: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; **Tract 530.02**: Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1057, Block 1058, Block 1994, Block 1998, Block 1999; Precinct 18-08: **Tract 530.01**: Block Group 2: Block 2000, Block 2001, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2031, Block 2032, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043; Precinct 20-02: **Tract 534.03**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2015, Block 2016, Block 2017, Block 2018; **Tract 536**: Block Group 2: Block 2119, Block 2120, Block 2121, Block 2122, Block 2123, Block 2128, Block 2129, Block 2130, Block 2131, Block 2132, Block 2133, Block 2134, Block 2135, Block 2136, Block 2137, Block 2138, Block 2139, Block 2140, Block 2141, Block 2142, Block 2143, Block 2144, Block 2145, Block 2146, Block 2147, Block 2148, Block 2149, Block 2150, Block 2151, Block 2161, Block 2162, Block 2164, Block 2165, Block 2166, Block 2167, Block 2202, Block 2221, Block 2222, Block 2223, Block 2224, Block 2225, Block 2226, Block 2227, Block 2228, Block 2229, Block 2230, Block 2231, Block 2232, Block 2233.

17th (1) **WAKE**: Precinct 03-00, Precinct 04-04: **Tract 535.08**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-13, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-01, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-03, Precinct 12-04, Precinct 12-05, Precinct 12-06, Precinct 12-07, Precinct 15-01, Precinct 15-02, Precinct 15-03, Precinct 15-04, Precinct 16-01: **Tract 528.05**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018,

Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1061; Precinct 16-03, Precinct 16-04, Precinct 16-05, Precinct 16-06, Precinct 16-07, Precinct 16-09, Precinct 18-01: **Tract 530.02:** Block Group 2: Block 2019, Block 2020, Block 2021; Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-06: **Tract 530.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1044, Block 1045, Block 1046, Block 1049, Block 1050, Block 1993; Precinct 18-07, Precinct 18-08: **Tract 530.01:** Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; Block Group 2: Block 2028, Block 2029, Block 2030, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2044, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2080, Block 2081, Block 2082, Block 2083, Block 2084, Block 2085, Block 2086, Block 2087, Block 2088, Block 2089, Block 2090, Block 2091, Block 2164, Block 2165; Precinct 20-01, Precinct 20-02: **Tract 534.03:** Block Group 2: Block 2013, Block 2014, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2054, Block 2055, Block 2056, Block 2057; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011; Precinct 20-03, Precinct 20-04, Precinct 20-05, Precinct 20-06, Precinct 20-07, Precinct 20-08, Precinct 20-09, Precinct 20-10.

18th (1) **CHATHAM, DURHAM:** Precinct 03: **Tract 4.01:** Block Group 3: Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 4.02:** Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1043, Block 1048; **Tract 5:** Block Group 1: Block 1003; Precinct 04: **Tract 4.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; Block Group 2: Block 2003, Block 2004,

Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Block Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023; **Tract 4.02**: Block Group 1: Block 1013, Block 1014; Precinct 05: **Tract 5**: Block Group 1: Block 1004, Block 1005; **Tract 15.01, Tract 15.02**; Precinct 06: **Tract 6**: Block Group 2: Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2026, Block 2027, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043; Precinct 16, Precinct 27, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 43, Precinct 48, Precinct 50, Precinct 51, Precinct 53, Precinct 54; **LEE**.

19th (1) **BLADEN, CUMBERLAND**: Precinct Alderman, Precinct Arran Hills, Precinct Beaver Dam & Cedar Creek, Precinct Black River, Precinct Brentwood, Precinct Cross Creek 01, Precinct Cross Creek 02, Precinct Cross Creek 08, Precinct Cross Creek 10, Precinct Cross Creek 11, Precinct Cross Creek 12, Precinct Cross Creek 14: **Tract 7**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Cross Creek 15, Precinct Cross Creek 18, Precinct Cross Creek 20, Precinct Cross Creek 29, Precinct Cross Creek 30, Precinct Cross Creek 31, Precinct Cross Creek 34, Precinct Cumberland 1, Hope Mills 1, & Stoney Point, Precinct Cumberland 2, Precinct Cumberland 3, Precinct Eastover, Precinct Hope Mills 2, Precinct Hope Mills 3, Precinct Judson-Vander, Precinct Linden, Precinct Pearces Mill 2, Precinct Pearces Mill 3, Precinct Pearces Mill 4, Precinct Sherwood, Precinct Stedman, Precinct Wade.

20th (1) **DURHAM**: Precinct 01, Precinct 02, Precinct 03: **Tract 4.01**: Block Group 3: Block 3001, Block 3002, Block 3003; **Tract 4.02**: Block Group 1: Block 1001, Block 1002, Block 1025, Block 1026, Block 1029, Block 1030, Block 1041, Block 1042, Block 1044, Block 1045, Block 1046, Block 1047; **Tract 5**: Block Group 1: Block 1001, Block 1002; Precinct 04: **Tract 4.01**: Block Group 1: Block 1010, Block 1018, Block 1019, Block 1020, Block 1023, Block 1024; Block Group 2: Block 2001; Precinct 05: **Tract 5**: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1017, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025; **Tract 6**: Block Group 2: Block 2000, Block 2001, Block 2002; Precinct 06: **Tract 5**: Block

Group 3: Block 3006, Block 3007; **Tract 6:** Block Group 2: Block 2003, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2022, Block 2023, Block 2024, Block 2025, Block 2028, Block 2029; Precinct 07, Precinct 08, Precinct 09, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 21, Precinct 22, Precinct 23, Precinct 24, Precinct 25, Precinct 26, Precinct 28, Precinct 29, Precinct 30, Precinct 31, Precinct 32, Precinct 33, Precinct 34, Precinct 37, Precinct 40, Precinct 41, Precinct 42, Precinct 44, Precinct 45, Precinct 46, Precinct 47, Precinct 49, Precinct 52.

21st (1) **CUMBERLAND:** Precinct Auman, Precinct Cliffdale West, Precinct Cross Creek 03, Precinct Cross Creek 04, Precinct Cross Creek 05, Precinct Cross Creek 06, Precinct Cross Creek 07, Precinct Cross Creek 09, Precinct Cross Creek 13, Precinct Cross Creek 14; **Tract 9:** Block Group 2: Block 2012; Block Group 3, Block Group 6: Block 6004, Block 6005, Block 6006, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013; **Tract 20:** Block Group 1: Block 1000, Block 1018; **Tract 21:** Block Group 2, Block Group 5; Precinct Cross Creek 16, Precinct Cross Creek 17, Precinct Cross Creek 19, Precinct Cross Creek 21, Precinct Cross Creek 22, Precinct Cross Creek 23, Precinct Cross Creek 24, Precinct Cross Creek 25, Precinct Cross Creek 26, Precinct Cross Creek 27, Precinct Cross Creek 28, Precinct Cross Creek 32, Precinct Cross Creek 33, Precinct Lake Rim, Precinct Long Hill, Precinct Manchester, Precinct Montibello, Precinct Morganton Rd 2, Precinct Spring Lake, Precinct Westarea.

22nd (1) **HARNETT, MOORE.**

23rd (1) **ORANGE, PERSON.**

24th (1) **ALAMANCE, CASWELL.**

25th (1) **ANSON, RICHMOND, SCOTLAND, STANLY.**

26th (1) **GUILFORD:** Precinct Center Grove North, Precinct Clay North 1, Precinct Clay North 2, Precinct Clay South, Precinct Deep River North, Precinct Fentress 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct GB 06; **Tract 154:** Block Group 6: Block 6006; Precinct GB 39; **Tract 161.01:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct GB 40A; **Tract 160.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029,

Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; **Tract 161.01:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1999; Precinct GB 41, Precinct GB 64; **Tract 160.04:** Block Group 4: Block 4063, Block 4064, Block 4065, Block 4066, Block 4068, Block 4069, Block 4071; **Tract 162.01:** Block Group 2: Block 2043, Block 2058, Block 2059, Block 2060, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2069, Block 2070, Block 2077, Block 2078; **Tract 162.02:** Block Group 1: Block 1002, Block 1003; Precinct Gibsonville, Precinct Greene, Precinct Jefferson 1; **Tract 128.03:** Block Group 1: Block 1025, Block 1026, Block 1027, Block 1031; **Tract 153:** Block Group 1: Block 1004, Block 1005, Block 1013, Block 1014, Block 1025, Block 1026, Block 1027, Block 1028, Block 1056, Block 1057, Block 1058; Block Group 2; **Tract 154:** Block Group 5: Block 5027, Block 5028, Block 5029, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5048, Block 5049; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6007, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019; Precinct Jefferson 2; **Tract 128.03:** Block Group 1: Block 1024, Block 1028, Block 1029, Block 1030, Block 1032; **Tract 153:** Block Group 3: Block 3006, Block 3007, Block 3008, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035; Precinct Jefferson 4, Precinct Madison North, Precinct Madison South, Precinct Monroe 3, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Stokesdale, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Washington North, Precinct Washington South; **ROCKINGHAM.**

27th (1) **GUILFORD:** Precinct Center Grove 1, Precinct Center Grove 2, Precinct Center Grove 3, Precinct GB 01, Precinct GB 02, Precinct GB 07, Precinct GB 08, Precinct GB 09, Precinct GB 10, Precinct GB 11, Precinct GB 12, Precinct GB 13, Precinct GB 14, Precinct GB 15, Precinct GB 16, Precinct GB 17, Precinct GB 18, Precinct GB 19, Precinct GB 20, Precinct GB 21, Precinct GB 22, Precinct GB 23, Precinct GB 24, Precinct GB 25, Precinct GB 26, Precinct GB 27, Precinct GB 28, Precinct GB 29, Precinct GB 30, Precinct GB 31, Precinct GB 32, Precinct GB 33, Precinct GB 34, Precinct GB 35, Precinct GB 36, Precinct GB 37, Precinct GB 38, Precinct

GB 39: **Tract 125.06**: Block Group 1: Block 1065, Block 1067; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3007; Precinct GB 40A: **Tract 160.02**: Block Group 2: Block 2004, Block 2005; Precinct GB 40B, Precinct GB 42, Precinct GB 43, Precinct GB 44, Precinct GB 45, Precinct GB 47, Precinct GB 48, Precinct GB 49, Precinct GB 50, Precinct GB 51, Precinct GB 52: **Tract 126.04**: Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3017; Precinct GB 54, Precinct GB 55, Precinct GB 56, Precinct GB 57, Precinct GB 58, Precinct GB 59, Precinct GB 60, Precinct GB 61, Precinct GB 62, Precinct GB 63, Precinct GB 64: **Tract 160.04**: Block Group 4: Block 4038, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4067; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016; Precinct Monroe 1, Precinct Monroe 2.

28th (1) **GUILFORD**: Precinct Deep River South: **Tract 162.02**: Block Group 1: Block 1032, Block 1033, Block 1034, Block 1035, Block 1044, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1055, Block 1056, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1134, Block 1135, Block 1136, Block 1137, Block 1141, Block 1142, Block 1143, Block 1144, Block 1145, Block 1146; Precinct Fentress 1, Precinct Friendship 1, Precinct Friendship 2, Precinct GB 03, Precinct GB 04, Precinct GB 05, Precinct GB 06: **Tract 127.05**: Block Group 2: Block 2000, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022; **Tract 127.06**: Block Group 2: Block 2000, Block 2001, Block 2004, Block 2005, Block 2006, Block 2007, Block 2011, Block 2013; **Tract 127.07**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006; **Tract 128.03**: Block Group 1: Block 1001, Block 1003, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1999; **Tract 154**: Block Group 6: Block 6008; Precinct GB 46, Precinct GB 52: **Tract 113**: Block Group 2: Block 2015, Block

2016, Block 2019, Block 2020, Block 2021; **Tract 114:** Block Group 5: Block 5006, Block 5007, Block 5008; **Tract 126.04:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1011, Block 1012, Block 1013, Block 1026, Block 1027; Precinct GB 53, Precinct GB 64; **Tract 162.02:** Block Group 1: Block 1000, Block 1001, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1133, Block 1147, Block 1148; **Tract 164.03:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1029; **Tract 165.03:** Block Group 1: Block 1000, Block 1001, Block 1010; Precinct GB 65, Precinct GB 66, Precinct GB 67, Precinct GB 68, Precinct GB 69, Precinct GB 70, Precinct GB 71, Precinct GB 72, Precinct GB 73, Precinct GB 74, Precinct GB 75, Precinct HP, Precinct HP 01, Precinct HP 02, Precinct HP 03, Precinct HP 04, Precinct HP 05, Precinct HP 06, Precinct HP 07, Precinct HP 08, Precinct HP 09, Precinct HP 10, Precinct HP 11, Precinct HP 12, Precinct HP 17, Precinct HP 18, Precinct HP 19A, Precinct HP 19B, Precinct HP 20A, Precinct HP 20B, Precinct HP 26, Precinct HP 27, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jamestown 5, Precinct Jefferson 1; **Tract 127.06:** Block Group 2: Block 2002, Block 2003; **Tract 128.03:** Block Group 1: Block 1000, Block 1002, Block 1004, Block 1011, Block 1017, Block 1033, Block 1034, Block 1080; Precinct Jefferson 2; **Tract 111.02:** Block Group 2: Block 2000; **Tract 127.07:** Block Group 1: Block 1000, Block 1001; **Tract 128.03:** Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1042, Block 1049, Block 1051, Block 1055, Block 1066, Block 1067, Block 1069, Block 1070, Block 1074, Block 1075, Block 1076, Block 1077; Block Group 2: Block 2000, Block 2001, Block 2007, Block 2012, Block 2013, Block 2038; **Tract 153:** Block Group 3: Block 3036; Precinct Jefferson 3, Precinct Pleasant Garden 1, Precinct Pleasant Garden 2, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct Sumner 4.

29th (1) **MONTGOMERY, RANDOLPH.**

30th (1) **ALLEGHANY, STOKES, SURRY, YADKIN.**

31st (1) **FORSYTH:** Precinct 011, Precinct 012, Precinct 013; **Tract 33.07:** Block Group 1: Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1033, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042,

Block 1043, Block 1044, Block 1045, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1999; **Tract 33.08:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1022, Block 1023, Block 1024, Block 1025, Block 1047; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2024, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2999; Precinct 014, Precinct 015, Precinct 021, Precinct 031, Precinct 032; **Tract 28.05:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1025, Block 1026, Block 1027, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1100; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3052, Block 3053, Block 3057, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3064, Block 3065, Block 3066, Block 3069, Block 3070, Block 3071, Block 3072, Block 3073, Block 3074, Block 3075, Block 3076, Block 3077, Block 3078, Block 3079, Block 3080, Block 3995, Block 3996, Block 3997, Block 3998, Block 3999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4017, Block 4018; Precinct 033: **Tract 28.07:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1013, Block 1014, Block 1015, Block 1016, Block

1017, Block 1018, Block 1019, Block 1020, Block 1021; **Tract 29.01**: Block Group 2: Block 2005, Block 2006, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2022, Block 2023, Block 2024, Block 2029, Block 2030, Block 2031, Block 2033; Precinct 034, Precinct 043; **Tract 33.03**: Block Group 3: Block 3034, Block 3035, Block 3036, Block 3037; **Tract 34.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2021, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029, Block 2030, Block 2031, Block 2035; Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 065, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 101; **Tract 28.01**: Block Group 3: Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3061, Block 3062, Block 3063; **Tract 28.04**: Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022; Block Group 3: Block 3025, Block 3026, Block 3027, Block 3028; **Tract 28.05**: Block Group 3: Block 3063; Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4019; Precinct 111, Precinct 112, Precinct 123; **Tract 39.04**: Block Group 1: Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037; Block Group 2: Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029; Precinct 131, Precinct 132, Precinct 133, Precinct 507; **Tract 33.03**: Block Group 2: Block 2000, Block 2057, Block 2058, Block 2059; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3028, Block 3029; Precinct 701, Precinct 702, Precinct 703, Precinct 704; **Tract 10**: Block Group 3: Block 3009; **Tract 21**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011; Block Group 3: Block 3000, Block 3001, Block 3004, Block 3005, Block

3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 22:** Block Group 4: Block 4014, Block 4015, Block 4018, Block 4019; Precinct 705: **Tract 21:** Block Group 2, Block Group 3: Block 3002, Block 3003; **Tract 22:** Block Group 5: Block 5026, Block 5027, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041; Precinct 706, Precinct 707: **Tract 22:** Block Group 5: Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025; **Tract 25.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2021, Block 2022, Block 2023, Block 2024, Block 2998, Block 2999; Precinct 801, Precinct 802, Precinct 803, Precinct 804, Precinct 805, Precinct 806, Precinct 807, Precinct 808: **Tract 39.04:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2015, Block 2016; **Tract 39.05:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; **Tract 39.06:** Block Group 3: Block 3009, Block 3010, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018; Precinct 809, Precinct 901, Precinct 906, Precinct 907.

32nd (1)

**FORSYTH:** Precinct 013: **Tract 33.08:** Block Group 2: Block 2023, Block 2025, Block 2026, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2998; Precinct 032: **Tract 28.04:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014; **Tract 28.06:** Block Group 1: Block 1009, Block 1010, Block 1011, Block 1031; Precinct 033: **Tract 27.02:** Block Group 1: Block 1000, Block 1001, Block 1012; **Tract 28.05:** Block Group 2: Block 2027, Block 2028; **Tract 28.06:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038; Block Group 2; Precinct 042, Precinct 043: **Tract 33.03:** Block Group 3: Block 3032, Block 3033, Block 3038, Block 3039; **Tract 34.01:** Block Group 1: Block 1000, Block 1001, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1033, Block 1034, Block 1035, Block 1036, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045,

Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1056, Block 1057, Block 1058; Block Group 2;

**Tract 34.02:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2022, Block 2032, Block 2033, Block 2034, Block 2036, Block 2037; Precinct 081, Precinct 082, Precinct 083, Precinct 101: **Tract 28.04:** Block Group 1: Block 1016, Block 1017, Block 1999; Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3011, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3029, Block 3030; Precinct 122, Precinct 123: **Tract 39.03:** Block Group 2: Block 2009, Block 2010, Block 2011, Block 2012, Block 2013; Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 506, Precinct 507: **Tract 33.03:** Block Group 2: Block 2001, Block 2002, Block 2003, Block 2006, Block 2007, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2020, Block 2021, Block 2023, Block 2024, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2060, Block 2061, Block 2062, Block 2998; Block Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3030, Block 3031, Block 3040, Block 3041; **Tract 34.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1037, Block 1038, Block 1039, Block 1040, Block 1052, Block 1053, Block 1054, Block 1055; Precinct 601, Precinct 602, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 704: **Tract 10:** Block Group 3: Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3010, Block 3011; Precinct

705: **Tract 38.02:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1997, Block 1998, Block 1999; Block Group 3: Block 3000; **Tract 38.04:** Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct 707: **Tract 38.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Precinct 708, Precinct 709, Precinct 808: **Tract 39.03:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008; Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 908, Precinct 909.

33rd (1) **DAVIDSON, GUILFORD:** Precinct Deep River South: **Tract 162.02:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1075, Block 1076, Block 1079, Block 1087, Block 1088, Block 1092, Block 1093, Block 1094, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1108, Block 1115, Block 1118, Block 1119, Block 1138, Block 1139, Block 1140; **Tract 163.01:** Block Group 2: Block 2012; Precinct HP 13, Precinct HP 14, Precinct HP 15, Precinct HP 16, Precinct HP 21, Precinct HP 22, Precinct HP 23, Precinct HP 24, Precinct HP 25.

34th (1) **DAVIE, ROWAN.**

35th (1) **MECKLENBURG:** Precinct 201, Precinct 216, Precinct 218, Precinct 219, Precinct 220, Precinct 221, Precinct 234, Precinct 235, Precinct 236; **UNION.**

36th (1) **CABARRUS, IREDELL:** Precinct Coddle Creek 1, Precinct Coddle Creek 2, Precinct Coddle Creek 3, Precinct Coddle Creek 4: **Tract 613:** Block Group 1: Block 1019, Block 1066, Block 1067, Block 1068, Block 1070; **Tract 614:** Block Group 5: Block 5000, Block 5001, Block 5002, Block 5061, Block 5062, Block 5063,

Block 5064, Block 5065, Block 5073, Block 5998, Block 5999; Block Group 8: Block 8029, Block 8030, Block 8031, Block 8032, Block 8033, Block 8034, Block 8035, Block 8038, Block 8039, Block 8044, Block 8045, Block 8046, Block 8047, Block 8048, Block 8049, Block 8050, Block 8051, Block 8052, Block 8053, Block 8054, Block 8055, Block 8056, Block 8057, Block 8061; **Tract 616:** Block Group 5: Block 5007, Block 5008, Block 5010, Block 5011, Block 5013, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5025, Block 5031; Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6016, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035, Block 6036.

37th (1) **MECKLENBURG:** Precinct 001, Precinct 002, Precinct 004, Precinct 005, Precinct 006, Precinct 007, Precinct 008, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 029, Precinct 032, Precinct 033, Precinct 034, Precinct 035, Precinct 037, Precinct 038, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 050, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 116, Precinct 117, Precinct 123, Precinct 124, Precinct 125, Precinct 130, Precinct 203, Precinct 205.

38th (1) **MECKLENBURG:** Precinct 011, Precinct 012, Precinct 013, Precinct 016, Precinct 022, Precinct 023, Precinct 024, Precinct 025, Precinct 027; **Tract 52:** Block Group 2, Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; Block Group 4: Block 4002, Block 4003, Block 4004, Block 4005, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4025, Block 4026, Block 4027, Block 4028, Block 4030, Block 4031, Block 4038; Precinct 031, Precinct 039, Precinct 040, Precinct 041, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 056; **Tract 51:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017; **Tract 52:** Block Group 3: Block 3004, Block 3005; Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 098, Precinct 120, Precinct 122, Precinct 134, Precinct 138, Precinct 200, Precinct 209, Precinct 210, Precinct 211; **Tract 61.01:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1011, Block

1062, Block 1063; **Tract 61.02**: Block Group 3: Block 3002, Block 3003, Block 3004, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3030, Block 3040; Precinct 222, Precinct 223, Precinct 224, Precinct 225; **Tract 58.06**: Block Group 1: Block 1012, Block 1013, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1037, Block 1038, Block 1039; Precinct 228, Precinct 229, Precinct 230, Precinct 243, Precinct 77, Precinct 97.

39th (1) **MECKLENBURG**: Precinct 019, Precinct 036, Precinct 048, Precinct 057, Precinct 058, Precinct 059, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 076, Precinct 085, Precinct 086, Precinct 087, Precinct 088, Precinct 090, Precinct 091, Precinct 092, Precinct 093, Precinct 096, Precinct 100, Precinct 101, Precinct 103, Precinct 106, Precinct 110, Precinct 111, Precinct 112, Precinct 113, Precinct 114, Precinct 118, Precinct 119, Precinct 121, Precinct 129, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 217, Precinct 225; **Tract 58.06**: Block Group 1: Block 1034, Block 1035, Block 1036, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1070, Block 1076, Block 1078, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092; Block Group 2; **Tract 58.07**: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014; Precinct 226, Precinct 227, Precinct 231, Precinct 232, Precinct 233.

40th (1) **MECKLENBURG**: Precinct 003, Precinct 014, Precinct 026, Precinct 027; **Tract 52**: Block Group 1: Block 1000, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013; **Tract 53.01**: Block Group 1: Block 1000, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1019, Block 1020, Block 1021, Block 1022, Block 1036, Block 1037; Precinct 028, Precinct 030, Precinct 042, Precinct 043, Precinct 056; **Tract 50**: Block Group 2: Block 2000, Block 2001, Block 2005; **Tract 51**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004,

Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030; **Tract 52:** Block Group 1: Block 1001; **Tract 53.01:** Block Group 1: Block 1001, Block 1002, Block 1013, Block 1014, Block 1018; Precinct 060, Precinct 082, Precinct 104, Precinct 105, Precinct 107, Precinct 126, Precinct 127, Precinct 128, Precinct 132, Precinct 133, Precinct 135, Precinct 141, Precinct 142, Precinct 143, Precinct 145, Precinct 202, Precinct 204, Precinct 206, Precinct 207, Precinct 208, Precinct 211; **Tract 55.03:** Block Group 1: Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066; **Tract 61.02:** Block Group 3: Block 3000, Block 3001, Block 3005, Block 3006, Block 3007, Block 3026, Block 3027, Block 3028, Block 3029, Block 3031, Block 3032; Precinct 212, Precinct 213, Precinct 214, Precinct 237, Precinct 238, Precinct 239, Precinct 240, Precinct 241, Precinct 242.

41st (1) **GASTON:** Precinct Alexis, Precinct Lucia, Precinct Mt Holly 1, Precinct Mt Holly 2, Precinct Stanley 1, Precinct Stanley 2; **IREDELL:** Precinct Barringer, Precinct Bethany, Precinct Chambersburg, Precinct Coddle Creek 4; **Tract 612:** Block Group 9: Block 9031, Block 9032, Block 9033, Block 9034, Block 9035, Block 9036, Block 9051, Block 9053; **Tract 613:** Block Group 1: Block 1017, Block 1018, Block 1051, Block 1052, Block 1055, Block 1056, Block 1057, Block 1058, Block 1061, Block 1063, Block 1064, Block 1065, Block 1078; **Tract 614:** Block Group 3: Block 3001; Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5025, Block 5026, Block 5030, Block 5032, Block 5033, Block 5042, Block 5046, Block 5047, Block 5048, Block 5059, Block 5060, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5072, Block 5076, Block 5077, Block 5078, Block 5081, Block 5082, Block 5083; Precinct Cool Springs, Precinct Davidson 1, Precinct Davidson 2, Precinct Fallstown, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6; **LINCOLN.**

42nd (1) **CATAWBA, IREDELL:** Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Shiloh, Precinct Turnersburg, Precinct Union Grove.

- 43rd (1) **GASTON:** Precinct Armstrong, Precinct Ashbrook, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Catawba Heights, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct Cramerton, Precinct Crowders Mountain, Precinct Dallas 1, Precinct Dallas 2, Precinct Flint Grove, Precinct Forest Heights, Precinct Gardner Park, Precinct Gaston Day, Precinct Grier, Precinct Health Center, Precinct High Shoals, Precinct Highland, Precinct Landers Chapel, Precinct Lowell, Precinct Mcadenville, Precinct Myrtle, Precinct New Hope, Precinct Pleasant Ridge, Precinct Ranlo, Precinct Robinson 1, Precinct Robinson 2, Precinct Sherwood, Precinct South Gastonia, Precinct Southpoint, Precinct Tryon, Precinct Union, Precinct Victory, Precinct Wood Hill, Precinct York Chester.
- 44th (1) **BURKE, CALDWELL.**
- 45th (1) **ALEXANDER, ASHE, WATAUGA, WILKES.**
- 46th (1) **CLEVELAND, RUTHERFORD.**
- 47th (1) **AVERY, HAYWOOD:** Precinct Allens Creek, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 5/6, Precinct Beaverdam 7, Precinct Big Creek, Precinct Clyde North, Precinct Clyde South, Precinct Crabtree, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Saunook, Precinct Waynesville Center, Precinct Waynesville East, Precinct Waynesville South 1, Precinct Waynesville South 2, Precinct Waynesville West, Precinct White Oak; **MADISON, MCDOWELL, MITCHELL, YANCEY.**
- 48th (1) **BUNCOMBE:** Precinct Asheville 18, Precinct Asheville 19, Precinct Asheville 24; **Tract 12:** Block Group 5: Block 5001, Block 5002, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5029, Block 5030, Block 5033, Block 5034, Block 5992, Block 5993, Block 5994, Block 5995; **Tract 23.02:** Block Group 3: Block 3014, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3028, Block 3029, Block 3030, Block 3031, Block 3043, Block 3044, Block 3045, Block 3046, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3057, Block 3060, Block 3062, Block 3992, Block 3993, Block 3994; Precinct Asheville 29, Precinct Averys Creek, Precinct Biltmore, Precinct Broad River, Precinct Fairview 1, Precinct Fairview 2, Precinct Limestone 1, Precinct Limestone 2, Precinct

Limestone 3, Precinct Limestone 4, Precinct Lower Hominy 1, Precinct Lower Hominy 3, Precinct Upper Hominy 1 & 3;  
**HENDERSON, POLK.**

49th (1) **BUNCOMBE:** Precinct Asheville 01, Precinct Asheville 02, Precinct Asheville 03, Precinct Asheville 04, Precinct Asheville 05, Precinct Asheville 06, Precinct Asheville 07, Precinct Asheville 08, Precinct Asheville 09, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 24; **Tract 12:** Block Group 5: Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5026, Block 5027, Block 5028; **Tract 13:** Block Group 2: Block 2015, Block 2016, Block 2018, Block 2023, Block 2024, Block 2025, Block 2027; **Tract 23.02:** Block Group 3: Block 3064, Block 3987; **Tract 25.02:** Block Group 4: Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030; Block Group 6: Block 6000, Block 6007, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6026, Block 6027, Block 6028, Block 6029, Block 6030; Precinct Asheville 25, Precinct Asheville 26, Precinct Asheville 27, Precinct Asheville 28, Precinct Black Mountain 1, Precinct Black Mountain 2, Precinct Black Mountain 3, Precinct Black Mountain 4, Precinct Black Mountain 5, Precinct Flat Creek, Precinct French Broad, Precinct Hazel 1, Precinct Hazel 2, Precinct Ivy 1 & 2, Precinct Leicester 1, Precinct Leicester 2 & Sandy Mush, Precinct Lower Hominy 2, Precinct North Buncombe, Precinct Reems Creek, Precinct Reynolds, Precinct Riceville 1 & Swannanoa 2, Precinct Riceville 2 & Swannanoa 3, Precinct Swannanoa 1, Precinct Upper Hominy 2, Precinct Weaverville, Precinct West Buncombe 1, Precinct West Buncombe 2, Precinct Woodfin, Precinct Woodland Hills.

50th (1) **CHEROKEE, CLAY, GRAHAM, HAYWOOD:** Precinct Cecil, Precinct East Fork, Precinct Pigeon, Precinct Pigeon Center;  
**JACKSON, MACON, SWAIN, TRANSYLVANIA.**

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**SENATE RESOLUTIONS****2009 SESSION**

**Adopted February 26, 2009** (See page 150.)

**S.R. 186, 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 2, 2009, through Friday, March 6, 2009. In 2009, 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 Cochairs of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, March 2, 2009, and no later than 5:00 P.M. on Friday, March 6, 2009, 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 2009 Session.

3. Notwithstanding G.S. 138A-22, 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 6, 2009.

4. On or after March 7, 2009, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing

and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The Cochairs of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.

## **II. ELECTIONS IN THE SENATE.**

1. A ballot shall be prepared under the supervision of the Cochairs of the Senate Committee for the use of the Senate.

2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.

3. The Senate shall hold its election no later than the beginning of the daily session on March 31, 2009. Before the voting begins, the Cochairs of the Senate Committee shall explain the voting rules, which are:

- (a) No nomination shall be received from the floor.
- (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
- (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
- (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
- (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
- (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest numbers of votes shall be deemed to have been chosen.

4. The Senators shall proceed to mark their ballots for eight persons, for four-year terms.

Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.

5. The Cochairs of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.

6. When the Cochairs of the Senate Committee have determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall declare those eight persons to have been elected to the Board of Governors by the Senate.

7. The results of the election in the Senate shall then be sent by Special Messenger to the House of Representatives.

### **III. NOTIFICATION OF ELECTION RESULTS.**

When the election process is complete, the Cochairs of the Senate Committee shall notify the Secretary of the Board of Governors of The University of North Carolina of the names of the persons elected by the Senate and of the term for which each person was elected.

**SECTION 2.** As used in this resolution, the term "Cochairs" means the Cochairs of the Senate Education/Higher Education Committee.

**SECTION 3.** This resolution is effective upon adoption.

**Adopted July 8, 2009** (See page 1071.)

### **S.R. 1105, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE.**

Whereas, the provisions of G.S. 106-2 require that appointees to the Board of Agriculture be confirmed by the Senate of North Carolina; and

Whereas, the Governor has submitted to the presiding officer of the Senate the names of her appointees; Now, therefore,  
Be it resolved by the Senate:

**SECTION 1.** The appointments of Elbert Ray Pitt Jr., Kirk Mathis, Casey Armstrong, and William F. Johnston to the Board of Agriculture for terms to expire May 1, 2015, are confirmed.

**SECTION 2.** This resolution is effective upon adoption.

**Adopted July 14, 2009** (See page 1121.)

### **S.R. 1107, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS 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 names of his appointees; Now, therefore,  
Be it resolved by the Senate:

**SECTION 1.** The appointment of Dennis Ducker to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for a term to expire March 31, 2012, is confirmed.

**SECTION 2.** The appointment of Randy Sales to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for a term to expire March 31, 2013, is confirmed.

**SECTION 3.** The appointments of Dr. Harold Martin and Sterling Primus to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for terms to expire June 30, 2013, are confirmed.

**SECTION 4.** This resolution is effective upon adoption.

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**EXECUTIVE ORDERS  
of the  
GOVERNOR OF THE STATE  
OF NORTH CAROLINA**

In compliance with G.S. 150A (Art. 5) and Chapter 479 (S.B. 1 [Sec. 152]) of the 1985 Session Laws, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued during the 2009 Legislative Session. The full text of Executive Orders 143 through 150 issued by Governor Michael F. Easley and Executive Orders 1 through 20 issued by Governor Beverly Eaves Perdue can be found in the Session Laws of the 2009 General Assembly.

<b>Executive Order</b>	<b>Title</b>	<b>Date of Issuance</b>
143	Proclamation of a State of Disaster for Cabarrus and Mecklenburg Counties.	August 29, 2008
144	Proclamation of a State of Emergency due to Tropical Storm Hanna and Hurricane Ike.	September 4, 2008
145	Emergency Relief for damage caused by Tropical Storm Hanna and other related storm events affecting the Atlantic Coast Region.	September 4, 2008
146	Abnormal Market Disruption.	September 12, 2008
147	Extending Executive Order No. 145 Emergency Relief for damage caused by Tropical Storm Hanna and other related storm events affecting the Atlantic Coast Region.	October 3, 2008
148	Proclamation of a State of Disaster for Wilson and Johnston Counties.	November 19, 2008
149	Proclamation of a State of Disaster for the Town of Mount Pleasant, the Town of Kannapolis, and the Town of Concord.	December 18, 2008
150	E-mail Retention and Archiving.	January 9, 2009

Executive Orders received from Governor Beverly Perdue are presented to the Senate, read, and ordered filed in the Office of the Principal Clerk, as follows:

1	Governor's Task Force for the development of an Endowment for Positive Gubernatorial Campaigns.	January 12, 2009
2	Reforming Department of Transportation.	January 12, 2009
3	On-Site and State-STAT Performance Management and Accountability.	January 12, 2009
4	Openbook Government for North Carolina.	January 12, 2009
5	Establishing the North Carolina Budget Reform and Accountability Commission (BRAC).	January 12, 2009
6	Budget Administration due to National Economic Slowdown.	January 13, 2009
7	Proclamation of State of Emergency.	January 20, 2009
8	Notice of Termination of Executive Order of State of Disaster and State of Emergency.	January 21, 2009
9	To Establish the Emergency Medical Services and Trauma Rules Effective Date.	March 3, 2009
10	Ethical Standards for the State Health Coordinating Council.	March 3, 2009
11	Establishing and Implementing a Flexible Furlough Plan for the 2008-09 Fiscal Year.	April 28, 2009
12	Governor's Streetsafe Task Force to Stop Repeat Offenders.	May 1, 2009
13	Support for Historically Underutilized Businesses.	May 7, 2009
14	Equal Employment Opportunity.	May 7, 2009
15	Promulgation and Implementation of the North Carolina Emergency Operations Plan.	June 11, 2009

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16	Designating the Office of Economic Recovery and Investment as the Authorized Entity Under the American Recovery and Reinvestment Act Strengthening Communities Fund.	July 6, 2009
17	Notice and Report of Economic Development Consulting Relationships.	July 7, 2009
18	E-Mail Retention and Archiving Policy.	July 7, 2009
19	Designating the North Carolina Health and Wellness Trust Fund Commission as the Authorized Entity Under the Health Information Technology for Economic and Clinical Health Act of the American Recovery and Reinvestment Act.	July 16, 2009
20	Establishing Budget Management Restrictions for State Agencies for the 2009-10 Fiscal Year.	July 24, 2009

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January 28, 2009 (See page 6.)

**GREENE CENTRAL HIGH SCHOOL ARMY JUNIOR ROTC  
SNOW HILL, NORTH CAROLINA**

Shawan Daniels, Color Guard Commander  
Sharondra Ormond  
Briketa Prayer  
Kenya Thompson  
Brittany Jones (Alternate)

First Sergeant (Ret.) Dennis Bottoms, Instructor

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**APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION****Tues/Wed/Thurs--414 - LOB--8:30 AM**

<b>Co-Chairman</b>	Senator Foriest
<b>Co-Chairman</b>	Senator Stevens
<b>Vice Chairman</b>	Senator Boseman
<b>Vice Chairman</b>	Senator Queen
<b>Members</b>	Senators Blue, Davis, Hartsell, Preston, Tillman, Vaughan

**APPROPRIATIONS ON GENERAL GOVERNMENT AND  
INFORMATION TECHNOLOGY****Tues/Wed/Thurs--1124 - LB--8:30 AM**

<b>Co-Chairman</b>	Senator Dorsett
<b>Co-Chairman</b>	Senator Atwater
<b>Members</b>	Senators Brock, East, Hoyle, Rand

**APPROPRIATIONS ON HEALTH AND HUMAN SERVICES****Tues/Wed/Thurs--422 - LOB--8:30 AM**

<b>Co-Chairman</b>	Senator Purcell
<b>Co-Chairman</b>	Senator D. Berger
<b>Vice Chairman</b>	Senator Nesbitt
<b>Members</b>	Senators Blake, Clary, Dannelly, Forrester

**APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY****Tues/Wed/Thurs--415 - LOB--8:30 AM**

<b>Co-Chairman</b>	Senator Snow
<b>Co-Chairman</b>	Senator Kinnaird
<b>Vice Chairman</b>	Senator Clodfelter
<b>Members</b>	Senators Apodaca, Bingham, Brunstetter, Jones, Soles

**APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES****Tues/Wed/Thurs--423 - LOB--8:30 AM**

<b>Co-Chairman</b>	
<b>Co-Chairman</b>	Senator McKissick
<b>Members</b>	Senators Jacumin, Rouzer

**COMMERCE****Tues/Thurs--1027 - LB--11:00 AM**

<b>Chairman</b>	Senator Soles
<b>Vice Chairman</b>	Senator Hoyle
<b>Vice Chairman</b>	Senator McKissick
<b>Vice Chairman</b>	Senator Rand

**COMMERCE** (continued)**Tues/Thurs--1027 - LB--11:00 AM****Members**

Senators Apodaca, D. Berger,  
P. Berger, Blake, Blue, Boseman,  
Brunstetter, Clary, Dorsett,  
Fariest, Forrester, Garrou,  
Goodall, Goss, Graham, Hunt,  
Jacumin, Jenkins, Nesbitt, Purcell,  
Rucho, Shaw, Stein, Stevens,  
Vaughan

**EDUCATION/HIGHER EDUCATION****Wed--643 - LOB--10:00 AM****Co-Chairman**

Senator Fariest

**Co-Chairman**

Senator Stevens

**Vice Chairman**

Senator Boseman

**Vice Chairman**

Senator Dorsett

**Vice Chairman**

Senator Queen

**Members**

Senators Allran, Apodaca, D. Berger,  
P. Berger, Brown, Dannelly,  
Davis, Forrester, Garrou, Goodall,  
Graham, Hartsell, Hoyle, Jones,  
McKissick, Nesbitt, Preston,  
Purcell, Rand, Rucho, Snow,  
Stein, Swindell, Tillman

**FINANCE****Tues/Wed--544 LOB--1:00 PM****Co-Chairman**

Senator Hoyle

**Co-Chairman**

Senator Clodfelter

**Co-Chairman**

Senator Jenkins

**Vice Chairman**

Senator Hartsell

**Vice Chairman**

Senator Shaw

**Members**

Senators Albertson, Allran, Apodaca,  
Atwater, P. Berger, Blake, Blue,  
Boseman, Brock, Brown,  
Dannelly, East, Fariest, Garrou,  
Goodall, Goss, Hunt, Kinnaird,  
McKissick, Nesbitt, Preston,  
Purcell, Queen, Rand, Rouzer,  
Rucho, Soles, Stein, Stevens,  
Swindell, Tillman

**HEALTH CARE****Wed--544 - LOB--11:00 AM**

<b>Co-Chairman</b>	Senator Purcell
<b>Co-Chairman</b>	Senator Bingham
<b>Vice Chairman</b>	Senator Dorsett
<b>Vice Chairman</b>	Senator Foriest
<b>Vice Chairman</b>	Senator Forrester
<b>Members</b>	Senators Atwater, Allran, D. Berger, Blake, Brown, Brunstetter, Clary, Dannelly, Davis, Goodall, Goss, Graham, Hartsell, Hoyle, Jacumin, Kinnaird, Nesbitt, Queen, Rand, Rouzer, Rucho, Stein

**JUDICIARY I****Tues/Thurs--1027 - LB--10:00 AM**

<b>Chairman</b>	Senator Nesbitt
<b>Vice Chairman</b>	Senator Clodfelter
<b>Vice Chairman</b>	Senator Brunstetter
<b>Vice Chairman</b>	Senator Soles
<b>Vice Chairman</b>	Senator Stein
<b>Members</b>	Senators Albertson, P. Berger, Blue, Brock, Brown, Clary, Graham, Hoyle, Jenkins, Kinnaird, McKissick, Rand, Rouzer, Stevens, Tillman

**JUDICIARY II****Tues/Thurs--1124 - LB--10:00 AM**

<b>Chairman</b>	Senator Hartsell
<b>Vice Chairman</b>	Senator Allran
<b>Vice Chairman</b>	Senator Vaughan
<b>Vice Chairman</b>	Senator Jones
<b>Members</b>	Senators Apodaca, Atwater, D. Berger, Bingham, Boseman, Dannelly, Dorsett, Forrester, Goodall, Jacumin, Queen, Snow, Swindell

**MENTAL HEALTH & YOUTH SERVICES****Wed--414 - LOB--12:00 Noon**

<b>Co-Chairman</b>	Senator Kinnaird
<b>Co-Chairman</b>	Senator Graham
<b>Vice Chairman</b>	Senator Nesbitt
<b>Members</b>	Senators Dannelly, Forrester, Jacumin, Jones, Shaw, Snow

**PENSIONS, RETIREMENT & AGING****Wed--423 - LOB--12:00 Noon**

**Chairman** Senator Foriest  
**Vice Chairman** Senator Garrou  
**Members** Senators Albertson, Atwater, Bingham,  
 Clodfelter, Dorsett, East, Jenkins,  
 Preston, Purcell, Queen, Stevens,  
 Swindell

**RULES AND OPERATIONS OF THE SENATE****Upon Call of Chairman**

**Chairman** Senator Rand  
**Vice Chairman**  
**Members** Senators Albertson, P. Berger,  
 Bingham, Blue, Boseman, Brock,  
 Brunstetter, Clary, Clodfelter,  
 Dorsett, Forrester, Hartsell, Hoyle,  
 Jones, Kinnaird, Nesbitt, Preston,  
 Soles, Stevens, Swindell

**STATE AND LOCAL GOVERNMENT****Tues--1124 - LB--12:00 Noon**

**Co-Chairman** Senator Jones  
**Co-Chairman** Senator East  
**Vice Chairman** Senator Dorsett  
**Members** Senators Albertson, Apodaca,  
 P. Berger, Blake, Boseman, Davis,  
 Hartsell, McKissick, Queen, Soles,  
 Stevens

**TRANSPORTATION****Wed--1027 - LB--11:00 AM**

**Co-Chairman** Senator Shaw  
**Co-Chairman** Senator Boseman  
**Vice Chairman** Senator Goss  
**Vice Chairman** Senator Jenkins  
**Members** Senators Apodaca, P. Berger, Brown,  
 Davis, East, Goodall, Graham,  
 Hoyle, Hunt, McKissick, Preston,  
 Snow, Soles, Stevens, Swindell,  
 Tillman, Vaughan

**WAYS AND MEANS****Chairman**  
**Members****Upon Call of Chairman**Senator Dannelly  
Senators Albertson, Atwater, Bingham,  
Blue, Forrester, Goss, Hartsell,  
Hoyle, Jones, Swindell**SELECT COMMITTEES****SELECT COMMITTEE ON ECONOMIC RECOVERY****Chairman**  
**Members****Upon Call of Chairman**Senator Nesbitt  
Senators Allran, D. Berger, Blue,  
Davis, Hartsell, Kinnaird,  
McKissick, Preston, Rouzer, Soles  
Stein, Vaughan**SELECT COMMITTEE ON EMPLOYEE HOSPITAL AND MEDICAL  
BENEFITS****Chairman**  
**Members****Upon Call of Chairman**Senator Rand  
Senators Apodaca, Atwater, Clodfelter,  
Dannelly, Forrester, Garrou,  
Hoyle, Purcell, Stevens**SELECT COMMITTEE ON ENERGY, SCIENCE AND TECHNOLOGY****Co-Chairman**  
**Co-Chairman**  
**Members****Upon Call of Chairman**Senator Dorsett  
Senator Queen  
Senators Albertson, Atwater, Brock,  
Brown, Clary, Clodfelter, Davis,  
Hartsell, Rand, Rouzer, Stein,  
Stevens, Swindell, Vaughan

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**SENATE STAFF****OFFICE OF THE PRESIDENT**

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Chief of Staff	Caroline Valand
Deputy Chief of Staff	Kimberly Reynolds
Executive Assistant	Barbara O'Sullivan
Communications Director	Sara Lang
Special Counsel	Avery Staley
Director of Policy	Mike McLaughlin
Director of External Affairs	Cynthia O'Neal
Scheduler	Chelsea Parry-Hill
Constituent Services	Michael Kelly
Administrative Assistant	Jamie Almond
Security	Trooper Brian Lane
	Trooper Quintin Stanton

**OFFICE OF THE PRESIDENT *PRO TEMPORE***

President <i>Pro Tempore</i>	Marc Basnight
Chief of Staff	Amy Fulk
General Counsel	Beth Braswell
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
Environmental Analyst	Katie Hall

**OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE***

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Administrative Assistant	Dee Hodge
Legal Counsel	Wayne Yancey

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Majority Leader	Tony Rand
Administrative Assistant	Evelyn Costello
General Counsel	Amy Bason
Research Assistant	Judy Tardiff

**OFFICE OF THE SENATE REPUBLICAN LEADER**

Republican Leader	Phil Berger
Administrative Assistant	Darrell Malcolm
Legislative Assistant	Barbara Eldridge

Research Assistant	Sarah Clapp
Research Assistant	Cody Hand
Research Assistant	Brent Woodcox

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	Joan Jones
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	Marty Carrara
	Charlotte Johnston
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	Mary Elizabeth Smith
	Trey Taylor
	Peggy Telfair
	Susie Thompson
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Charles Marsalis	Leslie Wright
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Administrative Assistant	Delta Prince

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Ted Harrison

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Beverlee Baker	Senator Boseman
Jessica Bennett	Senator Nesbitt
Gail Bishop	Senator Garrou
Janet Black	Senator Brock
Airen Blaine	Senator Apodaca
Lorraine Blake	Substitute

Janet Blalock	Senator Soles
Brice Bratcher	Senator Doug Berger
Rebecca Butler	Senator Snow \
Phyllis Cameron	Senator Dorsett
Mary Watson Cannon	Senator Forrester
Oliver Carter III	Senator Vaughan
Suzanne Castleberry	Senator Preston
Judy Chriscoe	Senator Bingham
Genie Clark	Senator Brunstetter
Sarah Clapp	Senator Phil Berger
Evelyn Costello	Senator Rand
Bernie David-Yerumo	Senator McKissick
Cindy Davis	Senator Albertson
Kathy Davis	Senator Hunt
Andrew Dugan	Senator Garrou
Judy Edwards	Senator Rouzer
Barbara Eldridge	Senator Phil Berger
Susanne Erskine	Substitute
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Cody Hand	Senator Phil Berger
Amber Harris	Senator Foriest
	Senator Malone
Evelyn Hartsell	Substitute
Becky Hedspeth	Senator Purcell
Barbara Hocutt	Substitute
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Mo Hudson	Senator Swindell
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Gerry Johnson	Senator Hartsell
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Anna Kidd	Senator Blake
Maria Kinnaird	Senator Kinnaird
James Kirby	Senator Queen
Joan Leatherman	Senator Soles

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Helen Long	Senator Rucho
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Steven Webb	Senator Albertson
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Nadine Dominique	Senator Kinnaird
Greg Doucette	Senator Foriest
Marshall Dworkin	Senator Basnight
Brittany Eller	Senator Goss
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William Flowers	Senator Doug Berger
Charles Francis	Senator Bingham
Sarah Hardin	Senator Brunstetter
Katherine Herington	Senator Forrester
Paige Hixon	Senator Garrou
Lauren Holmes	Senator Stein
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James Phillips	Senator Garrou
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Curtis Thomas

Da'Neen Weeks

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James Wren

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Senator Atwater

Senator Nesbitt

Senator Brown

Senator Hoyle

Senator Boseman

Senator Brock

Senator Vaughan

Senator Blake

Senator Rand

Senator Dorsett

Senator Graham

Senator Davis

Senator Preston

Senator Doug Berger

Senator Davis

**SENATE CHAPLAIN**

The Reverend Mike Morris

**SENATE TAX COUNSEL**

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Knox Gibson, Stanley  
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Tom Gill III, Raleigh  
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Grant Goethe, Wake Forest  
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Caleb Hawkins, Raleigh  
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Sarah Hinton, Elon  
Melissa Hirsch, Raleigh  
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Zack Miller, Trinity  
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Dwayne Mitchell, Jr., Garner  
Emmanuel Mitchell, Garner  
Katelyn Mitchell, Cary  
Shaneice Mitchell, Colerain  
Arrington Moore, Nashville  
Mary Helen Moore, Nashville  
Nelson Moore, Nashville  
Stephen Moore, Raleigh  
Dakota Morgan, Garner  
Jarvis Moss, Gastonia  
Melissa Moss, Flat Rock  
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Rachel Kathleen Parker, Pinnacle	Preston Rodeniser, Fuquay-Varina
Wilson Parker, Asheville	Danielle Rogers, Ayden
Yates Parrish, Raleigh	Elizabeth Rogers, Thomasville
Anna Paschall, Gastonia	Lindsey Rose, Climax
Abby Paulson, Cary	Adonna T. Rowland, Durham
Aaron Pellot, Fort Mill, South Carolina	Maya Alyn Rowland, Durham
Virginia Perkins, Greensboro	Jay Royster, Shelby
Laura Perry, Clayton	Robby Rucho, Matthews
Victoria Peterson, Emerald Isle	Ashton Rueda, Willow Springs
McLeod Phillips, Concord	Brysen Rush, Hickory
Maura Phipps, LaGrange	Matthew Ruterbories, Raleigh
Will Pittman, Raleigh	Caitie Safrit, Chapel Hill
Caleb Pletcher, Hickory	Elizabeth Safrit, Kannapolis
Carolina Ponce, Pikeville	Will Safrit, Kannapolis
Matt Pounds, Clayton	Ellis Anne Sahhar, Winston-Salem
Wilson Powell, Asheville	Ariel Sanders, Raleigh
Alexander Privott, Sanford	Vicente Saraos, Fayetteville
Phillip Pruett, Jr., Hickory	Andrew Schuett, Jr., Wrightsville Beach
Madison Pulliam, Charlotte	James R. Scott, Salemburg
Nicholas Purvis, Middlesex	Emily Scott-Cruz, Hendersonville
Julia Quirin, Cary	Jacob Searcy, Rutherfordton
Rachel Quirin, Cary	Jonquelia Semies, Greenville
Cole Rainey, Midlothian, Virginia	Olena Serpukhovitina, Mooresboro

Holly Setzer, Cullowee  
Hussein Sharafi, Fayetteville  
Kaitlyn Shaw, Summerfield  
Kareem Shaw, Riegelwood  
Olivia Shields, Greensboro  
Sidra Shoaib, Clayton  
Katie Shytle, Laurinburg  
Anu Singh, Cary  
Ben Smith, Apex  
Brendan Smith, Fuquay-Varina  
Briannca Smith, Sanford  
Daniel Smith, Holly Springs  
DJ Smith, Raleigh  
Emilee Smith, Salisbury  
Karley Smith, Burlington  
Matt Smith, Willow Spring  
Mitchell Smith, Asheville  
Tahirah Smith, Enfield  
Tamara Smith, Charlotte  
Tyler Smith, Asheville  
Jes Smothers, High Point  
Connie Snapp, Albemarle  
Ben Snoterly, Raleigh  
Kali Snuggs, Wendell  
Elizabeth Snyder,  
    Mechanicsville, Virginia  
Eleanor Sojka, Laurinburg  
Domonique Solomon, Selma  
Katherine Speight, Winston-Salem  
Tre' Spence, Durham  
Taylor Spencer, Gastonia  
Chelsea Stang, Morehead City  
Joey Stephens II, Apex  
Ben Stevens, Greensboro  
Scott Stewart, West End  
Katelyn Stiles, Bessemer City  
Jim Stirling, Raleigh  
Dodge Story, Kitty Hawk  
Rachel Stroud, New Bern  
Lindsay Dean Stutts, Goldsboro  
Richard Styers, Raleigh  
Zach Sullivan, Fayetteville  
Aaron Michael Summerville,  
    Snow Hill  
Joey Surles, Jr., Fuquay-Varina  
Meredith Sutton, Pink Hill

Abby Talmadge, Apex  
Kaleb Templeton, Concord  
Brooke Tetrault, Charlotte  
Lizzy Thomas, Greensboro  
Sallie Thompson, Wake Forest  
Seth Toomey, Hope Mills  
Sam Trawick, Cary  
Aubrey Tsao, Clinton  
Michael Tuck, Greensboro  
Jean Turlington, Clinton  
Alexis Turner, Charlotte  
Taylor Tutton, High Point  
Allisan Tyndall, Selma  
Caleb Underwood, Raleigh  
Brad Vohlers, Cary  
Ian Wahrenbrock, Chapel Hill  
Alison Walker, Asheboro  
Kathryn Walker, Morehead City  
Ridge Walker, Yanceyville  
Taylor Wallace, Winston-Salem  
Jackson Walsh, Durham  
Sawyer Walters, Lexington  
Sloan Walters, Lexington  
Caroline Ward, Charlotte  
Justin Warren, Coats  
Callie Washburn, Pfafftown  
Coralie Watts, Gastonia  
Kiyana Watts, Durham  
Amandolin Webb, Oakboro  
Hiram Webb, Knightdale  
Malik Webb, Raleigh  
Shardai Webb, Raleigh  
Adam Welch, Four Oaks  
Jake Welch, Gastonia  
Turner Welch, Winston-Salem  
Elizabeth West, Goldsboro  
Austin White, Greensboro  
Tyler White, Clinton  
Walt Whitehead IV, Raleigh  
Ian Whitson, Snow Hill  
Kevin Wiggins, Raleigh  
Brea Wilkerson, Durham  
BJ Williams II, Greensboro  
Paul Williams, Clayton  
Perry Williams III, Clayton  
Kaja Williamson, Wilson

Jonathan Wimbish, Charlotte  
Mesha Winford, Enfield  
Ally Winslow, Hertford  
Devon Winslow, Charlotte  
Michael Wolfe, Durham  
Kat Woolard, Morrisville  
Rachel Wordsworth, Rocky Mount  
JoJo Wright, Enfield

Erin Wuebbens, Durham  
Keifer Wynn, Raleigh  
John Yakel, Salemburg  
Jacob Yaniero, Jacksonville  
Alex Yankoglu, Raleigh  
Rowland Yeargan, Willow Spring  
Megan Yeargin, Harrisburg  
Alex Zuraff, Concord

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## PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to Boards and Commissions were made during 2009 by The Honorable Walter Dalton, Lieutenant Governor and President of the Senate.

	Appointed	Expires
<b>NORTH CAROLINA BIOTECHNOLOGY CENTER, BOARD OF DIRECTORS</b>		
Bylaws-10/17/2000		
Dr. Richard H. Dean	06/17/2009	06/30/2011
Dr. Victor J. Dzau	06/04/2009	06/30/2011
Ms. Lynne Scott Safrit	06/04/2009	06/30/2011
<b>PUBLIC HEALTH STUDY COMMISSION</b>		
G.S. 120-195		
Ms. Denese Stallings	05/01/2009	04/30/2011
<b>RURAL ECONOMIC DEVELOPMENT CENTER, INC., BOARD OF DIRECTORS</b>		
Bylaws		
Mr. Frank V. Beam	06/15/2009	
Mr. Charles P. Brown	03/09/2009	
Lt. Scott J. Parker	03/26/2009	
<b>NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION</b>		
G.S. 164-35; SL95-236		
Mr. Thomas A. Bennett	04/30/2009	06/30/2011
Mr. Luther T. Moore	04/30/2009	06/30/2011
<b>SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION</b>		
G.S. 158-8.3		
Mr. Walter Lee Crouch, Jr.	05/20/2009	06/30/2013
<b>VAGABOND SCHOOL OF DRAMA, BOARD OF TRUSTEES</b>		
Articles of Inc.		
Sen. David W. Hoyle	05/20/2009	12/31/2010
Sen. John J. Snow, Jr.	05/20/2009	12/31/2010
<b>WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION (ADVANTAGEWEST NORTH CAROLINA)</b>		
G.S. 158-8.1		
Dr. Connie M. Haire	06/17/2009	06/30/2013

## SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2009 by the Honorable Marc Basnight, President *Pro Tempore*.

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>ACUPUNCTURE LICENSING BOARD</b>		
G.S. 90-453		
Mr. Andrew Kingoff	08/18/2009	06/30/2012
<b>ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE</b>		
G.S. 120-70.100		
Sen. Martin L. Nesbitt, Jr. (Co-Ch)	11/02/2009	01/31/2011
Sen. Daniel T. Blue, Jr.	11/02/2009	01/31/2011
Sen. Peter S. Brunstetter	11/02/2009	01/31/2011
Sen. Katie G. Dorsett	11/02/2009	01/31/2011
Sen. William R. Purcell	11/02/2009	01/31/2011
Sen. Richard Y. Stevens	11/02/2009	01/31/2011
Sen. A.B. Swindell IV	11/02/2009	01/31/2011
Sen. Fletcher Hartsell	11/02/2009	01/31/2011
<b>AFRICAN-AMERICAN HERITAGE COMMISSION</b>		
G.S. 143B-135; SL2008-107 sec. 19A.2		
Ms. Frankie Day	08/18/2009	06/30/2012
<b>AGING STUDY COMMISSION</b>		
G.S. 120-182		
Sen. A.B. Swindell IV (Co-Ch)	10/21/2009	06/30/2011
Sen. Stan Bingham	10/21/2009	06/30/2011
Sen. Katie G. Dorsett	10/21/2009	06/30/2011
Mr. John Eller	10/21/2009	06/30/2011
Sen. James S. Forrester	10/21/2009	06/30/2011
Mr. Anthony Peace	10/21/2009	06/30/2011
Sen. Joe Sam Queen	10/21/2009	06/30/2011
Ms. Jean Reaves	10/21/2009	06/30/2011
<b>AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE</b>		
G.S. 106-744(g); SL2005-390 sec. 17		
Mr. William Holbrook	01/30/2009	12/31/2010
<b>AGRICULTURAL FINANCE AUTHORITY</b>		
G.S. 122D-4		
Mr. Ed Emory	08/19/2009	06/30/2012
Mr. Robert Frank Timberlake	08/19/2009	06/30/2012
<b>APPRAISAL BOARD</b>		
G.S. 93E-1		
Ms. Sidney Jessup	08/19/2009	06/30/2012

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>ATHLETIC TRAINER EXAMINERS BOARD</b>		
G.S. 90-524		
Mr. Robert J. Casmus	08/19/2009	06/30/2012
Ms. Michelle E. Piette	08/19/2009	06/30/2012
<b>AUTISM SPECTRUM DISORDER AND PUBLIC SAFETY (2009)</b>		
SL2009-451 sec. 10.21D.(a)		
Sen. William R. Purcell (Co-Ch)	11/09/2009	12/31/2010
Dr. James W. Bodfish	11/09/2009	12/31/2010
Mr. John Burress	11/09/2009	12/31/2010
Mr. Mark Edwards	11/17/2009	12/31/2010
Sen. James S. Forrester	11/09/2009	12/31/2010
Sen. Linda Garrou	11/09/2009	12/31/2010
The Hon. George Wayne Goodwin (Resigned)	11/09/2009	12/31/2010
Mrs. Norma Houston	11/09/2009	12/31/2010
Ms. Selene Johnson	11/09/2009	12/31/2010
Mr. W. David Munday	11/09/2009	12/31/2010
Sen. John J. Snow, Jr.	11/09/2009	12/31/2010
Dr. Michael C. Teague	11/09/2009	12/31/2010
Sen. Katie G. Dorsett	12/10/2009	12/31/2010
<b>BANKING LAWS AND THE CONSUMER FINANCE ACT, JOINT LEGISLATIVE (2009)</b>		
SL2009-574 sec. 48.1		
Sen. David W. Hoyle (Co-Ch)	10/27/2009	05/01/2010
Sen. Daniel T. Blue, Jr.	10/27/2009	05/01/2010
Mr. Robert T. Braswell	10/27/2009	05/01/2010
Mr. Royce E. Everette, Jr.	10/27/2009	05/01/2010
Sen. Martin L. Nesbitt, Jr.	10/27/2009	05/01/2010
Sen. Josh Stein	10/27/2009	05/01/2010
Sen. Donald R. Vaughan	10/27/2009	05/01/2010
Ms. Beth Young	10/27/2009	05/01/2010
<b>BIOTECHNOLOGY CENTER, BOARD OF DIRECTORS</b>		
Bylaws-10/17/2000		
Dr. Marvin K. Moss	07/14/2009	06/30/2011
Mr. Milton Prince	07/14/2009	06/30/2011
The Hon. Steven Troxler	07/14/2009	06/30/2011
<b>BOXING ADVISORY COMMISSION</b>		
G.S. 143-652.2; SL2007-528 sec. 1; SB 692		
Dr. Sara Neal	01/08/2009	06/30/2009
<b>BUILDING COMMISSION</b>		
G.S. 143-135.25; SL93-561		
Ms. Valoree Eikinas	08/26/2009	06/30/2012
<b>CAPITAL IMPROVEMENTS</b>		
G.S. 120-258; SL2002-126 sec. 29.3		
Sen. Linda Garrou (Co-Ch)	12/18/2009	01/24/2011
Sen. Charlie S. Dannelly	12/18/2009	01/24/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>CAPITAL IMPROVEMENTS (continued)</b>		
Sen. S. Clark Jenkins	12/18/2009	01/24/2011
Sen. Stan Bingham	12/18/2009	01/24/2011
Sen. Richard Stevens	12/18/2009	01/24/2011
Sen. Daniel G. Clodfelter	12/18/2009	01/24/2011
Sen. Joe Sam Queen	12/18/2009	01/24/2011
<b>CAPITAL PLANNING COMMISSION</b>		
G.S. 143B-373; SL91-739		
Sen. Daniel T. Blue, Jr.	06/02/2009	01/31/2011
Sen. David W. Hoyle	06/02/2009	01/31/2011
Sen. Josh Stein	06/02/2009	01/31/2011
Sen. Richard Y. Stevens	06/02/2009	01/31/2011
<b>CEMETERY COMMISSION</b>		
G.S. 65-49; SL91-959		
Mr. Michael Powell	08/21/2009	06/30/2013
<b>CHILD CARE COMMISSION</b>		
G.S. 143B-168.4; SL91-273		
Ms. Magdalena B. Cruz	08/19/2009	06/30/2011
Ms. Penny P. Davis	08/19/2009	06/30/2011
<b>CHILDHOOD OBESITY LEGISLATIVE TASK FORCE (2009)</b>		
SL2009-574 sec. 49.1		
Sen. William R. Purcell (Co-Ch)	10/15/2009	05/01/2010
Sen. Doug Berger	10/15/2009	05/01/2010
Sen. Charlie S. Dannelly	10/15/2009	05/01/2010
Sen. Donald G. Davis	10/15/2009	05/01/2010
Sen. Jean R. Preston	10/15/2009	05/01/2010
Sen. Jerry W. Tillman	10/15/2009	05/01/2010
<b>CHILDREN AND YOUTH LEGISLATIVE STUDY COMMISSION</b>		
G.S. 120-215		
Sen. Robert C. Atwater (Co-Ch)	03/31/2009	01/31/2011
Sen. Doug Berger	03/31/2009	01/31/2011
Mrs. Barbara Bradley	03/31/2009	01/31/2011
Dr. Helen T. Brantley	03/31/2009	01/31/2011
Ms. Mia Day Burroughs	03/31/2009	01/31/2011
Mrs. Selena Berrier Childs	03/31/2009	01/31/2011
Mr. John Cox	03/31/2009	01/31/2011
Sen. Malcolm Graham	03/31/2009	01/31/2011
The Hon. H. Paul McCoy, Jr.	03/31/2009	01/31/2011
Sen. John J. Snow, Jr.	03/31/2009	01/31/2011
Sen. Richard Y. Stevens	03/31/2009	01/31/2011
Ms. Rebecca Troutman	03/31/2009	01/31/2011
<b>CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES</b>		
G.S. 113A-255		
Dr. Yevonne S. Brannon	08/19/2009	07/01/2013

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES (continued)</b>		
Mr. William E. Hollan, Jr.	08/19/2009	07/01/2013
Ms. Betty Chafin Rash	08/19/2009	07/01/2011
Mr. Aaron K. Thomas	08/19/2009	07/01/2013
<b>CONSUMER AND FAMILY ADVISORY COMMITTEE</b>		
G.S. 122C-171; SL2006-142 sec. 5		
Ms. Marianne Clayter	06/25/2009	06/30/2012
<b>CORRECTIONS, CRIME CONTROL AND JUVENILE JUSTICE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE</b>		
G.S. 120-70.93		
Sen. Edward W. Jones (Co-Ch)	04/08/2009	01/31/2011
Sen. Eleanor Kinnaird (Co-Ch)	04/08/2009	01/31/2011
Sen. Thomas M. Apodaca	04/08/2009	01/31/2011
Sen. Doug Berger	04/08/2009	01/31/2011
Sen. Stan Bingham	04/08/2009	01/31/2011
Sen. Daniel G. Clodfelter	04/08/2009	01/31/2011
Sen. Malcolm Graham	04/08/2009	01/31/2011
Sen. John J. Snow, Jr.	04/08/2009	01/31/2011
<b>COUNCIL FOR THE DEAF AND HARD OF HEARING</b>		
G.S. 143B-216.31; SL93-551		
Sen. Donald G. Davis	09/15/2009	06/30/2013
Sen. Josh Stein	09/15/2009	06/30/2013
<b>CRIME VICTIMS COMPENSATION COMMISSION</b>		
G.S. 15B-3		
Ms. Joyce M. Cutler	08/20/2009	06/30/2013
<b>CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION</b>		
G.S. 17C-3		
Mr. Ricky Anderson	08/20/2009	06/30/2011
Ms. Annie Harvey	08/20/2009	06/30/2011
Mr. Steve Johnson	08/20/2009	06/30/2011
Mr. Terry Lee Waterfield	08/20/2009	06/30/2011
<b>CRIMINAL JUSTICE INFORMATION NETWORK GOVERNING BOARD</b>		
G.S. 143-660		
Mr. Robert W. Lee	08/26/2009	06/30/2013
Mr. Doug Logan	08/26/2009	06/30/2013
Mr. Bill Stice	08/26/2009	06/30/2013
<b>CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD</b>		
G.S. 143B-273.6; SL93-534		
Ms. Laura Devan	02/05/2009	11/30/2012

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>DEBT AFFORDABILITY ADVISORY COMMITTEE</b>		
G.S. 142-101; SL2004-179 sec. 5.1		
Mr. Stuart Bell	08/04/2009	12/31/2010
Mr. J. W. Davis	08/04/2009	12/31/2010
<b>DIETETICS/NUTRITION BOARD</b>		
G.S. 90-353; SL91-668		
Ms. Kathleen Sodoma	08/20/2009	06/30/2012
<b>DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR</b>		
G.S. 84-28.1; SL83-390		
Dr. Charles L Garrett, Jr.	08/20/2009	06/30/2012
<b>DOMESTIC VIOLENCE COMMISSION</b>		
G.S. 143B-394.15; SL1999-237 sec. 24.2b		
Ms. Lynn Bryant	09/09/2009	08/31/2011
Mrs. Linda Holden-Cox	09/09/2009	08/31/2011
Ms. Betsy Wells	09/09/2009	08/31/2011
<b>DOMESTIC VIOLENCE, JOINT LEGISLATIVE</b>		
G.S. 120-265; SL2005-356		
Sen. Malcolm Graham (Co-Ch)	11/12/2009	01/31/2011
Sen. Julia C. Boseman	02/19/2009	01/31/2011
Sen. Robert C. Atwater	02/19/2009	01/31/2011
Sen. Harris D. Blake	02/19/2009	01/31/2011
Sen. Don W. East	02/19/2009	01/31/2011
Sen. Jim Jacumin	02/19/2009	01/31/2011
Sen. Edward W. Jones	02/19/2009	01/31/2011
Sen. John J. Snow, Jr.	02/19/2009	01/31/2011
<b>DROPOUT PREVENTION</b>		
G.S. 120-121		
Dean Zoe Locklear	11/16/2009	12/31/2010
Mr. Richard Hooker, Jr.	11/16/2009	12/31/2010
<b>DROPOUT PREVENTION AND HIGH SCHOOL GRADUATION (2007)</b>		
<b>JOINT LEGISLATIVE COMMISSION</b>		
SL2007-323 sec. 7.32.(f)		
Sen. Donald G. Davis (Co-Ch)	10/16/2009	01/31/2011
Sen. Joe Sam Queen	11/12/2009	01/25/2011
Sen. Charlie S. Dannelly	11/12/2009	01/25/2011
Sen. Julia C. Boseman	11/12/2009	01/25/2011
Sen. S. Clark Jenkins	11/12/2009	01/25/2011
Sen. Katie G. Dorsett	11/12/2009	01/25/2011
Sen. A.B. Swindell IV	11/12/2009	01/25/2011
Sen. Jerry W. Tillman	11/12/2009	01/25/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>EARLY CHILDHOOD EDUCATION AND CARE (2009) CONSOLIDATION JOINT LEGISLATIVE TASK FORCE</b>		
SL2009-451 sec. 10.7A.(b)		
Sen. Daniel T. Blue, Jr. (Co-Ch)	10/21/2009	03/15/2010
Sen. William R. Purcell	10/21/2009	03/15/2010
Sen. A.B. Swindell IV	10/21/2009	03/15/2010
<b>ECONOMIC DEVELOPMENT BOARD</b>		
G.S. 143B-434		
Sen. Linda Garrou	06/11/2009	06/30/2012
Sen. David W. Hoyle	06/11/2009	06/30/2013
Sen. S. Clark Jenkins	06/11/2009	06/30/2013
<b>EDENTON HISTORICAL COMMISSION</b>		
G.S. 143B-95; SL79-733		
Mr. Simon B. Rich, Jr.	03/18/2009	
<b>EDUCATION COMMISSION OF THE STATES</b>		
G.S. 115C-104		
Sen. Vernon Malone (Deceased 04/18/2009)	03/30/2009	12/31/2011
Sen. Daniel T. Blue, Jr.	12/11/2009	12/31/2011
<b>EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE</b>		
G.S. 120-70.80		
Sen. Anthony E. Foriest (Co-Ch)	05/06/2009	01/31/2011
Sen. Vernon Malone (Co-Ch) (Deceased 04/18/2009)	03/04/2009	01/31/2011
Sen. Thomas M. Apodaca	03/04/2009	01/31/2011
Sen. Robert C. Atwater	03/04/2009	01/31/2011
Sen. Charlie S. Dannelly	03/04/2009	01/31/2011
Sen. Katie G. Dorsett	03/04/2009	01/31/2011
Sen. Steve Goss	03/04/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	03/04/2009	01/31/2011
Sen. Martin L. Nesbitt, Jr.	03/04/2009	01/31/2011
Sen. Joe Sam Queen	03/04/2009	01/31/2011
Sen. Richard Y. Stevens	03/04/2009	01/31/2011
Sen. A.B. Swindell IV	03/04/2009	01/31/2011
Sen. Jerry W. Tillman	03/04/2009	01/31/2011
Sen. Don Davis	12/15/2009	01/31/2011
<b>EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE</b>		
G.S. 135-43.1		
Sen. Tony Randy (Co-Ch)	02/03/2009	01/31/2011
Sen. Thomas M. Apodaca	02/03/2009	01/31/2011
Sen. Daniel G. Clodfelter	02/03/2009	01/31/2011
Sen. Charlie S. Dannelly	02/03/2009	01/31/2011
Sen. Linda Garrou	02/03/2009	01/31/2011
Sen. David W. Hoyle	02/03/2009	01/31/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>ENERGY POLICY COUNCIL</b>		
G.S. 113B-2; SL77-23		
Sen. Eleanor Kinnaird	02/17/2009	01/31/2011
Sen. Richard Y. Stevens	02/17/2009	01/31/2011
<b>ENVIRONMENTAL MANAGEMENT COMMISSION</b>		
G.S. 143B-282; SL91-990		
Mr. Stan Crowe	08/21/2009	06/30/2011
Mr. Freddie Harrill	08/21/2009	06/30/2011
Mr. Forrest R. Westall Sr.	08/21/2009	06/30/2011
<b>ENVIRONMENTAL REVIEW COMMISSION</b>		
G.S. 120-70.41; SL1997-31		
Sen. Daniel G. Clodfelter (Co-Ch)	09/29/2009	01/31/2011
Sen. Robert C. Atwater (Co-Ch)	09/29/2009	01/31/2011
Sen. Charles W. Albertson	04/03/2009	01/31/2011
Sen. Stan Bingham	04/03/2009	01/31/2011
Sen. Katie G. Dorsett	04/03/2009	01/31/2011
Sen. James S. Forrester (Advisory Member)	11/18/2009	
Sen. Eleanor Kinnaird	04/03/2009	01/31/2011
Sen. Joe Sam Queen (Advisory Member)	04/03/2009	01/31/2011
Sen. A.B. Swindell IV	04/03/2009	01/31/2011
Sen. David F. Weinstein (Resigned)	04/03/2009	01/19/2011
Sen. Floyd B. McKissick, Jr.	11/18/2009	01/19/2011
<b>FIRE AND RESCUE COMMISSION</b>		
G.S. 58-78-1; SL93-155		
Mr. Chris Smith	08/21/2009	06/30/2010
<b>FORESTRY COUNCIL</b>		
G.S. 143B-308; SL89-727		
Mr. Will McDow	10/16/2009	06/30/2013
Mr. R. E. Newton	10/16/2009	06/30/2013
Mr. Hardy Parker	10/16/2009	06/30/2013
<b>GENERAL STATUTES COMMISSION</b>		
G.S. 164-12		
Sen. Fletcher L. Hartsell, Jr.	11/16/2009	05/31/2011
<b>GLOBAL CLIMATE CHANGE (2005) LEGISLATIVE COMMISSION</b>		
SL2005-442		
Sen. Jim Jacumin	11/12/2009	10/01/2010
Sen. Josh Stein	11/12/2009	10/01/2010
Sen. Charles W. Albertson	11/12/2009	10/01/2010
Mr. John Garrou	11/12/2009	10/01/2010
Mr. Ivan Urlaub	11/12/2009	10/01/2010
Dr. Delores Eggers	11/12/2009	10/01/2010
Mr. Walter Clark	11/12/2009	10/01/2010
Dr. Edward W. Erickson	11/12/2009	10/01/2010
Mr. Tim Toben	11/12/2009	10/01/2010

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>GLOBAL ENGAGEMENT (2009) JOINT SELECT COMMITTEE</b>		
G.S. 120-19.6(a1); Letter of 11-17-2009-Sen Rule 31; House Rule 26(a)		
Sen. Joe Sam Queen (Co-Ch)	11/17/2009	02/01/2011
Sen. Robert C. Atwater	11/17/2009	02/01/2011
Sen. Peter S. Brunstetter	11/17/2009	02/01/2011
Sen. Anthony E. Foriest	11/17/2009	02/01/2011
Sen. Malcolm Graham	11/17/2009	02/01/2011
Sen. Jean R. Preston	11/17/2009	02/01/2011
Sen. Josh Stein	11/17/2009	02/01/2011

**GLOBAL TRANSPARK AUTHORITY, BOARD OF DIRECTORS**

G.S. 63A-3		
Mr. Jack Kellogg	09/04/2009	06/30/2011

**GOLDEN L.E.A.F. (LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION) CORPORATION, INC.**

SL1999-2; Consent Decree-98CVS14377		
Mr. Frank B. Holding, Jr.	02/02/2009	11/30/2013
Mr. David T. Stephenson III	02/02/2009	11/30/2013

**GOVERNANCE AND THE ADEQUACY OF THE INVESTMENT AUTHORITY OF VARIOUS STATE-OWNED FUNDS FOR THE PURPOSES OF ENHANCING THE RETURN ON INVESTMENTS (2009)**

SL2009-574 sec. 47.1		
Sen. Fletcher L. Hartsell Jr. (Co-Ch)	11/06/2009	12/31/2010
Mr. Page Allen	11/06/2009	12/31/2010
Sen. Doug Berger	11/06/2009	12/31/2010
Sen. Anthony E. Foriest	11/06/2009	12/31/2010
Sen. Martin L. Nesbitt, Jr.	11/06/2009	12/31/2010
Sen. Josh Stein	11/06/2009	12/31/2010

**GOVERNMENTAL OPERATIONS JOINT LEGISLATIVE COMMISSION**

G.S. 120-73		
Sen. Charles W. Albertson	11/04/2009	01/31/2011
Sen. Thomas M. Apodaca	11/04/2009	01/31/2011
Sen. Robert C. Atwater	11/04/2009	01/31/2011
Sen. Philip E. Berger	11/04/2009	01/31/2011
Sen. Doug Berger	11/04/2009	01/31/2011
Sen. Stan Bingham	11/04/2009	01/31/2011
Sen. Daniel T. Blue, Jr.	11/04/2009	01/31/2011
Sen. Harry Brown	11/04/2009	01/31/2011
Sen. Daniel G. Clodfelter	11/04/2009	01/31/2011
Sen. Donald G. Davis	11/04/2009	01/31/2011
Sen. Katie G. Dorsett	11/04/2009	01/31/2011
Sen. Anthony E. Foriest	11/04/2009	01/31/2011
Sen. James S. Forrester	11/04/2009	01/31/2011
Sen. Linda Garrou	11/04/2009	01/31/2011
Sen. Steve Goss	11/04/2009	01/31/2011
Sen. Malcolm Graham	11/04/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	11/04/2009	01/31/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>GOVERNMENTAL OPERATIONS JOINT LEGISLATIVE COMMISSION</b>		
(continued)		
Sen. David W. Hoyle	11/04/2009	01/31/2011
Sen. S. Clark Jenkins	11/04/2009	01/31/2011
Sen. Eleanor Kinnaird	11/04/2009	01/31/2011
Sen. Floyd B. McKissick, Jr.	11/04/2009	01/31/2011
Sen. Martin L. Nesbitt, Jr.	11/04/2009	01/31/2011
Sen. William R. Purcell	11/04/2009	01/31/2011
Sen. Larry Shaw	11/04/2009	01/31/2011
Sen. John J. Snow, Jr.	11/04/2009	01/31/2011
Sen. R. C. Soles, Jr.	11/04/2009	01/31/2011
Sen. Richard Y. Stevens	11/04/2009	01/31/2011
Sen. A.B. Swindell IV	11/04/2009	01/31/2011
<b>GOVERNOR'S CRIME COMMISSION</b>		
G.S. 143B-478; SL91-739		
Sen. Edward W. Jones	06/05/2009	02/28/2011
Sen. John J. Snow, Jr.	06/05/2009	02/28/2011
<b>HEALTH CARE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE</b>		
G.S. 120-70.110		
Sen. Tony Rand (Co-Ch)	02/18/2009	01/31/2011
Sen. Doug Berger	05/04/2009	01/31/2011
Sen. Stan Bingham	02/18/2009	01/31/2011
Sen. Katie G. Dorsett	02/18/2009	01/31/2011
Sen. James S. Forrester	02/18/2009	01/31/2011
Sen. Linda Garrou	02/18/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	02/18/2009	01/31/2011
Sen. Vernon Malone (Deceased 04/18/2009)	02/18/2009	01/31/2011
Sen. William R. Purcell	02/18/2009	01/31/2011
<b>HOUSING FINANCE AGENCY BOARD OF DIRECTORS</b>		
G.S. 122A-4; SL91-1039		
Mr. Dean Carpenter (Reappointed)	09/14/2009	06/30/2013
Mr. Sam Ewell Jr.	09/14/2009	06/30/2013
Mr. John White	09/14/2009	06/30/2013
<b>INFORMATION TECHNOLOGY JOINT LEGISLATIVE OVERSIGHT COMMITTEE</b>		
G.S. 120-230; SL1999-237 sec. 22a		
Sen. Katie G. Dorsett (Co-Ch)	05/06/2009	01/31/2011
Sen. Austin M. Allran	05/06/2009	01/31/2011
Sen. Robert C. Atwater	05/06/2009	01/31/2011
Sen. Anthony E. Foriest	05/06/2009	01/31/2011
Sen. Malcolm Graham	11/12/2009	01/31/2011
Sen. Jim Jacumin	05/06/2009	01/31/2011
Sen. Joe Sam Queen	05/06/2009	01/31/2011
Sen. Richard Y. Stevens	05/06/2009	01/31/2011
<b>INTERNSHIP COUNCIL</b>		
G.S. 143B-417		
Dr. Gibbs Knotts PhD	05/20/2009	

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>INTERPRETER AND TRANSLITERATOR LICENSING BOARD</b>		
G.S. 90D-5; SL2002-182 sec. 1		
Ms. Ashley E Benton	09/15/2009	06/30/2012
Ms. Jane Dolan	09/15/2009	06/30/2012
Mr. Wayne Giese	09/15/2009	06/30/2012
<b>INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN STATE COUNCIL</b>		
G.S. 115C-407.6; SL2008-185 sec. 1		
Sen. Donald G. Davis	09/22/2009	12/31/2010
<b>IRRIGATION CONTRACTORS' LICENSING BOARD</b>		
G.S. 89G-4; SL2008-177 sec. 1		
Mr. W. Charles Nieman	09/17/2009	09/30/2012
<b>JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION (2009), JOINT LEGISLATIVE</b>		
SL2009-339		
Sen. A.B. Swindell IV (Co-Chair)	09/28/2009	12/31/2010
Mr. Robert J. Beichner	09/28/2009	12/31/2010
Sen. Harry Brown	09/28/2009	12/31/2010
Mr. Swadesh B. Chatterjee	09/28/2009	12/31/2010
Sen. Anthony E. Foriest	09/28/2009	12/31/2010
Mr. Mike Murphy	09/28/2009	12/31/2010
Ms. Sheri Strickland	09/28/2009	12/31/2010
Ms. Felicia Gray Watson	09/28/2009	12/31/2010
Ms. Laura Willoughby	10/20/2009	12/31/2010
<b>JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE</b>		
G.S. 143B-216.60; SL95-507 sec. 26.9		
Ms Kathryn N. Ahlport	08/21/2009	06/30/2011
Sen. Katie G. Dorsett	08/21/2009	06/30/2011
Sen. James S. Forrester	08/21/2009	06/30/2011
Ms. Gladys D. Lundy	08/21/2009	06/30/2011
Ms. Jo Morgan	08/21/2009	06/30/2011
Dr. Rosemary L. Summers	08/21/2009	06/30/2011
Ms. Carolyn T. Tracy	08/21/2009	06/30/2011
<b>LEGISLATIVE ETHICS COMMITTEE</b>		
G.S. 120-99		
Sen. Steve Goss (Co-Ch)	05/07/2009	12/31/2012
Sen. Vernon Malone (Co-Ch) (Deceased 04/18/2009)	03/19/2009	12/31/2012
Sen. Peter S. Brunstetter	03/25/2009	12/31/2010
Sen. Don W. East	03/19/2009	12/31/2010
Sen. Fletcher L. Hartsell, Jr.	03/25/2009	12/31/2012
Sen. William R. Purcell	11/13/2009	01/15/2013
Sen. Donald R. Vaughan	03/19/2009	12/31/2010
Sen. David F. Weinstein (Resigned)	05/07/2009	12/31/2012

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>LEGISLATIVE RESEARCH COMMISSION</b>		
G.S. 120-30.10		
Sen. Austin M. Allran	02/04/2009	01/31/2011
Sen. Charlie S. Dannelly	02/04/2009	01/31/2011
Sen. Linda Garrou	02/04/2009	01/31/2011
Sen. David W. Hoyle	02/04/2009	01/31/2011
Sen. Tony Rand	02/04/2009	01/31/2011
<b>LICENSE TO GIVE TRUST FUND COMMISSION</b>		
G.S. 20-7.5; SL2004-189 sec. 4(b)		
Ms. Robin Surane	08/26/2009	12/31/2009
<b>LOCAL FOOD ADVISORY COUNCIL</b>		
SL2009-530 sec. 1		
Dr. Alice S. Ammerman	11/09/2009	07/01/2014
Mr. John Day	11/09/2009	07/01/2014
Dr. Lynn Hoggard	11/09/2009	07/01/2014
Mr. Charlie Jackson	11/09/2009	07/01/2014
Mr. Barry Nash	11/09/2009	07/01/2014
Mr. William Phillips	11/09/2009	07/01/2014
<b>LOCAL GOVERNMENT COMMISSION</b>		
G.S. 159-3; SL95-490		
Mr. Frederick E. Turnage	08/25/2009	06/30/2013
<b>LOTTERY OVERSIGHT COMMITTEE</b>		
G.S. 18C-172; SL2006-225		
Mr. James W. Hall	10/20/2009	12/31/2009
<b>MANUFACTURED HOUSING BOARD</b>		
G.S. 143-143.10; SL87-827		
Mr. Michael Perkins	09/14/2009	06/30/2012
<b>MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES JOINT LEGISLATIVE OVERSIGHT COMMITTEE</b>		
G.S. 120-240; SL2000-83 sec. 2		
Sen. Martin L. Nesbitt Jr. (Co-Ch)	02/25/2009	01/31/2011
Sen. Eleanor Kinnaird	02/25/2009	01/31/2011
Sen. Vernon Malone (Deceased 04/18/2009)	02/25/2009	01/31/2011
Sen. William R. Purcell	02/25/2009	01/31/2011
Sen. Austin Allran	02/25/2009	01/31/2011
Sen. Charlie S. Dannelly	02/25/2009	01/31/2011
Sen. James S. Forrester	02/25/2009	01/31/2011
Sen. Doug Berger	02/25/2009	01/31/2011
Sen. Robert C. Atwater	02/25/2009	01/31/2011
<b>MINORITY HEALTH ADVISORY COUNCIL</b>		
G.S. 130A-33.43; SL91-900		
Dr. Betty Alexander	04/07/2009	06/30/2012
Dr. Lizette Sanchez-Lugo	04/07/2009	06/30/2012

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>MOUNTAIN RESOURCES COMMISSION</b>		
SL2009-485 sec. 1		
Mr. James Coman	10/21/2009	09/01/2013
The Hon. Thomas K. Jenkins	10/21/2009	09/01/2013
<b>MUNICIPAL INCORPORATIONS JOINT LEGISLATIVE COMMISSION</b>		
G.S. 120-158		
Sen. Charlie S. Dannelly	05/20/2009	06/30/2009
<b>MUSEUM OF ART BOARD OF TRUSTEES</b>		
G.S. 140-5.13; SL91-756		
Dr. Dudley B. Anderson	09/14/2009	06/30/2011
Dr. Joan Cornoni Huntley	09/14/2009	06/30/2011
<b>NATIONAL HERITAGE AREA DESIGNATION COMMISSION</b>		
SL2001-491 sec. 18.4		
Sen. John J. Snow Jr. (Co-Ch)	02/19/2009	12/31/2009
Sen. Martin L. Nesbitt, Jr.	02/19/2009	12/31/2009
<b>NEW LICENSING BOARDS LEGISLATIVE COMMITTEE</b>		
G.S. 120-149.6		
Sen. Robert C. Atwater	03/11/2009	01/31/2011
Sen. Stan Bingham	03/11/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	03/11/2009	01/31/2011
Sen. David W. Hoyle	03/11/2009	01/31/2011
<b>NORTHEAST COMMISSION (FORMERLY NORTHEASTERN)</b>		
<b>REGIONAL ECONOMIC DEVELOPMENT COMMISSION</b>		
G.S. 158-8.2; SL2007-93		
Mr. Ernie Bowden	08/27/2009	06/30/2011
Ms. Elsie Griggs Hollowell-Pugh	08/27/2009	06/30/2011
Mr. Larry Johnson	10/06/2009	06/30/2012
The Hon. Richard Eugene Rogers	08/27/2009	06/30/2012
The Hon. Robert B. Spivey	08/27/2009	06/30/2012
Mr. David Ray Twiddy	08/27/2009	06/30/2011
<b>NURSING SCHOLARS COMMISSION</b>		
G.S. 90-171.60		
Dr. Virginia Adams	08/26/2009	06/30/2013
Ms. Kathy Weeks	08/26/2009	06/30/2013
<b>OFFSHORE ENERGY EXPLORATION ADVISORY SUBCOMMITTEE (LRC) (2009)</b>		
G.S. 120-30.10(c); LRC-2009		
Dr. James R. Leutze (Co-Ch)	02/20/2009	05/31/2010
Mr. Orlando Hankins	02/20/2009	05/31/2010
Mrs. Jane R. Lewis-Raymond	02/20/2009	05/31/2010
Dr. Christopher S. Martens	02/20/2009	05/31/2010
The Hon. Mac Montgomery	02/20/2009	05/31/2010
Dr. Michael K. Orbach	02/20/2009	05/31/2010
Mr. Walter D. Phillips	02/20/2009	05/31/2010
Mr. Wayland J. Sermons Jr.	02/20/2009	05/31/2010
Dr. Laura O. Taylor	02/20/2009	05/31/2010

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>OFFSHORE ENERGY EXPLORATION ADVISORY SUBCOMMITTEE (LRC) (2009)</b> (continued)		
Mr. Paul Tine	02/20/2009	05/31/2010
Mr. William Weatherspoon	02/20/2009	05/31/2010
Dr. Nancy White	02/20/2009	05/31/2010
<b>OFFSHORE ENERGY EXPLORATION STUDY COMMITTEE (2009)</b>		
G.S. 120-19.6(a1); Letter of 01-16-2009		
Dr. James R. Leutze (Co-Ch)	01/16/2009	
Mr. Orlando Hankins	01/16/2009	
Mrs. Jane R. Lewis-Raymond	01/16/2009	
Dr. Christopher S. Martens	01/16/2009	
The Hon. Mac Montgomery	01/16/2009	
Dr. Michael K. Orbach	01/16/2009	
Mr. Walter D. Phillips	01/16/2009	
Mr. Wayland J. Sermons Jr.	01/16/2009	
Dr. Laura O. Taylor	01/16/2009	
Mr. Paul Tine	01/16/2009	
Mr. William Weatherspoon	01/16/2009	
Dr. Nancy White	01/16/2009	
<b>ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD</b>		
G.S. 90A-73; SL2006-82		
Mr. Glenn Hines	09/03/2009	06/30/2012
<b>PARKS AND RECREATION AUTHORITY</b>		
G.S. 143B-313.1; SL95-456		
Mr. Cody Grasty	08/26/2009	06/30/2012
Mr. H. Boyd Lee	08/26/2009	07/01/2012
<b>PETROLEUM UNDERGROUND STORAGE TANK FUNDS COUNCIL</b>		
G.S. 143-215.94O; SL91-400		
Mrs. Anne Coan	08/27/2009	06/30/2011
Mr. Douglas E. Howey	08/27/2009	06/30/2011
Mr. Thomas Mehder	08/27/2009	06/30/2011
Mr. William Weatherspoon	08/27/2009	06/30/2011
Mr. Michael Richard Hare	08/27/2009	06/30/2011
<b>POVERTY REDUCTION AND ECONOMIC RECOVERY LEGISLATIVE STUDY COMMISSION (2007)</b>		
SL2008-181 sec. 41.1		
Ms. Jean Reaves	10/07/2009	05/31/2010
Mr. Norman Mebane	12/17/2009	05/31/2010
Mr. Joe Dickens	12/17/2009	05/31/2010
<b>PRESERVATION OF BIOLOGICAL EVIDENCE (2009) JOINT SELECT STUDY COMMITTEE</b>		
SL2009-203 sec. 7.(a)		
Sen. Edward W. Jones (Co-Ch)	11/13/2009	04/01/2010
Mrs. Beverly Hafer	11/13/2009	04/01/2010

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>PRESERVATION OF BIOLOGICAL EVIDENCE (2009)</b>		
<b>JOINT SELECT STUDY COMMITTEE (continued)</b>		
Sen. Fletcher L. Hartsell, Jr.	11/13/2009	04/01/2010
The Hon. Dewey Hudson	11/13/2009	04/01/2010
Sen. John J. Snow, Jr.	11/13/2009	04/01/2010
<b>PRIVATE PROTECTIVE SERVICES BOARD</b>		
G.S. 74C-4; SL94-ES24		
Sheriff Richard Jenkins	09/21/2009	06/30/2012
Mr. Eric Jones	09/21/2009	06/30/2012
<b>PROGRAM EVALUATION OVERSIGHT, JOINT LEGISLATIVE</b>		
G.S. 120-36.15; SL2007-78 sec. 36.11		
Sen. Daniel G. Clodfelter (Co-Ch)	03/17/2009	01/31/2011
Sen. Fletcher Lee Hartsell Jr. (Co-Ch)	03/17/2009	01/31/2011
Sen. Charles W. Albertson	03/17/2009	01/31/2011
Sen. Peter S. Brunstetter	03/17/2009	01/31/2011
Sen. Malcolm Graham	03/17/2009	01/31/2011
Sen. S. Clark Jenkins	03/17/2009	01/31/2011
Sen. Martin L. Nesbitt, Jr.	03/17/2009	01/31/2011
Sen. Richard Y. Stevens	03/17/2009	01/31/2011
Sen. A.B. Swindell IV	03/17/2009	01/31/2011
<b>PUBLIC HEALTH STUDY COMMISSION</b>		
G.S. 120-195		
Sen. Charlie S. Dannelly	05/14/2009	06/30/2010
<b>PUBLIC TELECOMMUNICATIONS COMMISSIONERS BOARD</b>		
G.S. 143B-426.9		
Mr. Martin H. Bocoock	08/26/2009	06/30/2011
Mr. Jack W. Stanley	08/26/2009	06/30/2011
<b>PUBLIC TELEVISION BOARD OF TRUSTEES</b>		
G.S. 116-37.1; SL87-564		
Mr. Ashley O. Thrift	08/27/2009	06/30/2011
<b>RAILROAD BOARD OF DIRECTORS</b>		
G.S. 124-6(b)		
Mr. John Pike	09/02/2009	06/30/2013
<b>RAILROAD STUDY COMMISSION</b>		
G.S. 120-245		
Sen. Martin L. Nesbitt Jr. (Co-Ch)	03/11/2009	01/31/2011
Sen. Joe Sam Queen (Co-Ch)	03/11/2009	01/31/2011
Sen. Harry Brown	03/11/2009	01/31/2011
Sen. Donald G. Davis	03/11/2009	01/31/2011
Sen. Linda Garrou	03/11/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	03/11/2009	01/31/2011
Sen. David W. Hoyle	03/11/2009	01/31/2011
Sen. Vernon Malone (Deceased 04/18/2009)	03/11/2009	01/31/2011
Sen. John J. Snow, Jr.	03/11/2009	01/31/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>RESPIRATORY CARE BOARD</b>		
G.S. 90-649; SL2000-162 sec. 1		
Dr. Edward C. Bratzke	08/27/2009	10/31/2012
<b>REVENUE LAWS STUDY COMMITTEE</b>		
G.S. 120-70.105		
Sen. Daniel G. Clodfelter (Co-Ch)	03/13/2009	01/31/2011
Sen. Daniel T. Blue, Jr.	10/28/2009	01/31/2011
Sen. Peter S. Brunstetter	03/13/2009	01/31/2011
Sen. Fletcher L. Hartsell, Jr.	03/13/2009	01/31/2011
Sen. David W. Hoyle	03/13/2009	01/31/2011
Sen. S. Clark Jenkins	03/13/2009	01/31/2011
Mr. Leonard W. Jones	03/13/2009	01/31/2011
Sen. Vernon Malone (Deceased 04/18/2009)	03/13/2009	01/31/2011
Mr. David Oettinger, Jr.	10/28/2009	01/31/2011
Mr. J. Micah Pate III	03/13/2009	01/31/2011
Sen. Josh Stein	10/28/2009	01/31/2011
Sen. Jerry W. Tillman	10/28/2009	01/31/2011
<b>ROANOKE ISLAND COMMISSION</b>		
G.S. 143B-131.1; SL93-769		
Mr. Moncie L. Daniels III	09/03/2009	06/30/2011
Mr. Glenn Eure	09/03/2009	06/30/2011
Mrs. Norma Houston	09/03/2009	06/30/2011
<b>RULES REVIEW COMMISSION</b>		
G.S. 143B-30.1; SL95-490		
Mr. Jerry R. Crisp	08/25/2009	06/30/2011
Mr. Jim R. Funderburke	08/25/2009	06/30/2011
Mr. Jeffrey P Gray	08/25/2009	06/30/2011
Mr. David Ray Twiddy	08/25/2009	06/30/2011
The Hon. Ralph A. Walker	08/25/2009	06/30/2011
<b>SCHOOL OF SCIENCE AND MATHEMATICS BOARD OF TRUSTEES</b>		
G.S. 116-233; SI85-757		
Mr. E. Bruce Beasley	09/03/2009	06/30/2013
Ms. Hih Song Kim	09/03/2009	06/30/2013
<b>SCHOOL TECHNOLOGY</b>		
G.S. 115-C-102.5		
Sen. Josh Stein	12/10/2009	12/31/2010
Mr. Reid Parrott	12/10/2009	12/31/2010
<b>SCIENCE AND TECHNOLOGY BOARD</b>		
G.S. 143B-472.80; SL85-757		
Mr. Kirk Alan Preiss	09/03/2009	06/30/2011
<b>SEAFOOD AND AQUACULTURE JOINT LEGISLATIVE COMMISSION</b>		
G.S. 120-70.60		
Sen. Charles W. Albertson (Co-Chair)	02/19/2009	01/31/2011
Sen. Stan Bingham	02/19/2009	01/31/2011
Sen. Jean R. Preston	02/19/2009	01/31/2011
Sen. A.B. Swindell IV	02/19/2009	01/31/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
<b>SEAFOOD INDUSTRIAL PARK AUTHORITY</b>		
G.S. 113-315.25; SL89-751		
Mr. Russell Lee Stetson	09/10/2009	06/30/2011
<b>SENTENCING AND POLICY ADVISORY COMMISSION</b>		
G.S. 164-35; SL95-236		
Sen. Stan Bingham	07/13/2009	06/30/2011
Ms. Louise Davis	07/13/2009	06/30/2011
Sen. Eleanor Kinnaird	07/13/2009	06/30/2011
Sen. Floyd B. McKissick, Jr.	07/13/2009	06/30/2011
<b>SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION</b>		
G.S. 17E-3; SL93-562		
The Hon. Rodney Midgett	09/02/2009	06/30/2011
<b>SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION</b>		
G.S. 158-8.3		
Mr. William W. Phipps	09/02/2009	06/30/2013
Mr. Kenneth Robinette	09/02/2009	06/30/2013
Ms. Jane W. Smith	09/02/2009	06/30/2013
<b>SOUTHERN DAIRY COMPACT COMMISSION</b>		
G.S. 106-810; SL1997-494		
Mr. Dewitt Hardee	09/02/2009	06/30/2013
<b>STATE COMMISSION OF INDIAN AFFAIRS</b>		
G.S. 143B-404		
Mr. Paul Brooks	08/21/2009	06/30/2011
<b>STATE FUNDED STUDENT FINANCIAL AID (2009)</b>		
<b>JOINT SELECT COMMITTEE</b>		
G.S. 120-19.6(a1); Letter of 10-28-2009-Senate Rule 31; House Rule 26(a)		
Sen. Richard Y. Stevens (Co-Ch)	11/05/2009	01/31/2011
Sen. Katie G. Dorsett	11/05/2009	01/31/2011
Sen. Anthony E. Foriest	11/05/2009	01/31/2011
Sen. W. Edward Goodall, Jr.	11/05/2009	01/31/2011
Sen. A.B. Swindell IV	11/05/2009	01/31/2011
Sen. Donald R. Vaughan	11/05/2009	01/31/2011
<b>STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES BLUE RIBBON TASK FORCE</b>		
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Sen. Tony Rand (Co-Ch)	09/22/2009	12/31/2010
Sen. Thomas M. Apodaca	09/22/2009	12/31/2010
Sen. Linda Garrou	09/22/2009	12/31/2010
Dr. William C. Harrison	09/22/2009	12/31/2010
Dr. Dan A. Myers	09/22/2009	12/31/2010
Ms. Sharnese Ransome	09/22/2009	12/31/2010

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The Hon. W. Lyndo Tippet	08/27/2009	06/30/2010
<b>STATE PORTS AUTHORITY</b>		
G.S. 143B-452		
The Hon. Derryl Garner	08/27/2009	06/30/2011
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G.S. 135-96; SL2008-132 sec. 2		
Mr. Dexter Perry	08/27/2009	06/30/2010
<b>TEACHER ACADEMY BOARD OF TRUSTEES</b>		
GS 115C-296.4; SL95-324 sec. 17.9		
Mrs. Anna Austin	09/08/2009	06/30/2013
Ms. Dorothy Crowe	09/08/2009	06/30/2013
<b>TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES</b>		
G.S. 135-6; SL94-24		
Mr. William Moyer	09/08/2009	06/30/2011
<b>TEACHING FELLOWS COMMISSION</b>		
G.S. 115C-363.22		
Dr. Jane P. Norwood	09/11/2009	06/30/2013
<b>THE ADVANCEMENT OF TEACHING BOARD OF TRUSTEES (NCCAT)</b>		
G.S. 115C-296.5		
Ms. Grace Edwards	09/17/2009	06/30/2012
Ms. Barbara Hardy	09/17/2009	06/30/2012
<b>TOBACCO TRUST FUND COMMISSION</b>		
G.S. 143-717; SL2000-147 sec. 3		
Mr. William H Teague	07/01/2009	06/30/2013
<b>TRANSPORTATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE</b>		
G.S. 120-70.50		
Sen. Steve Goss (Co-Ch)	04/17/2009	01/31/2011
Sen. Philip E. Berger	04/17/2009	01/31/2011
Sen. David W. Hoyle	04/17/2009	01/31/2011
Sen. Neal Hunt	04/17/2009	01/31/2011
Sen. S. Clark Jenkins	04/17/2009	01/31/2011
Sen. Tony Rand	04/17/2009	01/31/2011
Sen. John J. Snow, Jr.	04/17/2009	01/31/2011
Sen. Richard Y. Stevens	04/17/2009	01/31/2011
<b>TRAVEL AND TOURISM BOARD</b>		
G.S. 143B-434.1; SL91-959		
Sen. Donald G. Davis	03/11/2009	12/31/2010
Sen. Joe Sam Queen	03/11/2009	12/31/2010
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G.S. 136-89.182; SL2002-133 sec. 1		
Mr. Lanny Wilson	09/08/2009	01/14/2013

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<b>UNC UMSTEAD REVIEW PANEL</b>		
G.S. 66-58; UNC Policy-100.4 (05-12-2006)		
Ms. Joyce Grant	09/11/2009	05/01/2012
Mr. William Warden	09/11/2009	05/01/2012

**URBAN GROWTH AND INFRASTRUCTURE ISSUES (2007)  
LEGISLATIVE STUDY COMMISSION**

SL2008-181 sec. 36.1		
Sen. Floyd B. McKissick Jr. (Co-Ch)	10/14/2009	02/01/2011
Sen. Robert C. Atwater	10/14/2009	02/01/2011
Sen. Daniel G. Clodfelter	10/14/2009	02/01/2011
Sen. Katie G. Dorsett	10/14/2009	02/01/2011
Mr. John Hodges-Copple	10/14/2009	02/01/2011
Mr. Paul Norby	10/14/2009	02/01/2011
Sen. Richard Y. Stevens	10/14/2009	02/01/2011

**UTILITY REVIEW COMMITTEE, JOINT LEGISLATIVE**

G.S. 120-70.1		
Sen. David W. Hoyle (Co-Ch)	04/03/2009	01/31/2011
Sen. Charles W. Albertson	04/03/2009	01/31/2011
Sen. Stan Bingham	04/03/2009	01/31/2011
Sen. Charlie S. Dannelly	04/03/2009	01/31/2011
Sen. R. C. Soles, Jr.	04/03/2009	01/31/2011

**WATER AND WASTEWATER INFRASTRUCTURE (2009)  
LEGISLATIVE STUDY COMMISSION**

SL2009-574 sec. 43.1		
Sen. Charles W. Albertson (Co-Ch)	09/30/2009	01/31/2011
Sen. Thomas M. Apodaca	09/30/2009	01/31/2011
Sen. David W. Hoyle	09/30/2009	01/31/2011
Sen. A.B. Swindell IV	09/30/2009	01/31/2011

**WESTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT  
COMMISSION (ADVANTAGEWEST NORTH CAROLINA)**

G.S. 158-8.1		
Mr. Mark Burrows	09/18/2009	06/30/2013
Mr. Larry Kernea	09/18/2009	06/30/2013
Ms. Elizabeth T. Miller	09/18/2009	06/30/2013

**WILDLIFE RESOURCES COMMISSION**

G.S. 143-237		
Mr. Russell Maughan Hull, Jr.	09/09/2009	06/30/2011
Mr. Wendell Murphy, Jr.	09/09/2009	06/30/2011
Mr. Eugene Price	09/09/2009	06/30/2011
Mr. Bobby Purcell	09/09/2009	06/30/2011

**WORK AND FAMILY BALANCE (2009) JOINT SELECT COMMITTEE**

G.S. 120-19.6(a1); Letter of 11-13-2009-Sen Rule 31; House Rule 26(a)		
Sen. Daniel T. Blue Jr. (Co-Ch)	11/13/2009	02/01/2011
Sen. Robert C. Atwater	11/13/2009	02/01/2011
Sen. Doug Berger	11/13/2009	02/01/2011
Sen. Stan Bingham	11/13/2009	02/01/2011

<b>President Pro Tempore Appointments</b>	<b>Appointed</b>	<b>Expires</b>
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(continued)		
Sen. Katie G. Dorsett	11/13/2009	02/01/2011
Sen. Martin L. Nesbitt, Jr.	11/13/2009	02/01/2011
Sen. William R. Purcell	11/13/2009	02/01/2011
<b>YOUTH ACCOUNTABILITY PLANNING TASK FORCE (2009)</b>		
SL2009-451 sec. 18.9.(a)		
Sen. Eleanor Kinnaird (Co-Ch)	10/09/2009	01/15/2011
Chief Tom Bergamine	10/09/2009	01/15/2011
Sen. Peter S. Brunstetter	10/09/2009	01/15/2011
Sen. Edward W. Jones	10/09/2009	01/15/2011
<b>ZOOLOGICAL PARK FUNDING AND ORGANIZATION</b>		
<b>STUDY COMMITTEE (2009)</b>		
SL2009-329 sec. 5.1		
Sen. Peter S. Brunstetter (Co-Ch)	11/09/2009	05/01/2010
Mr. F. Cooper Brantley	11/09/2009	05/01/2010
Sen. Katie G. Dorsett	11/09/2009	05/01/2010
Sen. Edward W. Jones	11/09/2009	05/01/2010
Mr. Walker B. Moffitt	11/09/2009	05/01/2010
Sen. A.B. Swindell IV	11/09/2009	05/01/2010
Sen. Jerry W. Tillman	11/09/2009	05/01/2010
Mr. Russell H. Williams	11/09/2009	05/01/2010

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**NATIONAL CONFERENCE OF STATE LEGISLATURES  
NCSL COMMITTEE ROSTER  
NORTH CAROLINA SENATORS  
2009 SESSION**

**Agriculture and Energy**

Senator Charles Albertson  
Senator Bob Atwater  
Senator Joshua Stein

**Human Services and  
Welfare**

Senator Debbie Clary  
Senator Charlie Dannelly  
Senator Katie Dorsett

**Budget and Revenue**

Senator Daniel Clodfelter  
Senator Linda Garrou  
Senator A. B. Swindell

**Labor and Economic  
Development**

Senator Phil Berger  
Senator Floyd McKissick, Jr.  
Senator Joe Sam Queen

**Communications, Financial Services  
and Interstate Commerce**

Senator Peter Brunstetter  
Senator David Hoyle  
Senator R. C. Soles, Jr.

**Law and Criminal Justice**

Senator Edward W. Jones  
Senator Eleanor Kinnaird  
Senator John Snow, Jr.

**Education**

Senator Donald G. Davis  
Senator Anthony Foriest  
Senator Richard Stevens

**Legislative Effectiveness**

Senator Daniel Blue, Jr.  
Senator Steve Goss  
Senator Tony Rand

**Environment**

Senator Stan Bingham  
Senator David Rouzer  
Senator David Weinstein

**Redistricting and Elections**

Senator Daniel Blue, Jr. (Chair)  
Senator Tom Apodaca  
Senator Daniel Clodfelter  
Senator Tony Rand

**Health Committee**

Senator Doug Berger  
Senator Martin Nesbitt, Jr.  
Senator William Purcell

**Transportation**

Senator Steve Goss  
Senator Malcolm Graham  
Senator Clark Jenkins

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**SOUTHERN LEGISLATIVE CONFERENCE  
OF  
THE COUNCIL OF STATE GOVERNMENTS  
2009 SESSION**

**Executive Committee**

Senator Marc Basnight

**Energy & Environment**

Senator Austin M. Allran

Senator Robert Atwater

Senator Daniel G. Clodfelter

Senator Eleanor Kinnaird

Senator Joe Sam Queen

**Agriculture & Rural Development**

Senator Charlie Albertson

Senator Stan Bingham

Senator Ed Jones

Senator David Rouzer

**Fiscal Affairs & Government****Operations**

Senator Linda Garrou

Senator Fletcher L. Hartsell, Jr.

Senator David Hoyle

Senator Clark Jenkins

Senator Martin L. Nesbitt, Jr.

Senator Tony Rand

**Economic Development****Transportation & Cultural Affairs**

Senator Harry Brown

Senator Katie G. Dorsett

Senator Steve Goss

Senator Floyd B. McKissick, Jr.

Senator Josh Stein

**Human Services & Public Safety**

Senator Doug Berger

Senator Peter S. Brunstetter

Senator William R. Purcell

Senator John Snow

Senator Donald R. Vaughan

**Education**

Senator Donald G. Davis

Senator Jean R. Preston

Senator Richard Stevens

Senator A. B. Swindell IV

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The North Carolina General Statutes titles form the basis for the Alphabetical Index. Following each bill title, the last action or the present status for the bill is reflected. For example, a ratified bill is followed by its Chapter Number in the Session Laws. Bills which are included in whole or in part in other measures are reflected as such, if known.

Bills dealing with funds are indexed under Appropriations. Local bills are indexed under the counties which are affected.

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S 281	Healthy Carolinians Funds (Appropriations/Base Budget Com) .....	138, 142.
S 225	High Point Furnishings Market Funds (Appropriations/Base Budget Com) .....	124.
S 240	High Priority Public Health Initiatives Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	127.
S 111	Historic Barker House Funds (Appropriations/Base Budget Com) .....	88.
S 112	Historic Hope Plantation Funds (Appropriations/Base Budget Com) .....	88.
S 185	Home and Community Care Block Grant Funds (Appropriations/Base Budget Com) .....	115.
S 125	Housing Trust Fund Appropriation (Appropriations/Base Budget Com) .....	97.
S 663	Increase Access to Justice (Appropriations/Base Budget Com) .....	271, 863.
S 194	Increase Adult Day Care Reimbursement Rate (Appropriations/Base Budget Com) .....	117.
S 770	Increase Aid to Public Libraries Fund (Appropriations/Base Budget Com) .....	296.
S 559	Increase Fire and Rescue Pension (Appropriations/Base Budget Com) .....	238, 264.
S 441	Indian Economic Development Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	205.
S 55	Ingram Planetarium Funds (Appropriations/Base Budget Com) .....	68.

**APPROPRIATIONS** (continued)

S 224	John Coltrane Music Hall Funds (Appropriations/Base Budget Com) .....	124.
S 682	Johnson and Wales Funds (Appropriations/Base Budget Com) .....	273.
S 756	Judicial District 26 Position Funds (Appropriations/Base Budget Com) .....	294.
S 278	Justus-Warren Task Force Recommendations Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	138, 142.
S 603	Juvenile Crime Prevention Councils Funds (Appropriations/Base Budget Com) .....	248.
S 206	Kids Voting Funds (Appropriations/Base Budget Com) .....	119.
S 275	Korean War Veterans Memorial Park Funds (Appropriations/Base Budget Com) .....	138, 142, 185.
S 323	Learn and Earn Funding (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	155.
S 1092	Main Street Grant Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	372.
S 665	Mecklenburg Juvenile Detention Funds (Appropriations/Base Budget Com) .....	271.
S 343	Medical Examiner Equipment Funds (Appropriations/Base Budget Com) .....	161.
S 748	Mental Health Court Position Funds (Appropriations/Base Budget Com) .....	292.
S 517	Mental Health Services Funds (Appropriations/Base Budget Com) .....	226.
S 463	Minority Support Center/Funds (Appropriations/Base Budget Com) .....	208.
S 683	Mobile Barbershops Pilot Program Funds (Appropriations/Base Budget Com) .....	274.
S 627	Mobile Dental X-Ray/MOM Clinics Funds (Appropriations/Base Budget Com) .....	252, 255, 261.
S 616	Model Program/Children With Disabilities (Appropriations/Base Budget Com) .....	253.
H 836	Modify Appropriations Act (S.L. 2009-575.) .....	680, 1417, 1452, 1454, 1455, 1466.
S 407	Multicampus Center Funds/Rowan-Cabarrus Community College (Appropriations/Base Budget Com) .....	188.
S 1065	Museum of Art Funds (Appropriations/Base Budget Com) .....	368.

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S 840	NC Agricultural Mediation Program Funds (Appropriations/Base Budget Com) .....	315.
S 532	NC Biotech Center Appropriation for Economic Development (Appropriations/Base Budget Com) .....	234.
S 845	NC Rural Center/Funds (Appropriations/Base Budget Com) .....	316.
S 414	NC Symphony Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	190, 802.
S 742	New Bern's 300th Anniversary Funds (Appropriations/Base Budget Com) .....	292.
S 42	Newbold-White House Funds (Appropriations/Base Budget Com) .....	66.
S 98	No Adult Left Behind (Appropriations/Base Budget Com) .....	86.
S 297	No Sunset/Teacher Personal Leave Provision (Appropriations/Base Budget Com) .....	145, 257.
S 319	North Carolina Arts Council Funds (Appropriations/Base Budget Com) .....	154.
S 991	North Carolina Military Business Center Funds (Appropriations/Base Budget Com) .....	345.
S 330	Nosocomial Infections Surveillance Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	156.
S 977	Obesity Prevention in the Public Schools (Health Care Com) .....	342.
S 244	Occurrence of Shaken Baby Syndrome (Appropriations/Base Budget Com) .....	130.
S 608	One North Carolina Small Business Account Appropriation (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	252.
S 170	Our Children's Place Funds (Appropriations/Base Budget Com) .....	106.
S 17	Pay Teachers the ABC Bonuses They Earned (Appropriations/Base Budget Com) .....	57, 62.
S 579	Piedmont Pioneer House Funds (Appropriations/Base Budget Com) .....	241.
S 591	Plan for Statewide Motor Coach Permit (Commerce Com) (Inc. S.L. 2009-451.) .....	246.
S 363	Positive Behavior Support Position Funds (Appropriations/Base Budget Com) .....	167.
S 518	Prevent Blindness, Inc. Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	226.

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S 374	Prevent Neural Tube Birth Defects Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	176.
S 245	Prevent Preterm Births Funds (Appropriations/Base Budget Com) .....	131.
S 190	Project C.A.R.E. for Dementia Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	116.
S 30	Project C.A.R.E. Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	64.
S 497	Project Turn Around Funds (Appropriations/Base Budget Com) .....	223.
S 793	Promote HUB/Supplier Diversity/Funds (Appropriations/Base Budget Com) .....	308.
S 531	PTA Parental Involvement/Dropout Prevention Funds (Appropriations/Base Budget Com) .....	234.
S 693	Public Guardianship/Training/Education (Judiciary II Com) (Inc. S.L. 2009-574.) .....	284.
S 408	Recommended Appropriations MH/DD/SA Oversight Committee (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	188.
S 246	Reduce Sudden Infant Death Syndrome (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	131.
S 566	Regional Agricultural Center Funds (Appropriations/Base Budget Com) .....	239.
S 970	Regional Economic Recovery Alliances Funds (Appropriations/Base Budget Com) .....	341.
S 774	Regional Partnership Economic Development Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	297.
S 684	Retain Pregnant and Parenting Students/Funds (Appropriations/Base Budget Com) .....	274.
S 217	Reynolds Hospital Guest House Funds (Appropriations/Base Budget Com) .....	123.
S 76	Rhema Educational Services Funds (Appropriations/Base Budget Com) .....	78.
S 438	Safer Communities Ministry Funds (Appropriations/Base Budget Com) .....	205.
S 444	Salary Funds/Community College Faculty and Staff (Appropriations/Base Budget Com) .....	205, 268.

**APPROPRIATIONS** (continued)

S 762	Salary Supplement/Some Automotive Teachers (Appropriations/Base Budget Com) .....	295, 358.
S 1075	Salary Supplement/Some Automotive Teachers (Appropriations/Base Budget Com) .....	369.
S 950	Salary/Teachers with Advanced Degrees (Education/Higher Education Com) .....	338.
S 229	Scholarship Loan for Rural Social Workers (Appropriations/Base Budget Com) .....	125.
S 283	School Health Centers Funds (Appropriations/Base Budget Com) .....	139, 142.
S 273	School Nutrition Program Funds (Appropriations/Base Budget Com) .....	137.
H 1172	School-Based Administrator Salary Schedule (S.L. 2009-450.) .....	616, 1335, 1346, 1473.
S 623	Self-Serve Center Funds (Appropriations/Base Budget Com) .....	254.
S 191	Senior Center Funds (Appropriations/Base Budget Com) .....	117.
S 1025	Small Business Health Insurance Expansion (Commerce Com) .....	350.
S 280	Special Olympics Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	138, 142, 278.
S 609	Specialty Crops Program Funds (Appropriations/Base Budget Com) .....	252.
S 291	START Crisis Services/MH/DD/SAS/Funds (Appropriations/Base Budget Com) .....	144.
S 670	Statewide Poison Control Center Funds (Appropriations/Base Budget Com) .....	272.
S 179	Sterilization Compensation (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	110.
S 310	Stroke Ambulance Treatment System Funds (Appropriations/Base Budget Com) .....	153.
S 651	Study NC Government to Up Alternative Energy Use (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	269.
S 242	TANF Block Grant Funds/Boys and Girls Club (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	130, 231.
S 949	Teacher Assistant Salary Schedule (Education/Higher Education Com) .....	338.
S 466	TROSA Substance Abuse Funds (Appropriations/Base Budget Com) .....	209.

**APPROPRIATIONS** (continued)

S 373	UNC Kidney Center Funds (Appropriations/Base Budget Com) .....	175.
S 542	UNC-G & NCA&T Nanoscience Funds (Appropriations/Base Budget Com) (Inc. S.L. 2009-451.) .....	235.
S 474	UNC-Pembroke Campus Expansion Funds (Appropriations/Base Budget Com) .....	214.
S 403	Victims Compensation Amendment (Appropriations/Base Budget Com) .....	187, 394.
S 369	Wake Forest Institute Funds (Appropriations/Base Budget Com) .....	175.
S 383	Water and Sewer Infrastructure/Funds (Appropriations/Base Budget Com) .....	177.
S 753	Water Infrastructure Commission/Coordinate Funds (Agriculture/Environment/Natural Resources Com) .....	293.
S 1003	WOW e-CDC/Funds (Appropriations/Base Budget Com) .....	347.
S 676	Zoo/African Pavilion Funds (Appropriations/Base Budget Com) .....	273.
S 677	Zoo/North American Upgrade Funds (Appropriations/Base Budget Com) .....	273.

**ARCHIVES AND HISTORY [G.S. 121]**

S 791	Reed Gold Mine Revolving Fund (Appropriations/Base Budget Com) .....	307.
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**ASHE COUNTY**—District 45—Senator Steve Goss

S 57	Senate District 45 Local Act (Appropriations/Base Budget Com) .....	68, 1265.
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**ATTORNEYS-AT-LAW [G.S. 84]**

S 286	Authorize State Bar to Borrow Funds (Finance Com) .....	144.
H 360	Authorize State Bar to Borrow Funds (S.L. 2009-82.) .....	407, 741, 754, 767, 774, 872.
S 14	Create Employment Safety and Security Commission (Commerce Com) .....	52.
S 763	Legal Services Clarification (S.L. 2009-231.) .....	295, 602, 626, 914, 952, 954, 1014.
S 333	Repeal Fifty-Dollar Lawyer Surcharge (Appropriations/Base Budget Com) .....	157.



**AUDITING AND AUDITS**

- S 861 Administrative Office of the Courts Omnibus Courts Act  
(Appropriations/Base Budget Com) .....324.
- H 1269 Administrative Office of the Courts Omnibus Courts Act  
(S.L. 2009-516.) .....717, 998, 1302,  
1343, 1415.
- H 1314 Annual Financial Reporting  
(S.L. 2009-384.) .....539, 853, 892, 1164,  
1272.
- H 221 Oversight of Licensing Boards  
(S.L. 2009-125.) .....407, 687, 710, 784,  
799, 839, 910.
- S 303 Oversight of Licensing Boards  
(Judiciary I Com).....146.

**AVERY COUNTY—District 47—Senator Joe Sam Queen**

- H 701 Avery Tax Collector Appointive/Moore Pyrotechnics  
(S.L. 2009-75.) .....429, 783, 797, 840,  
870.
- H 664 Avery: Deed Recordation and Delinquent Taxes  
(Finance Com).....396.

**BAIL BONDSMEN**

- S 458 GED High School Diploma/No Drug Convict/Bail  
Bondsman  
(S.L. 2009-536.) .....208, 471, 507, 519,  
1252, 1281, 1306,  
1317.
- S 789 No Bail Bondsman License/Misdemeanor Drug Conviction  
(Commerce Com).....307.
- S 1056 Require Firearms Certification/Bail Bondsman  
(Finance Com).....366, 655.

**BANKS [G.S. 53]**

- S 668 Amend Banking Laws  
(S.L. 2009-28.) .....271, 442, 451, 618,  
705.
- S 202 Appropriations Act of 2009  
(S.L. 2009-451.) .....118, 402, 403, 405,  
410, 411, 417, 855,  
859, 864, 887, 1285,  
1294, 1337, 1344,  
1346, 1473.
- S 669 Banking Commission Appeals  
(S.L. 2009-57.) .....272, 455, 465, 751,  
805.

**BANKS [G.S. 53] (continued)**

S 220 General Statutes Commission Technical Corrections  
 (S.L. 2009-570.) ..... 123, 584, 607, 630,  
 1420, 1436, 1461.

H 1523 Secure and Fair Enforcement (S.A.F.E.) Mortgage Licensing  
 Act  
 (S.L. 2009-374.) ..... 724, 782, 828, 845,  
 892, 902, 1108, 1122,  
 1158, 1162, 1169,  
 1171, 1271.

**BARBERS [G.S. 86A]**

H 596 Allow In-Home Licensed Barbering  
 (S.L. 2009-471.) ..... 429, 1455, 1466.

**BASNIGHT, SENATOR MARC (President Pro Tempore)..... 1st District—**  
 Beaufort, Camden, Currituck,  
**Dare, Hyde, Pasquotank,**  
 Tyrrell, Washington.

Absent of Leave ..... 229, 438, 992.

Adjournment Motion ..... 49, 56, 60, 62, 64, 75, 80, 84, 97, 108, 112,  
 115, 122, 130, 139, 143, 152, 160, 168, 173, 186,  
 198, 204 (Joint Session), 212, 223, 245, 262, 268,  
 278, 283, 305, 322, 359, 362, 393, 396, 404, 415,  
 426, 434, 437, 452, 459, 469, 497, 500, 503, 512,  
 529, 537, 560, 577, 591, 614, 633, 678, 691, 712,  
 732, 739, 748, 772, 794, 802, 810, 824, 836, 867,  
 941, 953, 967, 977, 991, 1026, 1037, 1052, 1072,  
 1096, 1113 (Joint Session), 1123, 1140, 1151,  
 1161, 1169, 1177, 1214, 1224, 1244, 1284, 1310.

Certification of Election.....6.

Democratic Caucus Nomination-President *Pro Tempore* .....44.

Excused Votes—  
 S 923 Utilities Commission Members/Longevity Changes ..... 1373, 1395.

Journal Approval..... 49, 56, 60, 62, 74, 79, 80, 84, 90, 109, 113, 121,  
 128, 135, 140, 148, 159, 164, 169, 179, 195, 211,  
 220, 243, 257, 262, 275, 279, 299, 320, 352, 359,  
 384, 393, 406, 427, 435, 446, 454, 461, 469, 498,  
 500, 503, 513, 529, 548, 563, 600, 617, 640, 668,  
 685, 705, 725, 733, 740, 763, 772, 781, 803, 811,  
 825, 853, 896, 907, 941, 954, 968, 979, 1009,  
 1029, 1039, 1053, 1072, 1113, 1153, 1163, 1171,  
 1197, 1215, 1246, 1270, 1317.

Nomination/Election-President *Pro Tempore* .....9, 11.

Oath of Office .....8, 12.

Presides—

**BASNIGHT, SENATOR MARC** (*President Pro Tempore*) (continued)

Daily Session ..... 249, 375, 664, 684, 750, 838, 867, 904, 1232,  
1257, 1342, 1350, 1356, 1373, 1378, 1385, 1393,  
1404, 1413, 1426, 1435, 1442, 1444, 1452, 1455.

Remarks Spread—

Opening Day Speech.....12.  
David Stick, Outer Banks Author.....866.  
Dr. John Hope Franklin.....305.  
S 146 Honoring the Life and Memory of Roger Bone .....183.  
S 182 Honoring the Life and Memory of Robert W. "Bob" Scott.....422.  
S 855 Honoring the Life and Memory of Marvin M. Ward .....357.  
S 1103 Honoring the Life and Memory of Jesse Helms.....819.  
S 1106 Honoring the Life and Memory of Vernon Malone .....1088.  
H 303 Honoring the Life and Memory of Kay Yow .....433.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... None.  
Co-Sponsor ..... 146, 162, 1095, 1106.

**BASTARDY [G.S. 49]**

H 307 Set Aside Child Support/Limited Circumstances  
(Judiciary I Com).....281.  
S 587 Set Aside Child Support/Limited Circumstances  
(Judiciary I Com).....242.

**BEAUFORT COUNTY**—District 1—Senator Marc Basnight

H 254 Beaufort School Board Vacancies  
(S.L. 2009-30.) .....281, 688, 707, 730,  
734.  
H 502 Local Government Property Transactions  
(S.L. 2009-168.) .....396, 830, 843, 978,  
980.  
H 921 Washington Deannexation/Dare Trapping  
(S.L. 2009-469.) .....680, 1220, 1257,  
1302, 1309, 1333,  
1468, 1476.

**BERGER, SENATOR DOUG** ..... **7th District—Franklin,**  
Granville, Vance, Warren.

Absent of Leave .....406, 416.  
Adjournment Motion—Second.....115, 732.  
Certification of Election.....6.  
Committee Assignments—  
Conference .....452, 865, 967, 1434, 1439.  
Standing/Select.....69, 836.  
Escorts—  
UNC Men’s Basketball Team .....515.  
Oath of Office .....8.

**BERGER, SENATOR DOUG** (continued)

## Paired Votes—

S 202 Appropriations Act of 2009 .....411, 417.

## Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 13, 14, 20, 203, 262, 276, 277, 331, 402, 403, 639,  
640, 641, 642, 714, 715, 780, 781, 782, 928, 929,  
930, 1012, 1013, 1014.Co-Sponsor ..... 16, 32, 33, 43, 56, 66, 82, 140, 143, 144, 154, 162,  
178, 182, 192, 193, 195, 196, 204, 206, 221, 229,  
230, 239, 242, 282, 306, 321, 324, 325, 329, 330,  
344, 353, 354, 371, 376, 383, 408, 409, 417, 422,  
425, 426, 427, 456, 457, 461, 462, 463, 464, 465,  
466, 470, 491, 496, 505, 534, 585, 587, 594, 602,  
603, 627, 632, 633, 697, 736, 737, 759, 760, 768,  
769, 789, 810, 813, 820, 841, 843, 938, 970, 982,  
986, 991, 1015, 1016, 1018, 1019, 1020, 1024,  
1025, 1069, 1074, 1085, 1087, 1088, 1095, 1106.**BERGER, SENATOR PHILIP E.**.....**26th District**—Guilford (part),  
**Rockingham.**

Absent of Leave ..... 135, 159, 500, 725, 803, 1067 (portion).

Adjournment Motion—Second.....85.

Certification of Election.....6.

## Committee Assignments—

Conference .....941.

Standing/Select.....69.

## Escorts—

The Honorable Beverly Eaves Purdue, Governor .....193.

Nomination for President *Pro Tempore* .....11.

Oath of Office .....8.

## Paired Votes—

H 148 Congestion Relief/Intermodal Transport Fund.....1337, 1362.

H 1508 Two-Thirds Bonds Act of 2008.....952, 958.

Republican Caucus Nomination-Republican Leader .....45.

## Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 123, 126, 152, 153, 154, 155, 156, 157, 158, 159,  
160, 161, 333, 334, 335, 336, 365, 495, 530, 605,  
606, 723, 724, 725, 726, 727, 728, 863, 1050,  
1051, 1052.Co-Sponsor ..... 13, 15, 23, 25, 26, 37, 82, 87, 89, 95, 146, 162,  
172, 177, 182, 210, 247, 259, 262, 272, 308, 329,  
332, 351, 376, 378, 379, 396, 397, 398, 415, 416,  
494, 541, 582, 680, 685, 712, 732, 733, 761, 771,  
782, 872, 927, 933, 934, 952, 967, 979, 983, 984,  
1012, 1033, 1034, 1036, 1038, 1039, 1087, 1095,  
1106, 1109.

**BERTIE COUNTY**—District 4—Senator Edward W. Jones

H 103 Delinquent Tax - Deny Building Permit  
(S.L. 2009-117.) .....373, 828, 844, 898,  
909.

**BILL FILING DEADLINE EXTENDED**.....300.

**BINGHAM, SENATOR STAN** ..... **33rd District—Davidson,**  
Guilford (part).

Absent of Leave .....302 (portion), 320, 427, 500, 684, 902 (portion),  
905, 907, 1029, 1038, 1125 (portion), 1257  
(portion), 1305 (portion), 1317, 1357, 1413.

Adjournment Motion—Second.....64, 802.

Certification of Election.....6.

Committee Assignments—

Conference .....865, 1071, 1175, 1176,

Standing/Select.....69.

Escorts—

Senate Principal Clerk-Elect .....42.

Excused Votes—

H 578 Partition Sales/Commissioners, Sellers, Buyers .....1304.

H 1084 Revise Liquefied Petroleum Gas Dealer Requirements .....1161.

Oath of Office .....8.

Paired Votes—

S 202 Appropriations Act of 2009 .....1294, 1337.

S 461 North Carolina Racial Justice Act.....1351.

Bills and Resolutions—(Senate Bills)

Primary Sponsor .....45, 69, 70, 96, 263, 351, 568, 569, 834, 919, 976,  
977, 978, 979, 993, 1029.

Co-Sponsor .....13, 15, 19, 23, 25, 26, 46, 47, 48, 66, 67, 82, 89,  
95, 118, 119, 124, 125, 138, 146, 147, 151, 162,  
167, 170, 177, 185, 187, 189, 190, 191, 192, 193,  
194, 195, 196, 204, 208, 210, 217, 221, 224, 225,  
226, 230, 239, 242, 243, 244, 245, 246, 248, 250,  
259, 272, 274, 292, 312, 313, 319, 324, 325, 329,  
332, 341, 352, 353, 362, 371, 373, 374, 375, 376,  
377, 383, 396, 397, 398, 415, 416, 417, 422, 425,  
426, 431, 451, 460, 463, 465, 466, 467, 468, 469,  
471, 488, 491, 502, 517, 534, 541, 582, 592, 593,  
627, 630, 631, 635, 638, 643, 652, 685, 686, 687,  
712, 734, 736, 737, 739, 740, 741, 770, 781, 782,  
813, 817, 818, 841, 890, 899, 945, 946, 947, 967,  
983, 990, 1052, 1074, 1085, 1095, 1096, 1098,  
1103, 1106.

**BLADEN COUNTY**—District 19—Senator Tony Rand

S 183	Senate District 19 Local Act (Rules and Operations of the Senate Com).....	111.
S 60	White Lake Charter Consolidation (S.L. 2009-150.) .....	76, 221, 230, 243, 250, 943, 955.

**BLAKE, SENATOR HARRIS**.....**22nd District**—Harnett,  
**Moore.**

Absent of Leave .....	105, 427, 548, 563, 583 (portion), 600, 617, 640, 668, 1269, 1373 (portion).
Adjournment Motion—Second.....	322.
Certification of Election.....	6.
Committee Assignments—	
Standing/Select.....	69.
Escorts—	
The Honorable Alex Ferguson and guests from Scotland .....	406.
Oath of Office .....	8.
Paired Votes—	
S 526 School Violence Prevention Act .....	555.
Bills and Resolutions—(Senate Bills)	
Primary Sponsor .....	24, 215, 432.
Co-Sponsor .....	13, 15, 25, 26, 32, 37, 45, 65, 71, 72, 73, 82, 87, 88, 89, 92, 95, 117, 118, 119, 123, 126, 128, 137, 142, 150, 153, 156, 157, 158, 159, 160, 161, 162, 167, 172, 210, 218, 247, 259, 272, 275, 298, 299, 306, 308, 329, 335, 351, 371, 378, 379, 383, 396, 397, 398, 423, 424, 462, 500, 501, 587, 626, 685, 712, 735, 736, 761, 770, 933, 934, 1012, 1052, 1088, 1095, 1098, 1103, 1106.

**BLUE, SENATOR DANIEL T., JR.**.....**14th District**—Wake (part).  
(Appointed 5-19-2009 to replace Senator Vernon Malone.)

Absent of Leave .....	733, 740, 751, 794 (portion), 838, 896, 1171, 1178, 1261 (portion), 1365 (portion).
Adjournment Motion .....	1038, 1461.
Adjournment Motion—Second.....	691, 732, 836, 896.
Committee Assignments—	
Conference .....	865, 1122.
Standing/Select.....	690.
Oath of Office .....	690.
Proclamation of Appointment.....	689.
Remarks Spread—	
S 1106 Honoring the Life and Memory of Vernon Malone .....	1080.

**BLUE, SENATOR DANIEL T., JR.** (continued)

Bills and Resolutions—(Senate Bills)

Primary Sponsor .....None.

Co-Sponsor ..... 1106.

**BOARDS, COMMISSIONS, AND COMMITTEES**

S 869	After School Child Care Programs Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	325.
S 292	Citizens Commission on Compensation (Appropriations/Base Budget Com) (Inc. S.L. 2009-574.) .....	145.
H 358	Clarify Consecutive Terms - Aging and Child Commission (S.L. 2009-142.) .....	428, 786, 799, 804, 912.
H 25	Clarify State Consumer and Family Advisory Committee Appointments (S.L. 2009-50.) .....	614, 738, 748, 751, 776.
H 411	Commission of Indian Affairs Interim Appointments (S.L. 2009-39.) .....	460, 688, 711, 729, 741.
S 516	Community Association Managers Licensure (Finance Com).....	226, 1157.
S 967	Creation of Yadkin River Trust (Failed 2nd Reading).....	341, 441, 532, 553, 569.
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**BURKE COUNTY**—District 44—Senator Jim Jacumin

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Former Senators—

Zebulon D. Alley, Haywood County.....	8.
Richard J. Conder, Richmond County.....	8.
Cal Cunningham, Davidson County.....	8.
Fern Shubert, Union County.....	8.
William D. Mills, Onslow County.....	84.

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Others—

The Honorable Patricia Timmons-Goodson, Associate Justice of the Supreme Court .....	8.
The Honorable Howard E. Manning, Jr., Superior Court Judge .....	8.
The Honorable Michael R. Morgan, Wake County Superior Court Judge, Judicial District 10 .....	8.
The Honorable Robert C. Hunter, Judge, North Carolina Court of Appeals.....	8.
The Honorable Elaine Marshall, North Carolina Secretary of State .....	8.
Mrs. Dot Helms, wife of the late former United States Senator, Jesse Helms .....	9.
Lucille Dalton, Elizabeth and Brian Dalton, wife and family of Lieutenant Governor Walter Dalton .....	9.
Kathy Beetham, Interpreter .....	9.
The Honorable Larry Kissell, Congressman, 8 <sup>th</sup> Congressional District.....	56.
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Robin G. Cummings, M.D., HeartSafe Moore County .....	84.
Drexdal Pratt, North Carolina Office of Emergency Medical Services .....	85.
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The Honorable J. Rives Manning, Jr., Commissioner .....	1036.
Tony N. Brown, Halifax County Manager .....	1036.
Dia H. Denton, Assistant County Manager of Operational Services.....	1036.
Frank Avent, Chairman, Halifax County Economic Development .....	1036.
The Honorable D. N. Beale, Mayor of Roanoke Rapids .....	1036.
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1343, 1415.
- S 726 Amend House Arrest Laws/Adult/Juvenile  
(S.L. 2009-547.) .....289, 412, 654, 672,  
1355, 1370, 1378.
- S 202 Appropriations Act of 2009  
(S.L. 2009-451.) .....118, 402, 403, 405,  
410, 411, 417, 855,  
859, 864, 887, 1285,  
1294, 1337, 1344,  
1346, 1473.
- S 309 Capital Procedure/Severe Mental Disability  
(Judiciary I Com).....153.
- H 192 Child Witness Testimony/Procedures  
(S.L. 2009-356.) .....179, 998, 1020,  
1060, 1142, 1204.
- H 726 Clarify Expunctions  
(Judiciary I Com).....695.
- H 274 Clarifying Changes to State Law  
(S.L. 2009-550.) .....281, 1392, 1393,  
1394, 1417, 1422,  
1461, 1465.

**CRIMINAL PROCEDURE ACT [G.S. 15A]** (continued)

H 859	Conditions of Probation Amended (Held by Senate).....	697.
H 1329	Consolidate Expunction Statutes (S.L. 2009-577.) .....	682, 998, 1023, 1066, 1093, 1095, 1316, 1343, 1408, 1410, 1424, 1437, 1460, 1470.
S 1087	Continuous Alcohol Monitoring Systems (Judiciary I Com).....	371, 457.
H 1447	Crime Stoppers Tips Are Confidential (Judiciary II Com) .....	723.
S 1078	Delay Bond/Probationer Arrested For Felony (S.L. 2009-412.) .....	370, 415, 514, 526, 559, 569, 613, 1192, 1211, 1217, 1381.
S 659	Disqualification of Judges/Procedure (Judiciary I Com).....	270, 412.
S 140	Domestic Criminal Trespass Amended (H Judiciary I Com).....	99, 143, 165, 1018, 1050, 1068.
S 488	Establish Proportionate Sentence Lengths (S.L. 2009-556.) .....	216, 653, 1075, 1098, 1131, 1465.
S 489	Even Out Prior Criminal Record Points (S.L. 2009-555.) .....	216, 653, 1075, 1098, 1131, 1465.
S 1077	Expand Parole Officers' Delegated Authority (H Judiciary III Com) .....	370, 551, 568, 585, 612.
S 262	Expunctions/Purge Online Databases (S.L. 2009-510.) .....	134, 353, 354, 634, 646, 1420, 1436, 1461.
S 491	Expunge Nonviolent Crimes (Finance Com).....	217, 661.
S 788	Expunge Nonviolent Felonies/Young Offenders (Judiciary I Com).....	307.
S 220	General Statutes Commission Technical Corrections (S.L. 2009-570.) .....	123, 584, 607, 630, 1420, 1436, 1461.
S 13	Injury to Pregnant Woman/Penalty (Judiciary I Com).....	52, 63, 75, 96.
S 26	Injury to Pregnant Women/Additional Offense (Judiciary I Com).....	61, 64.

**CRIMINAL PROCEDURE ACT [G.S. 15A] (continued)**

H 937	Innocence Commission/Limited Witness Immunity (S.L. 2009-360.) .....	525, 997, 1022, 1063, 1143, 1204.
S 597	Jury Exhibits/Criminal Trials (Judiciary I Com).....	247.
S 1082	Juvenile Records/Probation Risk Assessment (H Juvenile Justice Com).....	371, 456, 465.
S 1089	Low-Risk Probationers May Be Unsupervised (S.L. 2009-275.) .....	372, 584, 606, 663, 1039, 1106.
S 853	Motion for Appropriate Relief/New Requirement (S.L. 2009-517.) .....	318, 461, 495, 1253, 1282, 1290.
S 337	NC Illegal Immigration Reform Act (State & Local Government Com).....	158.
S 929	No Set Aside of Bond Forfeit/Actual Notice (S.L. 2009-437.) .....	335, 600, 629, 1229, 1241, 1248, 1471.
S 461	North Carolina Racial Justice Act (S.L. 2009-464.) .....	208, 638, 650, 675, 1229, 1234, 1308, 1347, 1350, 1357, 1475.
S 513	Notice of Hearing/Unsupervised Probation (S.L. 2009-411.) .....	226, 379, 387, 402, 1191, 1209, 1215, 1381.
S 816	Office of Prosecution Services (Judiciary I Com) (Inc. S.L. 2009-574.) .....	312.
H 315	Plea Bargain Disclosure (S.L. 2009-179.) .....	692, 776, 790, 809, 833, 881, 981.
H 1190	Preservation of DNA and Biological Evidence (S.L. 2009-203.) .....	717, 807, 823, 882, 985.
S 464	Prevent Racial Profiling (S.L. 2009-544.) .....	209, 638, 651, 1252, 1282, 1290.
S 920	Probation Reform (S.L. 2009-372.) .....	333, 414, 632, 659, 1234, 1243, 1247, 1270.

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H 1098	Protect Search and Rescue Animal (S.L. 2009-460.) .....	701, 1037, 1064, 1269, 1474.
S 675	Public Health-Related Laws Amended (H Health Com) .....	272, 380, 381, 392.
H 1002	Public Health-Related Laws Amended (S.L. 2009-501.) .....	699, 1406, 1467.
S 797	Reasons for Judge's Disqualification (H Judiciary I Com) .....	309, 598, 610.
S 398	Security and Immigration Compliance (Commerce Com) .....	187.
S 794	Sex Offender/Incapacity To Proceed (H Mental Health Reform Com) .....	308, 637, 656.
H 1255	Sex Offenders/Permanent No Contact Order (S.L. 2009-380.) .....	704, 1097, 1119, 1164, 1272.
S 617	Stalking Law Conforming Changes (S.L. 2009-58.) .....	254, 360, 383, 751, 805.
H 620	Stalking Law Conforming Changes (Judiciary I Com) .....	407.
S 851	Supervision of Certain Defendants (S.L. 2009-452.) .....	318, 450, 458, 1231, 1241, 1247, 1473.
H 1076	Supervision of Certain Defendants (Rules and Operations of the Senate Com) .....	681.
S 854	Venue/Municipalities in Multiple Districts (Judiciary II Com) .....	318.
H 1077	Venue/Municipalities in Multiple Districts (S.L. 2009-398.) .....	701, 1118, 1135, 1179, 1274.
S 123	Warrantless Searches/Probationers & Parolees (Judiciary I Com) .....	89, 112.
<b>CROSSOVER DEADLINE</b> .....		632.
<b>CUMBERLAND COUNTY</b> —District 19—Senator Tony Rand District 21—Senator Larry Shaw		
S 214	Eastover Annexation (S.L. 2009-23.) .....	123, 376, 388, 398, 563, 579.
S 544	Expand Cumberland County Board of Education (State & Local Government Com) .....	236.

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- H 164 Godwin Town Elections  
(S.L. 2009-5.) ..... 159, 218, 222, 228,  
243.
- S 183 Senate District 19 Local Act  
(Rules and Operations of the Senate Com).....111.

**CURRITUCK COUNTY**—District 1—Senator Marc Basnight

- H 622 Exemptions for Louisburg and Currituck Co  
(S.L. 2009-370.) .....396, 738, 739, 747,  
752, 1198, 1217.
- H 955 Expand Membership/Currituck Game Commission  
(S.L. 2009-70.) .....698, 783, 797, 805,  
813.

**DALTON, THE HONORABLE WALTER H.** (President of the Senate)

**DANNELLY, SENATOR CHARLIE SMITH** ..... **38th District—  
Mecklenburg** (part).

- Absent of Leave .....181 (portion), 684.
- Adjournment Motion ..... 85, 232, 252, 384, 445, 520, 667, 761, 780, 852,  
880, 896, 905, 1007, 1188, 1265, 1351, 1406,  
1456.
- Adjournment Motion—Second.....537.
- Certification of Election.....6.
- Committee Assignments—  
Conference ..... 865, 895, 1122, 1129, 1257.  
Standing/Select.....69, 108, 129.
- Democratic Caucus Nomination-Deputy President *Pro Tempore* .....44.
- Journal Approval..... 105, 229, 250, 375, 397, 416, 438, 521, 579, 751,  
794, 838, 867, 881, 992, 1096, 1125, 1141, 1178,  
1232, 1290, 1357, 1413.
- Escorts—  
President *Pro Tempore*-Elect .....11.  
The Honorable Beverly Eaves Purdue, Governor .....193.  
UNC Men’s Basketball Team .....515.
- Nomination/Election-Deputy President *Pro Tempore* .....39, 40.
- Oath of Office .....8, 40.
- Remarks Spread—  
Opening Day Remarks .....40.  
S 1106 Honoring the Life and Memory of Vernon Malone .....1084.
- Bills and Resolutions—(Senate Bills)  
Primary Sponsor ..... 12, 169, 216, 275, 380, 381, 382, 681, 682, 683,  
684, 774, 775, 776, 793, 897.

**DANNELLY, SENATOR CHARLIE SMITH** (continued)

Co-Sponsor ..... 15, 16, 33, 66, 85, 136, 151, 162, 204, 206, 208,  
 221, 224, 225, 226, 227, 239, 241, 242, 262, 273,  
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 408, 409, 410, 414, 417, 431, 442, 443, 444, 445,  
 446, 460, 491, 510, 511, 526, 534, 546, 593, 594,  
 602, 627, 664, 665, 666, 667, 713, 748, 756, 770,  
 781, 866, 872, 917, 945, 946, 947, 948, 970, 982,  
 991, 994, 1069, 1093, 1095, 1106, 1109.

**DARE COUNTY**—District 1—Senator Marc Basnight

S 93 Dare/Watauga Commissioners Vacancy  
 (S.L. 2009-1.) .....83, 104, 105.  
 H 921 Washington Deannexation/Dare Trapping  
 (S.L. 2009-469.) .....680, 1220, 1257,  
 1302, 1309, 1333,  
 1468, 1476.

**DAVIDSON COUNTY**—District 33—Senator Stan Bingham

H 551 Davidson/Taking of Foxes  
 (S.L. 2009-43.) .....374, 738, 746, 752,  
 765.  
 H 550 Denton Mayor's Term  
 (S.L. 2009-42.) .....511, 738, 746, 752,  
 765.  
 S 263 Senate District 33 Local Act  
 (Rules and Operations of the Senate Com).....134.  
 S 569 Stanly, Davidson Limited Privilege Tax  
 (Finance Com).....239.  
 S 568 Stanly, Davidson Water Resource Privilege Tax  
 (Finance Com).....239.

**DAVIE COUNTY**—District 34—Senator Andrew C. Brock

S 392 Senate District 34 Local Act  
 (Rules and Operations of the Senate Com).....178.

**DAVIS, SENATOR DON**.....5th District—Greene, Pitt (part), Wayne (part).

Absent of Leave ..... 275, 279, 375, 500, 684, 1098 (portion).  
 Adjournment Motion—Second.....56, 497, 1026, 1244.  
 Certification of Election.....6.  
 Committee Assignments—  
 Conference .....865.  
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 Kristen Dalton, Miss USA 2009 .....735.  
 Katherine Southard, Miss North Carolina 2009 .....1172.  
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Primary Sponsor .....	122, 197, 250, 251, 421, 460, 560, 561, 562, 563, 564, 565, 566, 937, 938, 939, 940, 990, 991, 992.
Co-Sponsor .....	13, 15, 23, 24, 32, 34, 37, 45, 49, 65, 66, 89, 118, 119, 125, 146, 147, 151, 162, 167, 182, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 204, 205, 206, 221, 226, 229, 230, 239, 242, 260, 261, 272, 273, 274, 276, 277, 292, 295, 296, 297, 312, 313, 314, 320, 321, 322, 323, 332, 351, 352, 353, 362, 371, 375, 383, 404, 417, 422, 442, 443, 444, 445, 446, 451, 452, 462, 463, 467, 468, 469, 470, 471, 517, 521, 534, 582, 587, 593, 594, 602, 603, 604, 627, 638, 645, 667, 712, 759, 760, 762, 770, 781, 782, 864, 916, 960, 966, 970, 973, 982, 986, 999, 1002, 1003, 1015, 1017, 1018, 1019, 1020, 1023, 1024, 1028, 1066, 1067, 1068, 1069, 1074, 1088, 1095, 1098, 1106.

**DEPARTMENT OF JUSTICE [G.S. 114]**

S 1019 Establish NC Financial Literacy Council (S.L. 2009-265.) .....	349, 566, 590, 976, 990, 993, 1104.
S 220 General Statutes Commission Technical Corrections (S.L. 2009-570.) .....	123, 584, 607, 630, 1420, 1436, 1461.
S 935 Marriage and Family Licensure Laws Amended/Fees (S.L. 2009-393.) .....	336, 766, 837, 847, 1178, 1274.
S 1043 Naturopathic Doctors Licensing Act (Health Care Com) .....	364.
H 1134 Open Government Act (Judiciary I Com).....	1116.
S 464 Prevent Racial Profiling (S.L. 2009-544.) .....	209, 638, 651, 1252, 1282, 1290.
H 746 Professional Counselors Act Amended/Fees (S.L. 2009-367.) .....	749, 883, 1028, 1062, 1143, 1205.
S 956 Professional Counselors Act Amended/Fees (Health Care Com) .....	339.
S 829 Regulation of Appraisal Management Companies (H Commerce, Small Business, and Entrepreneurship Com) .....	314, 1218, 1291, 1338.

**DEPARTMENT OF JUSTICE [G.S. 114] (continued)**

H 266 Use of Deadly Force by Law Enforcement Officers/Collect and Publish  
 (S.L. 2009-106.) .....712, 778, 790, 795, 875.

**DEPARTMENT OF LABOR AND LABOR REGULATIONS [G.S. 95]**

S 202 Appropriations Act of 2009  
 (S.L. 2009-451.) .....118, 402, 403, 405, 410, 411, 417, 855, 859, 864, 887, 1285, 1294, 1337, 1344, 1346, 1473.

S 14 Create Employment Safety and Security Commission  
 (Commerce Com) .....52.

S 643 Drug Exam Regulation Amended  
 (S.L. 2009-535.) .....260, 550, 574, 1230, 1240, 1244, 1256, 1386, 1403, 1457, 1470.

H 22 Enhance Youth Employment Protections  
 (S.L. 2009-139.) .....280, 743, 755, 767, 804, 911.

S 276 Enhance Youth Employment Protections  
 (Commerce Com) .....138.

H 557 Future Volunteer Firefighters Act  
 (S.L. 2009-21.) .....407, 467, 495, 499, 549.

S 534 Healthy Families and Healthy Workplaces Act  
 (Commerce Com) .....234.

H 1265 Identity Theft Warning/Employment Assistance  
 (Commerce Com) .....704.

S 1055 Labor/Mandatory Lunch Break  
 (Commerce Com) .....366.

H 722 Paraphernalia Control Act  
 (S.L. 2009-205.) .....713, 813, 834, 835, 881, 985.

S 178 Repeal Ban G.S. 95-98  
 (Judiciary II Com) .....110, 283.

S 427 Restore Contract Rights to State/Local  
 (State & Local Government Com).....192, 283.

S 398 Security and Immigration Compliance  
 (Commerce Com) .....187.

S 617 Stalking Law Conforming Changes  
 (S.L. 2009-58.) .....254, 360, 383, 751, 805.

**DEPARTMENT OF LABOR AND LABOR REGULATIONS [G.S. 95]**

(continued)

H 620 Stalking Law Conforming Changes  
 (Judiciary I Com).....407.

S 1016 State Minimum Wage/Inflation Increases  
 (Commerce Com) .....349.

H 23 Strengthen Child Labor Violation Penalties  
 (S.L. 2009-351.) .....280, 394, 1006,  
 1020, 1059, 1142,  
 1203.

S 277 Strengthen Child Labor Violation Penalties  
 (Judiciary II Com) .....138.

**DEPUTY PRESIDENT PRO TEMPORE (Senator Charlie S. Dannelly)**

**DISAPPROVE RULES**

S 607 Disapprove Building Code Council Rule  
 (Commerce Com) .....249.

S 524 Disapprove Coastal Setback Rule  
 (Agriculture/Environment/Natural  
 Resources Com) .....227.

S 166 Disapprove Jordan Lake Rules  
 (Rules and Operations of the Senate Com).....106, 112.

S 646 Disapprove Medical Board Rules  
 (Health Care Com) .....268.

S 232 Disapprove Medical Care Commission Rules  
 (Health Care Com) .....126.

H 703 Disapprove North Carolina Medical Board Rules/Report and  
 Publish Certain JAPS  
 (S.L. 2009-217.) .....380, 884, 903, 1008,  
 1012.

**DISMISSAL OF CONFEREES**

S 780 Structured Settlement Annuities/Insurance Guaranty Association ...1243.

H 291 Natural Hair Care Licensure/Cosmetic Art Act .....1439, 1448.

**DIVORCE AND ALIMONY [G.S. 50]**

H 1091 Clarify Action for Divorce/Incompetent Spouse  
 (S.L. 2009-224.) .....562, 899, 938, 943,  
 1013.

S 143 Continue Child Support/21 Years/College Students  
 (H Juvenile Justice Com).....100, 122, 584, 607.

S 1087 Continuous Alcohol Monitoring Systems  
 (Judiciary I Com).....371, 457.

**DNA ANALYSIS**

H 1190 Preservation of DNA and Biological Evidence

(S.L. 2009-203.) .....717, 807, 823, 882,  
985.**DOCTOR/NURSE OF THE DAY**

Doctors:.

Dr. Daniel J. Albright, Raleigh .....	90.
Dr. John R. Allbert, Charlotte .....	763.
Dr. Timothy Beittel, Thomasville .....	454.
Dr. Preecha Bhotiwihok, Kinston .....	211, 521, 751, 968.
Dr. Eric Bindewald, Hendersonville .....	279.
Dr. Charles Boyette, Belhaven .....	514.
Dr. Michael Brennan, Burlington.....	128.
Dr. Richard Bruch, Durham .....	469.
Dr. John L. Burkard, Jr., Raleigh .....	299.
Dr. Elaine Cabinum-Foeller, Greenville .....	169.
Dr. Gregory Cannon, Cary .....	705.
Dr. Brian Caveney, Durham.....	257.
Dr. T. Brent Chafin, Ahoskie .....	1178.
Dr. John Derbyshire, Rocky Mount .....	385.
Dr. Shirish Devasthali, Fayetteville .....	109.
Dr. John Ebert, Charlotte.....	49.
Dr. Conrad Flick, Raleigh .....	56, 195.
Dr. Marsha D. Ford, Charlotte .....	867.
Dr. Gary N. Greenberg, Durham.....	600.
Dr. Ned Gross, Greensboro .....	262.
Dr. Warner Hall, Jr., Raleigh .....	500.
Dr. Masoud S. Hejazi, Greensboro.....	1072.
Dr. Sandra Hosford, Chapel Hill .....	135.
Dr. Odette M. Houghton, Chapel Hill .....	896.
Dr. Jugta Kahai, Southport.....	140.
Dr. Myungsa "Mia" Kang, Chapel Hill.....	740.
Dr. Elizabeth Kanof, Raleigh .....	79.
Dr. Kevin Khoudary, Cary .....	179.
Dr. Ted Kunstling, Raleigh .....	416.
Dr. Mary Lane, Lumberton .....	498.
Dr. Sherman C. Lee, Raleigh .....	62.
Dr. Stuart Levin, Raleigh .....	907.
Dr. Robert P. Majors, Raleigh.....	159.
Dr. Charles H. Mann, Cary .....	579.
Dr. Sandi Manus, Reidsville .....	438.
Dr. Kevin P. Mikus, Matthews.....	220.
Dr. Susan Mims, Asheville .....	250.
Dr. Keith H. Nelson, Greenville.....	942.
Dr. R. Darrell Nelson, Winston-Salem.....	60.

**DOCTOR/NURSE OF THE DAY** (continued)

Dr. Stephen W. North, Bakersville.....	794.
Dr. Kevin D. O'Neal, Cary .....	275.
Dr. Albert Osbahr, Hickory .....	5.
Dr. Barry Ostrow, Raleigh .....	668.
Dr. Amanda Peppercorn, Chapel Hill .....	359.
Dr. Walter Pories, Macclesfield .....	992.
Dr. Liana Puscas, Durham.....	243, 979.
Dr. Jennifer Raley, Raleigh.....	228.
Dr. Uday Reebye, Chapel Hill .....	393.
Dr. Ram Sapasetty, Kinston.....	113, 1125.
Dr. Mark Shapiro, Durham .....	81.
Dr. Carol Shores, Raleigh .....	84.
Dr. Lisa Thompson, Apex .....	375.
Dr. Lindsey White, Elizabeth City .....	148.
Dr. John K. Williford, Jr., Charlotte.....	74.
Dr. John Wrenn, Greensboro.....	461.

## Nurses:

Wanda Avetta, Aberdeen .....	867.
Debbie Beasley, Apex .....	56.
Tabatha Berry, Madison.....	825.
Clementine Buford, Creedmoor .....	1113.
Leah Byerly, Kannapolis.....	438.
Karen Byrd, Winston-Salem .....	397.
Chanda Casey, Denton .....	733.
Cathy Chapman, Efland .....	105, 196, 393, 1270.
Tracy D. Chapman, Morganton.....	469.
Marcella Cherry, Greensboro .....	881.
Sandra Coleman, High Point.....	228.
Tracy V. Cooper-Chapman, Morganton.....	469.
Lynda Craig, Bakersville.....	1163.
Sheri Crozier, Sanford.....	794.
Janice Daniel, Winston-Salem .....	121.
Nina Davis, Fayetteville .....	109, 113, 279, 979.
Sharon Derbyshire, Rocky Mount.....	385.
Jan DiSantostefano, Apex .....	968.
Doris Duterte, Raleigh .....	992.
Cheryl Elhammourn, Rocky Mount .....	257.
Ericka Everly, Durham.....	548.
Deb Flaherty, Boone .....	243.
Kristina Foard, Lexington .....	773.
Regina Ford, Henderson.....	853.
Lynetta Fort, Fayetteville .....	62.
Christy Gee, Pisgah Forest.....	942.
Jessica Gerdes, Raleigh.....	896.
Debbie Gilbert, Mill Springs.....	1072.

**DOCTOR/NURSE OF THE DAY** (continued)

Mary Alice Goode, Raleigh .....	79, 81.
Mary Graff, Raleigh .....	135.
Nansi Greger-Holt, Pittsboro.....	435.
Jennifer Hall, Clayton .....	1171.
Loretta Hayden, Laurinburg.....	359.
Mary Holtschneider, Durham.....	262.
Xiufen Huang, Hillsborough.....	461.
Lanelle Hunter, Cary .....	275, 500.
Sharon Jacques, Candler .....	1141.
Angela Kabbe, Greensboro .....	416, 498.
Lucy Kernodle, Graham.....	1198.
Kristie King, Asheville.....	521.
Eileen Kohlenberg, Greensboro .....	5.
Katherine Kulenic, Durham .....	579.
Celestia Long, Littleton.....	1141, 1153.
Sandra Luffman, Elkin .....	352.
Monette Mabolo, Raleigh.....	140, 320.
Gayle Mackenzie, Winston-Salem.....	121.
Lynn Macksey, Holly Springs.....	563.
Rausa McManus, Durham.....	60, 375.
Karen Metzguer, Hillsborough.....	299.
Sue Moore, Garner .....	1030.
Carolyn Mullins, Matthews.....	84.
Barbara Nellis, Williamston.....	1009, 1096.
Elizabeth Newlin, Fuquay-Varina .....	907, 1246.
Ann Mabe Newman, Charlotte.....	1009.
Linda O'Boyle, Elm City/Greenville .....	90, 803.
Sonda Oppewal, Chapel Hill.....	618.
Katherine Ormont, Goldsboro.....	838.
Katie Pehan, Winston-Salem.....	1317.
Diana Perry, Rolesville .....	1038.
Lisa Purrell-Morris, Franklinton .....	1038.
Judy Reibel, Raleigh .....	1317.
Linda Rogers, Raleigh.....	1053.
Debbie Schmitt, Raleigh .....	169.
Judy Schneider, Garner .....	211.
Addie Scott, Durham.....	128.
Elizabeth Seeger, Raleigh .....	1232.
Angela Sharpe, Kannapolis .....	446.
Rhonda Shearon, Louisburg.....	1215.
Barbara Smith, Cary.....	406, 811.
Casey Spear, Edenton.....	1096.
Gracie Stephens, Lumberton .....	220.
Carol Taylor, Raleigh.....	740, 954, 1290.
Michelle Taylor, Zebulon.....	148.
Susan Vebber, Raleigh .....	250.

**DOCTOR/NURSE OF THE DAY** (continued)

Gwen Waddell-Schultz, Chapel Hill .....	159, 600.
Yolanda Wall, Rockingham .....	725.
Jennifer Warren, Kernersville .....	514.
Paul Welty, Clemmons.....	640.
Donna White, Clayton.....	529.
Sarah “Jane” Williams, Mebane.....	454.
Julie Zaha, Fayetteville .....	49.

**DOMESTIC VIOLENCE**

S 140 Domestic Criminal Trespass Amended (H Judiciary I Com).....	99, 143, 165, 1018, 1050, 1068.
S 144 Limit Liability/Domestic Violence Shelters (H Judiciary II Com) .....	100, 353, 361, 380.

**DOMESTIC VIOLENCE [G.S. 50B]**

H 1464 Clarify Domestic Violence Laws/Arrest/Valid Protective Order (S.L. 2009-389.) .....	723, 999, 1023, 1067, 1179, 1273.
H 115 Joint Domestic Violence Committee/Recommendations (S.L. 2009-342.) (Inc. S.L. 2009-574.) .....	463, 1026, 1059, 1076, 1120, 1138, 1178, 1201.
S 223 Joint Domestic Violence Committee/Recommendations (Mental Health & Youth Services Com) (Inc. S.L. 2009-574.) .....	124.
S 617 Stalking Law Conforming Changes (S.L. 2009-58.) .....	254, 360, 383, 751, 805.
H 620 Stalking Law Conforming Changes (Judiciary I Com).....	407.
S 1062 Strengthen Domestic Violence Protective Orders/Pets (S.L. 2009-425.) .....	367, 566, 591, 602, 619, 663, 1216, 1383.

<b>DORSETT, SENATOR KATIE G.</b> .....	<b>28th District—Guilford</b> (part).
Absent of Leave .....	90, 105, 109, 579, 664 (portion), 954, 968, 1246.
Adjournment Motion—Second.....	404, 500, 633, 1123, 1310.
Certification of Election.....	6.
Committee Assignments—	
Conference .....	865, 1176.
Standing/Select.....	69.
Democratic Caucus Nomination-Majority Whip .....	45.

**DORSETT, SENATOR KATIE G.** (continued)

Escorts—

Deputy President *Pro Tempore*-Elect.....40.  
 The Honorable Beverly Eaves Purdue, Governor .....193.  
 Azalea Princess and Belles.....262.  
 The Honorable Alex Ferguson and guests from Scotland.....406.  
 The Honorable Daniel T. Blue, Jr. ....688.

Oath of Office .....8.

Paired Votes—

H 2 Prohibit Smoking in Certain Public Places.....591.

Remarks Spread—

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 S 1106 Honoring the Life and Memory of Vernon Malone .....1077.

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H 1160	Fire and Rescue Pension Fund Additions (S.L. 2009-567.) .....	1193, 1312, 1342, 1358.
H 1073	Fire and Rescue Pension Withdrawal Change (S.L. 2009-365.) .....	700, 744, 988, 1022, 1064, 1093, 1143, 1205.
S 908	Fire and Rescue Separation Allowances (Pensions & Retirement and Aging Com) .....	331.
H 557	Future Volunteer Firefighters Act (S.L. 2009-21.) .....	407, 467, 495, 499, 549.
S 34	Increase Fire and Rescue Benefits (Pensions & Retirement and Aging Com) .....	65, 75, 85, 112.
S 559	Increase Fire and Rescue Pension (Appropriations/Base Budget Com) .....	238, 264.
H 642	Retirement Technical Corrections (S.L. 2009-66.) .....	713, 744, 757, 763, 812.
S 930	Workers' Compensation/Firefighter Occupational Diseases (Judiciary II Com) .....	335.

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S 711	Annexation Law Omnibus (Finance Com).....	286, 322.
S 494	Annexation/Meaningful Services and Oversight (Finance Com).....	217, 355, 426, 434, 512.

**FISH AND WILDLIFE**

- S 107 Implement Shellfish Fishery Management Plan  
Recommendations  
(S.L. 2009-433.) .....87, 596, 607, 1191,  
1207, 1223, 1232,  
1471.
- S 886 Improve Success of Fish and Management Plans  
(H Marine Resources and Aquaculture Com).....328, 597, 611.
- S 108 Management of the Striped Bass Fishery  
(Ways & Means Com).....87, 150.
- S 885 Protect Oyster Sanctuaries  
(Agriculture/Environment/Natural  
Resources Com) .....328.

**FORIEST, SENATOR TONY .....24th District—Alamance, Caswell.**

- Absent of Leave .....1413.
- Adjournment Motion—Second..... 152, 160, 824, 977.
- Certification of Election.....6.
- Committee Assignments—
  - Conference .....865, 1007, 1176.
  - Standing/Select..... 69, 559, 560.
- Escorts—
  - Senate Principal Clerk-Elect .....42.
  - UNC Men’s Basketball Team .....515.
- Oath of Office .....8.
- Paired Votes—
  - S 202 Appropriations Act of 2009 .....1294, 1337.
- Remarks Spread—
  - S 162 Honoring NAACP One Hundredth Anniversary.....94.
  - S 182 Honoring the Life and Memory of Robert W. "Bob" Scott.....418.
  - S1106 Honoring the Life and Memory of Vernon Malone .....1083.
- Bills and Resolutions—(Senate Bills)
  - Primary Sponsor .....21, 94, 166, 182, 248, 249, 376, 557, 558, 559,  
645, 686, 687, 1059, 1060, 1096, 1107.
  - Co-Sponsor ..... 15, 16, 37, 66, 82, 89, 95, 96, 122, 125, 162, 170,  
185, 188, 190, 192, 193, 196, 204, 205, 206, 217,  
221, 229, 230, 239, 250, 259, 276, 277, 308, 320,  
321, 322, 323, 324, 325, 332, 353, 354, 362, 371,  
383, 422, 451, 460, 461, 464, 468, 491, 500, 502,  
517, 574, 575, 576, 586, 587, 626, 635, 638, 736,  
759, 760, 770, 810, 811, 812, 813, 818, 908, 918,  
938, 948, 966, 970, 982, 985, 1005, 1012, 1028,  
1069, 1085, 1095, 1098, 1106.

**FORRESTER, SENATOR JAMES** ..... **41st District—Gaston** (part),  
 Iredell (part), Lincoln.

Absent of Leave ..... 159, 427.

Certification of Election.....6.

Committee Assignments—  
 Standing/Select.....69, 108.

Escorts—  
 Sergeant-at-Arms-Elect.....44.  
 The Honorable Beverly Eaves Purdue, Governor .....193.  
 The Honorable Alex Ferguson and guests from Scotland .....406.  
 UNC Men’s Basketball Team .....515.

Oath of Office .....8.

Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 22, 36, 164, 228, 272, 290, 347, 519, 520, 521.  
 Co-Sponsor ..... 12, 13, 15, 23, 24, 25, 26, 34, 35, 45, 71, 72, 73,  
 82, 87, 92, 95, 96, 123, 137, 146, 147, 150, 153,  
 154, 155, 156, 157, 160, 161, 162, 182, 184, 185,  
 187, 188, 189, 190, 191, 192, 193, 194, 195, 196,  
 199, 204, 208, 210, 238, 240, 241, 242, 248, 259,  
 278, 298, 299, 308, 312, 313, 314, 324, 329, 332,  
 337, 351, 358, 362, 373, 374, 375, 376, 396, 397,  
 398, 408, 409, 422, 431, 451, 466, 467, 468, 469,  
 470, 471, 500, 501, 502, 508, 517, 518, 571, 572,  
 573, 582, 586, 587, 627, 638, 645, 678, 685, 686,  
 687, 712, 722, 732, 733, 770, 781, 789, 821, 913,  
 914, 970, 979, 983, 1012, 1052, 1059, 1060,  
 1095, 1096, 1098, 1103, 1106.

**FORSYTH COUNTY—District 31—Senator Peter S. Brunstetter**  
 District 32—Senator Linda Garrou

S 537 Expand Airport Commission of Forsyth County  
 (State & Local Government Com).....235.

H 854 Forsyth County Occupancy Tax Modifications  
 (S.L. 2009-157.) ..... 749, 886, 900, 936,  
 943, 956.

H 300 King/Public Nuisance Ordinance  
 (State & Local Government Com).....281.

S 201 Senate District 32 Local Act  
 (Rules and Operations of the Senate Com).....118.

H 227 Winston-Salem/Acquire Substandard Dwellings  
 (S.L. 2009-34.) .....373, 688, 706, 727,  
 734, 741.

H 833 Winston-Salem/Forsyth School Board Elections  
 (S.L. 2009-72.) .....592, 783, 798, 808,  
 811, 826.

**FRANKLIN COUNTY—District 7—Senator Doug Berger**

- H 622 Exemptions for Louisburg and Currituck Co  
(S.L. 2009-370.) .....396, 738, 739, 747,  
752, 1198, 1217.
- S 331 Five County LME/State Health Plan  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....157, 585, 586.
- S 715 Five County Mental Health Authority/State Health Plan  
(Held as Filed).....287.
- S 402 Senate District 7 Local Act  
(Rules and Operations of the Senate Com).....187.

**FRITSCH, KATHERINE .....5.**

**GARROU, SENATOR LINDA ..... 32nd District—Forsyth (part).**

- Absent of Leave ..... 74, 229, 262, 275, 454, 640 (portion), 876 (portion).
- Adjournment Motion—Second.....794.
- Certification of Election.....6.
- Committee Assignments—
  - Conference ..... 445, 865, 895, 1129, 1176, 1257,  
1351, 1422, 1439, 1448.
  - Standing/Select.....69, 108.
- Escorts—
  - President *Pro Tempore*-Elect .....11.
  - UNC Men’s Basketball Team .....515.
  - Kristen Dalton, Miss USA 2009 .....735.
- Excused Votes—
  - S 832 Coastal Resources Commission May Permit Terminal Groin .....528.
- Oath of Office .....8.
- Prayer.....1113.
- Remarks Spread—
  - S 855 Honoring the Life and Memory of Marvin M. Ward .....356.
  - H 303 Honoring the Life and Memory of Kay Yow .....431.
  - S 1106 Honoring the Life and Memory of Vernon Malone .....1079.
- Bills and Resolutions—(Senate Bills)
  - Primary Sponsor ..... 201, 202, 217, 310, 311, 369, 694, 695, 777, 943,  
944, 1093.
  - Co-Sponsor ..... 12, 15, 35, 66, 89, 136, 151, 162, 199, 204, 206,  
221, 225, 239, 297, 308, 309, 319, 332, 362, 371,  
383, 411, 460, 502, 526, 593, 635, 637, 638, 855,  
970, 982, 1017, 1019, 1022, 1023, 1024, 1060,  
1095, 1103, 1106.

**GASOLINE AND OIL INSPECTION AND REGULATION [G.S. 119]**

- H 1084 Revise Liquefied Petroleum Gas Dealer Requirements  
(S.L. 2009-386.) .....681, 1150, 1160,  
1161, 1164, 1272.

**GASTON COUNTY**—District 41—Senator James Forrester  
District 43—Senator David W. Hoyle

- H 747 Asheville and Dallas Force Account  
(S.L. 2009-76.) .....464, 783, 798, 840,  
871.
- H 280 Belmont/Satellite Annexations  
(S.L. 2009-111.) .....510, 828, 842, 856,  
870, 882.
- S 115 Gaston County Local Act  
(Rules and Operations of the Senate Com).....88.
- S 347 Senate District 41 Local Act  
(Rules and Operations of the Senate Com).....162.
- S 80 Various Municipal Occupancy Taxes  
(S.L. 2009-429.) .....81, 706, 727, 735,  
745, 753, 1292, 1335,  
1360, 1379, 1402.

**GATES COUNTY**—District 4—Senator Edward W. Jones

- S 79 Gatesville - No Staggered Terms  
(S.L. 2009-465.) .....78, 221, 231, 244,  
1406, 1427, 1464,  
1476.
- S 327 Gatesville Term Lengths  
(S.L. 2009-17.) .....156, 218, 221, 516,  
521.

**GENERAL ASSEMBLY [G.S. 120]**

- S 711 Annexation Law Omnibus  
(Finance Com).....286, 322.
- S 292 Citizens Commission on Compensation  
(Appropriations/Base Budget Com)  
(Inc. S.L. 2009-574.) .....145.
- H 358 Clarify Consecutive Terms - Aging and Child Commission  
(S.L. 2009-142.) .....428, 786, 799, 804,  
912.
- H 104 Clarify Legislative Confidentiality  
(H Judiciary I Com).....193, 1043, 1296,  
1339, 1465.
- S 35 Early Organizational Session  
(H Rules, Calendar, and Operations of the  
House Com).....65, 75, 121, 122.
- S 838 Environmental Technical Corrections 2009  
(S.L. 2009-484.) .....315, 585, 611, 1411,  
1432, 1462.

**GENERAL ASSEMBLY [G.S. 120]** (continued)

H 817	Ethics Technical Changes and Other Changes (S.L. 2009-549.) .....	696, 1234, 1296, 1339, 1384, 1390, 1403, 1458, 1469.
S 118	Four-Year Term Implementing (Ways & Means Com) .....	89.
S 1035	Governor/General Assembly/Council of State Pay Reduction (Agriculture/Environment/Natural Resources Com) .....	363.
H 1171	Law Student Externs at General Assembly (S.L. 2009-129.) .....	562, 780, 793, 825, 910.
S 426	Legislative Compensation (Appropriations/Base Budget Com) .....	192.
S 136	Legislative Ethics Committee Term Changes/Ethics Training (S.L. 2009-10.) .....	99, 135, 141, 263, 352.
S 574	Make Better Use of Economic Incentives (Finance Com) (Inc. S.L. 2009-574.) .....	240.
S 843	Nondiscrimination in State Employment (Judiciary II Com) .....	316.
S 816	Office of Prosecution Services (Judiciary I Com) (Inc. S.L. 2009-574.) .....	312.
H 221	Oversight of Licensing Boards (S.L. 2009-125.) .....	407, 687, 710, 784, 799, 839, 910.
S 303	Oversight of Licensing Boards (Judiciary I Com) .....	146.
H 1621	Pender/New Hanover House Districts (S.L. 2009-78.) .....	683, 807, 824, 834, 840, 871.
H 642	Retirement Technical Corrections (S.L. 2009-66.) .....	713, 744, 757, 763, 812.
S 645	Retirement Technical Corrections (Appropriations/Base Budget Com) .....	260, 580.
S 15	Session Limits (H State Government/State Personnel Com) .....	57, 62, 74, 114, 121.

**GOINS, CECIL** (Sergeant-at-Arms)

**GOOD FUNDS SETTLEMENT ACT [G.S. 45A]**

S 764 Real Estate/Settlement Agent Embezzlement  
 (S.L. 2009-348.) .....295, 598, 610, 1110,  
 1151, 1203.

**GOODALL, SENATOR W. EDWARD (EDDIE) ..... 35th District—  
 Mecklenburg (part), Union.**

Absent of Leave ..... 195, 393, 427, 500, 684, 685, 732, 852, 1038,  
 1072, 1132 (portion).

Certification of Election.....6.

Committee Assignments—

Conference .....1214.

Standing/Select.....69.

Escorts—

Katherine Southard, Miss North Carolina 2009 .....1172.

Oath of Office .....8.

Paired Votes—

H 2 Prohibit Smoking In Certain Public Places .....591.

H 578 Partition Sales/Commissioners, Sellers, Buyers .....1304, 1345.

Remarks Spread—

Second Nomination of Senator Phil Berger for President *Pro Tempore* .....11.

S 1103 Honoring the Life and Memory of Jesse Helms.....814.

Republican Caucus Nomination-Joint Caucus Leader.....45.

Bills and Resolutions—(Senate Bills)

Primary Sponsor .....63, 103, 171, 172, 338, 339, 378, 379, 437, 438,  
 439, 570, 571, 572, 573, 595, 771, 1103.

Co-Sponsor .....2, 11, 21, 23, 25, 26, 32, 34, 35, 37, 65, 87, 92,  
 122, 123, 124, 126, 147, 153, 154, 156, 157, 158,  
 159, 160, 161, 162, 177, 182, 204, 210, 218, 247,  
 272, 275, 306, 335, 342, 362, 365, 367, 371, 389,  
 396, 397, 423, 424, 431, 452, 468, 478, 485, 486,  
 496, 520, 592, 626, 647, 659, 660, 685, 712, 713,  
 722, 723, 725, 726, 729, 730, 732, 733, 735, 736,  
 741, 748, 750, 751, 756, 762, 796, 802, 812, 817,  
 818, 821, 868, 899, 901, 902, 903, 909, 920, 927,  
 928, 933, 934, 969, 971, 979, 1012, 1052, 1078,  
 1085, 1088, 1095, 1098, 1106.

**GOSS, SENATOR STEVE ..... 45th District—Alexander,  
 Ashe, Watauga, Wilkes.**

Absent of Leave .....229, 675 (portion), 1350 (portion),  
 1448 (portion).

Adjournment Motion—Second.....426, 529, 739.

Certification of Election.....6.

Committee Assignments—

Conference .....865, 1175, 1244, 1390.

Standing/Select.....69.

**GOSS, SENATOR STEVE** (continued)

Escorts—

The Honorable Alex Ferguson and guests from Scotland.....406.

Oath of Office .....8.

Paired Votes—

S 943 Expand Film Credit .....949, 965.

Prayer.....249, 992, 1289.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 17, 18, 19, 46, 47, 48, 49, 50, 57, 84, 92, 93, 341,  
342, 434, 450, 517, 648, 649, 650, 651, 931, 935,  
936, 1098.

Co-Sponsor .....2, 12, 15, 23, 24, 30, 31, 32, 33, 34, 37, 66, 69, 70,  
82, 89, 118, 119, 125, 128, 142, 146, 147, 151,  
153, 162, 182, 185, 187, 188, 189, 190, 191, 192,  
193, 194, 195, 196, 204, 205, 206, 210, 228, 229,  
230, 239, 242, 252, 253, 254, 255, 256, 257, 258,  
259, 262, 267, 273, 274, 292, 297, 306, 308, 312,  
313, 314, 320, 322, 323, 324, 325, 329, 343, 344,  
345, 351, 362, 371, 376, 377, 383, 422, 427, 442,  
443, 444, 445, 446, 460, 478, 500, 501, 502, 507,  
534, 563, 564, 583, 593, 630, 631, 638, 680, 685,  
712, 721, 722, 737, 739, 740, 741, 770, 781, 782,  
784, 789, 812, 813, 817, 834, 841, 947, 968, 970,  
982, 983, 1028, 1059, 1060, 1066, 1067, 1068,  
1069, 1074, 1085, 1088, 1095, 1096, 1106.

**GOVERNOR** (The Honorable Beverly Eaves Perdue).

Appointments—

Utilities Commission.....508, 509.

(Bryan Beatty, Lorinzo Joyner, Tonola D. Brown-Bland)

North Carolina Teachers’ and State Employees’ Retirement System.

Board of Trustees.....914.

(Dennis Ducker, Randy Sales, Harold Martin, Sterling Primus)

North Carolina State Board of Education.....603, 1111.

(Reggie Kenan, Patricia Willoughby, Wayne McDevitt)

North Carolina State Board of Agriculture .....1001.

(Elbert Ray Pitt, Jr., Kirk Mathis, Casey Armstrong, William F. Johnston)

Remarks Spread—

State-of-the-State Address.....199.

S 1035 Governor/General Assembly/Council of State Pay Reduction

(Agriculture/Environment/Natural

Resources Com) .....363.

**GOVERNOR** (The Honorable Michael Easley).

Appointments (December 2009)—

Utilities Commission.....54.

(Susan Rabon, Bryan Beatty)

**GOVERNOR** (The Honorable Michael Easley) (continued)

North Carolina Teachers' and State Employees' Retirement System.

Board of Trustees.....58.  
(Dennis Ducker)

**GRAHAM COUNTY**—District 50—Senator John J. Snow, Jr.

H 385 Public School Activity Bus Use/Stecoah Valley Center  
(S.L. 2009-324.) .....692, 1017, 1056,  
1180, 1199.

S 326 Public School Bus Use/Stecoah Valley Center Programs  
(Education/Higher Education Com) .....156.

S 455 School Calendar Flexibility/Some LEAs  
(Education/Higher Education Com) .....207.

S 384 Senate District 50 Local Act.  
(Rules and Operations of the Senate Com).....177.

**GRAHAM, SENATOR MALCOLM**..... **40th District**—**Mecklenburg** (part).

Absent of Leave ..... 109, 140, 148, 211, 262, 416, 438, 446, 579,  
685, 794, 979, 1029, 1038, 1153, 1163, 1171,  
1214, 1257 (portion), 1357, 1413.

Adjournment Motion—Second.....362.

Certification of Election.....6.

Committee Assignments—

Conference .....865.

Standing/Select.....69, 232.

Oath of Office .....8.

Paired Votes—

H 2 Prohibit Smoking in Certain Public Places.....591.

Remarks Spread—

S 162 Honoring NAACP One Hundredth Anniversary.....95.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 221, 545, 546, 664, 665, 666, 667, 987, 988, 989.

Co-Sponsor ..... 16, 23, 24, 66, 151, 162, 169, 170, 199, 204, 205,  
206, 216, 227, 262, 297, 304, 305, 309, 312, 313,  
314, 320, 321, 322, 323, 371, 376, 381, 383, 389,  
425, 426, 427, 431, 460, 461, 463, 464, 465, 466,  
467, 468, 469, 470, 471, 491, 510, 511, 585, 586,  
587, 594, 603, 604, 681, 682, 683, 684, 734, 736,  
737, 748, 756, 781, 788, 793, 812, 813, 817, 917,  
970, 982, 985, 986, 991, 1019, 1060, 1069, 1095,  
1106.

**GRANVILLE COUNTY**—District 7—Senator Doug Berger

S 331 Five County LME/State Health Plan  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....157, 585, 586.

**GRANVILLE COUNTY** (continued)

S 715	Five County Mental Health Authority/State Health Plan (Held as Filed).....	287.
H 970	Granville County Hunting (S.L. 2009-45.) .....	616, 738, 746, 752, 765.
H 969	Granville/Registered Land (S.L. 2009-118.) .....	699, 877, 892, 898, 909.
S 402	Senate District 7 Local Act (Rules and Operations of the Senate Com).....	187.

**GREENE COUNTY**—District 5—Senator Don Davis

S 421	Senate District 5 Local Act (Rules and Operations of the Senate Com).....	191.
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**GUILFORD COUNTY**—District 26—Senator Philip E. Berger  
 District 27—Senator Donald R. Vaughan  
 District 28—Senator Katie G. Dorsett  
 District 33—Senator Stan Bingham

S 68	Alcoholic Beverage Control Stores/School/Guilford (S.L. 2009-295.) .....	77, 515, 525, 570, 620, 1109, 1118, 1126, 1145.
S 415	Greensboro City Attorney Appointment (State & Local Government Com).....	190.
H 1010	Greensboro City Attorney Appointment (State & Local Government Com).....	538.
S 416	Greensboro Manager Enter Service Contracts (State & Local Government Com).....	190.
S 539	Greensboro Motor Vehicle Levy (Finance Com).....	235, 386, 399.
H 541	Greensboro Motor Vehicle Levy (Finance Com).....	407.
H 64	Greensboro/Restore Zoning Protest Rights (S.L. 2009-4.) .....	172, 180, 196.
S 67	Greensboro/Restore Zoning Protest Rights (State & Local Government Com).....	77, 164, 172.
H 688	Jamestown/Satellite Annexations (S.L. 2009-323.) .....	695, 1117, 1129, 1145, 1168, 1172, 1180.
S 495	Oak Ridge ETJ (S.L. 2009-251.) .....	223, 564, 581, 604, 991, 1002, 1024, 1031, 1041.

**GUILFORD COUNTY** (continued)

- S 540 Pleasant Garden/Voters Elect Mayor  
(S.L. 2009-167.) .....235, 627, 628, 642,  
978, 980.
- S 152 Senate District 26 Local Act  
(Rules and Operations of the Senate Com).....102.
- S 263 Senate District 33 Local Act  
(Rules and Operations of the Senate Com).....134.

**HALIFAX COUNTY**—District 4—Senator Edward W. Jones

- S 331 Five County LME/State Health Plan  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....157, 585, 586.
- S 715 Five County Mental Health Authority/State Health Plan  
(Held as Filed).....287.
- H 898 No Killing of Grass Carp  
(S.L. 2009-261.) .....525, 997, 1019,  
1057, 1075, 1104.
- H 650 Roanoke Rapids/Fremont/No Loiter for Drugs  
(S.L. 2009-259.) .....679, 996, 1019,  
1056, 1074, 1103.
- S 522 Southeastern MH/DD/SA/State Health Plan  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....227.
- S 77 Town of Hobgood/State Health Plan  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....78, 115.

**HANDICAPPED PERSONS [G.S. 168]**

- S 226 Accessible Electronic Information Act/Blind/Disabled  
(Appropriations/Base Budget Com)  
(Inc. S.L. 2009-451.) .....125.

**HARNETT COUNTY**—District 22—Senator Harris Blake

**HARRISON, TED** (Reading Clerk)

- HARTSELL, SENATOR FLETCHER L., Jr.** ..... **36th District**—  
**Cabarrus, Iredell** (part).
- Absent of Leave .....427, 763 (portion), 954, 968.
- Adjournment Motion—Second.....112.
- Certification of Election.....6.
- Committee Assignments—
- Conference ..... 865, 967, 1176, 1406, 1411, 1422.
- Standing/Select.....69, 233.

**HARTSELL, SENATOR FLETCHER L., Jr.** (continued)

Escorts—

President *Pro Tempore*-Elect .....11.  
 UNC Men’s Basketball Team .....515.  
 Sergeant-at-Arms-Elect.....44.

Oath of Office .....8.

Paired Votes—

S 287 State Health Plan Funds/Good Health Initiatives .....282.  
 S 461 North Carolina Racial Justice Act.....1351.

Presiding Officer Appointment .....761

Bills and Resolutions—(Senate Bills)

Primary Sponsor .....97, 98, 99, 100, 101, 102, 127, 165, 220, 285, 346,  
 360, 361, 390, 391, 405, 406, 407, 481, 482, 483,  
 509, 567, 592, 617, 618, 619, 707, 708, 791, 792,  
 819, 820, 882, 883, 884, 891, 893, 894, 895, 896,  
 967.

Co-Sponsor .....15, 23, 25, 36, 45, 69, 70, 82, 92, 95, 125, 151,  
 162, 167, 170, 204, 205, 210, 239, 248, 262, 292,  
 324, 325, 351, 362, 371, 383, 393, 397, 412, 413,  
 417, 418, 419, 420, 422, 431, 451, 460, 463, 466,  
 467, 468, 469, 470, 485, 486, 487, 491, 502, 517,  
 563, 564, 568, 569, 574, 577, 586, 587, 593, 679,  
 685, 687, 711, 736, 737, 740, 741, 749, 753, 757,  
 770, 818, 833, 834, 839, 849, 857, 859, 866, 876,  
 878, 879, 907, 908, 919, 922, 924, 939, 970, 978,  
 979, 982, 1012, 1026, 1028, 1029, 1052, 1060,  
 1067, 1069, 1085, 1095, 1098, 1103, 1106.

**HAYWOOD COUNTY—**District 47—Senator Joe Sam Queen

District 50—Senator John J. Snow, Jr.

H 52 Haywood School Board Filing Date  
 (S.L. 2009-29.) .....280, 687, 707, 730,  
 734.

S 384 Senate District 50 Local Act.  
 (Rules and Operations of the Senate Com).....177.

**HEALTH CARE FACILITIES AND SERVICES [G.S. 131E]**

S 202 Appropriations Act of 2009  
 (S.L. 2009-451.) .....118, 402, 403, 405,  
 410, 411, 417, 855,  
 859, 864, 887, 1285,  
 1294, 1337, 1344,  
 1346, 1473.

S 1093 Appropriations Act of 2009  
 (Appropriations/Base Budget Com) .....372.

**HEALTH CARE FACILITIES AND SERVICES [G.S. 131E]** (continued)

S 804 Certificate of Need Changes  
(S.L. 2009-373.) .....310, 661, 672, 674,  
1127, 1145, 1168,  
1186, 1210, 1216,  
1271.

S 765 Clarify Patient Data/Medical Care Data Act  
(H Health Com) .....295, 577, 589.

H 1298 Clarify Patient Data/Medical Care Data Act  
(Held by Senate) .....718.

H 1187 Department of Health and Human Services Technical  
Changes/Health Care Personnel  
(S.L. 2009-316.) ..... 703, 970, 989, 1074,  
1156.

H 436 Fairness in Certificate of Need Determinations/Inflation  
Adjustment  
(S.L. 2009-145.) .....692, 743, 756, 804,  
912.

S 1031 Limit Necessities Doctrine/Health Care Debt  
(Judiciary II Com) .....363.

H 752 Lobbying Late Fees  
(S.L. 2009-477.) .....615, 1333, 1364,  
1388, 1395, 1466.

H 275 Sex Offenders Can't be Emergency Medical Services  
Personnel  
(Judiciary I Com).....614.

H 456 Technical and Organizational Changes/Certain DHHS  
Facilities  
(S.L. 2009-462.) .....692, 956, 1133,  
1148, 1159, 1233,  
1475.

**HENDERSON COUNTY**—District 48—Senator Tom Apodaca

S 289 Mills River Video Distribution  
(Finance Com).....144.

S 288 Regulation of Golf Carts in Hendersonville  
(State & Local Government Com).....144.

S 317 Senate District 48 Local Act  
(Rules and Operations of the Senate Com).....154.

S 58 State Health Plan - Hendersonville  
(Select Committee on Employee Hospital  
and Medical Benefits Com).....75, 115.

**HERTFORD COUNTY**—District 4—Senator Edward W. Jones

H 260 Mayor of Ahoskie Term of Office  
(S.L. 2009-31.) .....298, 688, 707, 730,  
734.

**HERTFORD COUNTY (continued)**

S 40	Murfreesboro/Salisbury/Rockingham Occupancy Tax (S.L. 2009-428.) .....	66, 385, 399, 408, 1292, 1334, 1360, 1379, 1402.
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**HIGHER EDUCATION [G.S. 116]**

S 202	Appropriations Act of 2009 (S.L. 2009-451.) .....	118, 402, 403, 405, 410, 411, 417, 855, 859, 864, 887, 1285, 1294, 1337, 1344, 1346, 1473.
S 1093	Appropriations Act of 2009 (Appropriations/Base Budget Com) .....	372.
S 484	Auditor Ex Officio Duties (S.L. 2009-136.) .....	216, 360, 382, 804, 911.
S 316	Change Name of Horace Williams Airport (Appropriations/Base Budget Com) .....	154.
H 912	Encourage Use of Military Veteran Contractors (Commerce Com) .....	714.
S 976	Establish NC Office of Management Innovation (Appropriations/Base Budget Com) .....	342, 628.
S 149	Lapsed Salaries Revert (Appropriations/Base Budget Com) .....	101.
S 137	Military Death/In-State Tuition/Dependent (H Appropriations Com).....	99, 108, 1033, 1050.
S 689	Modify DPI Reporting Requirements/Building Code/High School (S.L. 2009-305.) .....	283, 408, 425, 1047, 1070, 1073, 1155.
S 1034	Modify Out-of-State Tuition Exemption (Education/Higher Education Com) .....	363.
S 337	NC Illegal Immigration Reform Act (State & Local Government Com).....	158.
S 218	Neighborhood Schools and Teacher Merit Pay (Education/Higher Education Com) .....	123, 151.
S 127	Prudent Management of Institutional Funds (S.L. 2009-8.) .....	97, 141, 149, 151, 232, 245, 250, 276.
S 229	Scholarship Loan for Rural Social Workers (Appropriations/Base Budget Com) .....	125.

**HIGHER EDUCATION BONDS [G.S. 116D]**

H 912	Encourage Use of Military Veteran Contractors (Commerce Com) .....	714.
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**HIGHER EDUCATION BONDS [G.S. 116D]** (continued)

S 629 NCSU Nonappropriated Capital Projects  
(Finance Com).....255.

**HOKE COUNTY**—District 13—Senator David F. Weinstein  
(Resigned 9-30-2009)  
Senator Michael P. Walters  
(Appointed 11-3-2009)

S 120 Senate District 13 Local Act  
(Rules and Operations of the Senate Com).....89.

**HOUSING AUTHORITIES AND PROJECTS [G.S. 157]**

S 560 Greenville Housing Authority  
(S.L. 2009-211.) .....238, 628, 642, 993,  
1008.

H 1093 Housing Authorities/Moderate-Income Persons  
(S.L. 2009-218.) .....715, 945, 961, 973,  
978, 1012.

**HOUSING FINANCE AGENCY [G.S. 122A]**

S 220 General Statutes Commission Technical Corrections  
(S.L. 2009-570.) .....123, 584, 607, 630,  
1420, 1436, 1461.

S 71 Purpose of Home Protection Program Amended  
(Commerce Com) .....77.

**HOYLE, SENATOR DAVID W.**.....**43rd District—Gaston** (part).

Absent of Leave .....229 (portion), 397, 406 (portion),  
667 (portion), 731 (portion), 879 (portion), 1053,  
1072.

Adjournment Motion—Second..... 512, 614, 678, 953, 1161, 1284.

Certification of Election.....6.

Committee Assignments—

Conference ..... 445, 865, 895, 1213, 1423.

Standing/Select.....69, 108, 129.

Excused Votes—

S 1004 Certain Electricity Generation Laws Amended.....1186.

Oath of Office .....8.

Bills and Resolutions—(Senate Bills)

Primary Sponsor ..... 34, 35, 114, 115, 116, 117, 199, 232, 233, 242,  
329, 447, 448, 449, 574, 575, 576, 577, 578, 579,  
580, 721, 722, 783, 784, 864, 865, 866, 867, 912,  
913, 914, 915, 1004, 1005, 1006, 1007, 1058.

Co-Sponsor ..... 15, 17, 23, 24, 31, 32, 37, 45, 66, 89, 124, 125,  
146, 147, 151, 162, 185, 187, 188, 189, 190, 191,  
192, 193, 194, 195, 196, 208, 239, 262, 272, 275,  
292, 312, 314, 351, 362, 366, 371, 376, 383, 386,  
405, 413, 422, 431, 442, 443, 444, 445, 446, 452,  
456, 457, 460, 486, 487, 509, 557, 558, 559, 593,

**HOYLE, SENATOR DAVID W.** (continued)

Co- Sponsor .....647, 668, 669, 734, 737, 751, 761, 770, 782, 831,  
841, 842, 891, 933, 934, 948, 970, 982, 983,  
1028, 1029, 1054, 1069, 1095, 1100, 1102, 1106.

**HUNT, SENATOR NEAL** .....**15th District—Wake** (part).

Absent of Leave .....685.  
Adjournment Motion—Second.....852.  
Certification of Election.....6.  
Committee Assignments—  
  Standing/Select.....69.  
Oath of Office .....8.  
Remarks Spread—  
  H 303 Honoring the Life and Memory of Kay Yow .....432.  
  S 1103 Honoring the Life and Memory of Jesse Helms.....815.  
Republican Caucus Nomination-Deputy Republican Leader .....45.  
Bills and Resolutions—(Senate Bills)  
  Primary Sponsor ..... 71, 72, 73, 137, 218, 298, 299, 515, 516, 712.  
  Co-Sponsor ..... 15, 23, 24, 65, 87, 88, 95, 123, 149, 150, 153, 157,  
    158, 159, 160, 161, 172, 177, 199, 210, 236, 237,  
    247, 259, 272, 306, 308, 312, 313, 335, 351, 371,  
    378, 379, 396, 397, 398, 423, 424, 431, 432, 452,  
    453, 460, 462, 467, 470, 571, 572, 573, 629, 635,  
    685, 723, 724, 725, 726, 727, 728, 732, 733, 735,  
    736, 739, 761, 762, 782, 866, 932, 933, 934, 984,  
    986, 1020, 1033, 1036, 1038, 1039, 1052, 1088,  
    1095, 1103, 1106.

**HYDE COUNTY—District 1—Senator Marc Basnight**

H 888 County Bow Hunting/Mineral Rights  
  (S.L. 2009-77.) .....511, 785, 797, 840,  
    871.

**IDENTITY THEFT**

H 1265 Identity Theft Warning/Employment Assistance  
  (Commerce Com) .....704.

**IMMIGRATION**

S 155 Community Colleges Can't Admit Illegal Aliens  
  (Education/Higher Education Com) .....102.  
S 337 NC Illegal Immigration Reform Act  
  (State & Local Government Com).....158.  
S 290 No Federal Stimulus Money for Illegal Aliens  
  (Appropriations/Base Budget Com) .....144.  
S 398 Security and Immigration Compliance  
  (Commerce Com) .....187.

**INCOMPETENCY AND GUARDIANSHIP [G.S. 35A]**

S 605	Assets of Ward's Estate (S.L. 2009-309.) .....	249, 558, 573, 1039, 1155.
H 506	Clarify Entitlement to Counsel/Appointment (S.L. 2009-387.) .....	679, 1049, 1060, 1153, 1273.
S 946	Guardianship/Court-Appointed Counsel (Judiciary I Com).....	337.
S 932	Guardianship/Incompetency (Judiciary I Com).....	335.
S 693	Public Guardianship/Training/Education (Judiciary II Com) (Inc. S.L. 2009-574.) .....	284.

**INCORPORATION**

S 535	Archer Lodge Incorporated (S.L. 2009-466.) .....	234, 1257, 1278, 1298, 1333, 1468, 1476.
S 549	Incorporate Enochville (Finance Com).....	236.
S 538	Incorporate Lake James (Finance Com).....	235.
S 359	Incorporate Sneads Ferry (S.L. 2009-431.) .....	166, 836, 842, 856, 1293, 1336, 1360, 1379, 1403.
S 553	Incorporate Swannanoa (S.L. 2009-467.) .....	237, 1133, 1147, 1157, 1468, 1476.

**INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING ACT [G.S. 159C]**

S 754	Changes for Bonds Authorized under American Recovery and Reinvestment Tax Act (S.L. 2009-140.) .....	293, 429, 517, 526, 534, 832, 851, 862, 867, 912.
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**INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL PROGRAM FINANCING ACT [G.S. 159D]**

S 754	Changes for Bonds Authorized under American Recovery and Reinvestment Tax Act (S.L. 2009-140.) .....	293, 429, 517, 526, 534, 832, 851, 862, 867, 912.
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**INFORMATION TECHNOLOGY**

- S 1072 Information Technology Services Collaboration with Agencies  
(H Science and Technology Com).....369, 439, 448, 497,  
505, 551, 673, 677.
- H 1159 Insurance Licensing Changes  
(S.L. 2009-383.) .....703, 841, 1131,  
1148, 1159, 1164,  
1272.

**INSPECTION AND LICENSING OF FACILITIES [G.S. 131D]**

- S 969 Amend Purpose/Child Placing/Child Care Laws  
(S.L. 2009-408.) .....341, 415, 565, 590,  
1198, 1380.
- S 202 Appropriations Act of 2009  
(S.L. 2009-451.) .....118, 402, 403, 405,  
410, 411, 417, 855,  
859, 864, 887, 1285,  
1294, 1337, 1344,  
1346, 1473.
- S 1093 Appropriations Act of 2009  
(Appropriations/Base Budget Com) .....372.
- S 673 Ban Smoking in Foster Care Setting With Infants  
(Health Care Com) .....272.
- H 1271 Clarify Social Services Commission Authority  
(S.L. 2009-188.) .....616, 826, 851, 869,  
983.
- H 1186 Department of Health and Human Services/Update Current  
Inspection Practices  
(S.L. 2009-232.) .....716, 898, 938, 955,  
1014.
- S 906 Establish Adult Day Health Overnight Respite  
(Health Care Com) .....331.
- H 456 Technical and Organizational Changes/Certain DHHS  
Facilities  
(S.L. 2009-462.) .....692, 956, 1133,  
1148, 1159, 1233,  
1475.
- S 1042 Technical and Organizational Changes/Certain DHHS  
Facilities  
(Finance Com).....364, 449.

**INSURANCE [G.S. 58]**

- H 1314 Annual Financial Reporting  
(S.L. 2009-384.) .....539, 853, 892, 1164,  
1272.

**INSURANCE [G.S. 58] (continued)**

S 202	Appropriations Act of 2009 (S.L. 2009-451.) .....	118, 402, 403, 405, 410, 411, 417, 855, 859, 864, 887, 1285, 1294, 1337, 1344, 1346, 1473.
H 1305	Beach Plan Changes (S.L. 2009-472.) .....	1195, 1322, 1323, 1325, 1348, 1349, 1402.
S 696	Beach Plan Surplus (Commerce Com) .....	284.
H 896	Cancer Drug Coverage Changes (S.L. 2009-170.) .....	538, 826, 850, 868, 980.
S 884	Cigarette Safety Amend/Department of Health and Human Services Electronic Supervision (S.L. 2009-490.) .....	328, 600, 629, 1412, 1432, 1463.
S 965	Civil Liability/Prohibited Debt Collection (Judiciary I Com).....	340.
S 639	Clarify WC Claim Deadline/Ins. Guaranty Assn (Judiciary II Com) .....	259.
S 974	Consumer Economic Protection Act of 2009 (S.L. 2009-573.) .....	342, 637, 660, 1356, 1371, 1405, 1415.
S 14	Create Employment Safety and Security Commission (Commerce Com) .....	52.
H 1073	Fire and Rescue Pension Withdrawal Change (S.L. 2009-365.) .....	700, 744, 988, 1022, 1064, 1093, 1143, 1205.
S 458	GED High School Diploma/No Drug Convict/Bail Bondsman (S.L. 2009-536.) .....	208, 471, 507, 519, 1252, 1281, 1306, 1317.
S 220	General Statutes Commission Technical Corrections (S.L. 2009-570.) .....	123, 584, 607, 630, 1420, 1436, 1461.
H 1183	Health and Other Insurance Law Changes (S.L. 2009-382.) .....	511, 854, 891, 1164, 1272.

**INSURANCE [G.S. 58]** (continued)

H 535	Health Insurance Coverage/Lymphedema (S.L. 2009-313.) .....	693, 801, 957, 988, 1020, 1061, 1073, 1156.
S 877	Health Plan Provider Contracts/Transparency (S.L. 2009-352.) .....	327, 536, 619, 657, 667, 1142, 1203.
S 34	Increase Fire and Rescue Benefits (Pensions & Retirement and Aging Com) .....	65, 75, 85, 112.
S 559	Increase Fire and Rescue Pension (Appropriations/Base Budget Com) .....	238, 264.
H 589	Insurance and State Health Plan Cover/Hearing Aids/Autism (Senate Adopted Conference Report) .....	1193, 1321, 1337, 1364, 1418, 1422, 1438, 1450.
H 964	Insurance Guaranty Association Amendments (S.L. 2009-130.) .....	714, 778, 792, 825, 911.
H 1166	Insurance Law Changes (S.L. 2009-566.) .....	1231, 1295, 1320, 1364, 1467.
H 1159	Insurance Licensing Changes (S.L. 2009-383.) .....	703, 841, 1131, 1148, 1159, 1164, 1272.
S 375	Insurance/Cover Hearing Aids (Appropriations/Base Budget Com) .....	176, 537, 765.
H 1485	Insurance/Health Care Provider Relationship (Commerce Com) .....	724.
H 1164	Modernize Health Maintenance Organizations Oversight Requirements (S.L. 2009-173.) .....	511, 841, 861, 869, 981.
S 981	Mortgage Guaranty Insurance Revisions (S.L. 2009-254.) .....	343, 550, 575, 987, 1005, 1010, 1041.
S 789	No Bail Bondsman License/Misdemeanor Drug Conviction (Commerce Com) .....	307.
H 1392	North Carolina Risk Pool Changes/Out-of-State Services (Commerce Com) .....	593.
H 1294	North Carolina Risk Pool Premiums/Notice Requirements (S.L. 2009-286.) .....	718, 778, 793, 1010, 1107.
S 725	Out-of-State Insurance Policies/Allow Purchase (Commerce Com) .....	289, 412.

**INSURANCE [G.S. 58]** (continued)

S 1029	Professional Employer Organization Amendments (S.L. 2009-552.) .....	362, 532, 559, 1392, 1396, 1430, 1464.
S 954	Protections from Abusive Debt Buyers (H Financial Institutions Com) .....	339, 609, 629, 663.
S 563	Pyrotechnics Safety Permitting Act (S.L. 2009-507.) .....	239, 1173, 1188, 1206, 1407, 1432, 1435.
H 1313	Regulate Public Adjusters.-AB (S.L. 2009-565.) .....	719, 854, 1132, 1145, 1218, 1235, 1249, 1467.
S 1056	Require Firearms Certification/Bail Bondsman (Finance Com) .....	366, 655.
H 642	Retirement Technical Corrections (S.L. 2009-66.) .....	713, 744, 757, 763, 812.
S 645	Retirement Technical Corrections (Appropriations/Base Budget Com) .....	260, 580.
H 1161	Revise Insurance Financial Conditions (S.L. 2009-172.) .....	593, 841, 861, 869, 981.
S 1025	Small Business Health Insurance Expansion (Commerce Com) .....	350.
S 957	Special Enrollment Period/Group Health Insurance (S.L. 2009-62.) .....	339, 455, 465, 773, 812.
S 425	Streamline Plan Review and Inspection/State Buildings (S.L. 2009-474.) .....	192, 601, 622, 1408, 1431, 1461.
S 780	Structured Settlement Annuities/Insurance Guaranty Association (S.L. 2009-448.) .....	305, 504, 518, 905, 934, 966, 975, 1243, 1247, 1473.
H 456	Technical and Organizational Changes/Certain DHHS Facilities (S.L. 2009-462.) .....	692, 956, 1133, 1148, 1159, 1233, 1475.
H 1165	Update Standard Fire Insurance Policy (S.L. 2009-171.) .....	681, 841, 861, 869, 980.

**INSURANCE [G.S. 58]** (continued)

H 1330 Utilities/Collectors/Debt Collection  
(S.L. 2009-302.) .....720, 949, 959, 974,  
990, 1040, 1154.

**INTEREST [G.S. 24]**

H 1222 Mortgage/Rate Spread and High-Cost Loans  
(S.L. 2009-457.) .....717, 1123, 1137,  
1249, 1474.

**INTERNET TICKET SALES**

H 309 Internet Ticket Protection Resale Sunset  
(S.L. 2009-255.) .....460, 945, 960, 1035,  
1036, 1037, 1042.

S 99 Internet Ticket Resale Amendments  
(H Finance Com) .....86, 549, 570, 581.

**IREDELL COUNTY**—District 36—Senator Fletcher L. Hartsell, Jr.

District 41—Senator James Forrester

District 42—Senator Austin M. Allran

H 676 Law Enforcement Jurisdiction in Iredell County  
(S.L. 2009-44.) .....453, 738, 746, 752,  
765.

S 360 Repeal Statesville/Mooresville Police Act  
(State & Local Government Com).....166.

S 361 Senate District 36 Local Act  
(Rules and Operations of the Senate Com).....166.

S 347 Senate District 41 Local Act  
(Rules and Operations of the Senate Com).....162.

H 337 Statesville Deannexation  
(Finance Com).....380.

**IRRIGATION CONTRACTORS [G.S. 89G]**

H 1336 Irrigation Contractors' Licensing Laws Amended  
(Finance Com).....1355.

**JACKSON COUNTY**—District 50—Senator John J. Snow, Jr.

S 455 School Calendar Flexibility/Some LEAs  
(Education/Higher Education Com) .....207.

S 384 Senate District 50 Local Act.  
(Rules and Operations of the Senate Com).....177.

**JACUMIN, SENATOR JIM** ..... **44th District**—Burke, Caldwell.

Absent of Leave .....684, 725, 1261 (portion), 1448 (portion).

**JACUMIN, SENATOR JIM** (continued)

Adjournment Motion—Second.....905.  
 Certification of Election.....6.  
 Committee Assignments—  
   Standing/Select.....69.  
 Oath of Office .....8.  
 Remarks Spread—  
   Nomination of Senator Phil Berger for President *Pro Tempore*.....11.  
 Bills and Resolutions—(Senate Bills)  
   Primary Sponsor ..... 82, 259, 308, 340, 538, 731, 779, 830.  
   Co-Sponsor ..... 2, 13, 15, 17, 18, 19, 23, 25, 26, 32, 65, 66, 70, 87,  
     88, 89, 95, 118, 119, 123, 125, 126, 141, 146,  
     147, 150, 153, 154, 155, 156, 157, 158, 159, 160,  
     161, 162, 172, 177, 182, 210, 272, 298, 299, 306,  
     312, 313, 325, 329, 332, 335, 337, 342, 351, 371,  
     378, 379, 383, 422, 423, 424, 431, 443, 445, 446,  
     500, 501, 502, 507, 508, 517, 571, 572, 573, 582,  
     592, 593, 608, 629, 680, 685, 712, 732, 733, 735,  
     736, 761, 770, 866, 913, 914, 915, 970, 979,  
     1033, 1036, 1039, 1041, 1052, 1095, 1103, 1106.

**JENKINS, SENATOR S. CLARK** ..... **3rd District—Edgecombe,**  
 Martin, Pitt (part).

Absent of Leave ..... 195, 257, 262, 427, 500, 667 (portion), 684,  
     731 (portion), 852, 879 (portion), 881, 896,  
     1394 (portion).  
 Certification of Election.....6.  
 Committee Assignments—  
   Conference .....865, 1175, 1213, 1423.  
   Standing/Select.....69.  
 Escorts—  
   Kristen Dalton, Miss USA 2009 .....735.  
 Excused Votes—  
   S 778 Eliminate Overlap Between CAMA and SEPA .....574.  
   H 1378 Clean Marinas/Pumpout Stations .....1067.  
   H 1500 Development Tier Designation Exception .....1279, 1303.  
 Oath of Office .....8.  
 Remarks Spread—  
   S 1106 Honoring the Life and Memory of Vernon Malone .....1081.  
 Bills and Resolutions—(Senate Bills)  
   Primary Sponsor ..... 145, 200, 260, 261, 294, 295, 296, 367, 368, 404,  
     498, 499, 822, 823, 824, 825, 826, 827, 828, 829,  
     980, 981, 982, 983, 996, 997, 998, 999, 1000,  
     1001, 1002, 1003.

**JENKINS, SENATOR S. CLARK** (continued)

Co-Sponsor ..... 15, 23, 34, 35, 37, 66, 117, 124, 125, 139, 146,  
 147, 151, 162, 167, 199, 206, 208, 221, 224, 225,  
 226, 227, 229, 230, 233, 239, 242, 251, 259, 262,  
 273, 274, 292, 308, 314, 319, 329, 362, 371, 376,  
 377, 383, 386, 417, 425, 426, 442, 443, 444, 445,  
 446, 452, 460, 517, 526, 560, 561, 562, 563, 564,  
 574, 580, 593, 627, 761, 790, 831, 841, 865, 866,  
 913, 914, 915, 939, 947, 948, 985, 986, 990, 995,  
 1025, 1028, 1059, 1060, 1066, 1067, 1068, 1069,  
 1095, 1098, 1106.

**JOHNSTON COUNTY**—District 12—Senator David Rouzer

S 535 Archer Lodge Incorporated  
 (S.L. 2009-466.) .....234, 1257, 1278,  
 1298, 1333, 1468,  
 1476.

S 533 Clayton/Electronic Notices  
 (State & Local Government Com).....234.

H 710 Clayton/Electronic Notices  
 (State & Local Government Com).....679.

**JOINT SESSIONS**

State-of-the-State Address .....199.

Confirmation of State Board of Education Members.....1111.

H 363 Invite Governor Beverly E. Perdue/ Joint Session  
 (Res. 3.) ..... 168, 173, 180, 198.

**JONES COUNTY**—District 6—Senator Harry Brown

S 129 Senate District 6 Local Act  
 (Rules and Operations of the Senate Com).....98.

**JONES, SENATOR EDWARD W.** .....**4th District**—Bertie,  
 Chowan, Gates, **Halifax**,  
 Hertford, Northampton,  
 Perquimans.

Absent of Leave ..... 56, 121, 1153, 1163.

Adjournment Motion—Second..... 393, 437, 761, 1037, 1188.

Certification of Election.....6.

Committee Assignments—  
 Conference ..... 865, 1122, 1244, 1422.  
 Standing/Select.....69.

Escorts—  
 Deputy President *Pro Tempore* Elect.....40.  
 Sergeant-at-Arms-Elect.....44.  
 The Honorable Daniel T. Blue, Jr. ....688.

**JONES, SENATOR EDWARD W.** (continued)

Excused Votes—

S 584 Amend Private Protective Services Act .....1069, 1094.

Oath of Office .....8.

Bills and Resolutions—(Senate Bills)

Primary Sponsor .....39, 40, 41, 42, 43, 74, 75, 76, 77, 78, 79, 109, 110,  
111, 112, 113, 307, 327, 496, 654, 655, 656, 807,  
808, 809, 1099, 1104.

Co-Sponsor .....12, 13, 15, 16, 29, 30, 33, 37, 46, 47, 48, 49, 50,  
66, 70, 82, 96, 118, 119, 122, 124, 125, 142, 146,  
147, 162, 167, 169, 182, 185, 187, 188, 189, 190,  
191, 192, 193, 194, 195, 196, 199, 205, 206, 216,  
221, 225, 226, 227, 250, 259, 262, 272, 273, 274,  
275, 297, 308, 309, 312, 313, 314, 318, 319, 320,  
321, 322, 323, 329, 332, 343, 344, 345, 353, 362,  
371, 376, 380, 383, 411, 414, 417, 425, 426, 442,  
443, 444, 445, 446, 452, 460, 461, 462, 463, 465,  
466, 467, 468, 471, 500, 517, 558, 559, 563, 564,  
585, 586, 587, 594, 602, 603, 604, 681, 683, 684,  
692, 693, 705, 706, 722, 736, 737, 759, 760, 770,  
774, 781, 789, 812, 915, 932, 938, 946, 947, 966,  
970, 982, 983, 986, 991, 1002, 1003, 1028, 1059,  
1060, 1069, 1088, 1095, 1098, 1106, 1109.

**JUDICIAL DEPARTMENT [G.S. 7A]**

S 861 Administrative Office of the Courts Omnibus Courts Act  
(Appropriations/Base Budget Com) .....324.

H 1269 Administrative Office of the Courts Omnibus Courts Act  
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H 1657	Honor Eugene Burns Turner (Res. 29.) .....	1285, 1306, 1319.
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**RICHMOND COUNTY—District 25—Senator William R. Purcell**

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- H 1099 Environmental Laws Amended 2009  
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- S 1083 Little Tennessee River Basin Advisory Commission  
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S 827	Ferry Division Changed to Marine Division (H Marine Resources and Aquaculture Com).....	313, 467, 495.
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**ROBESON COUNTY**—District 13—Senator David F. Weinstein  
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 Senator Michael P. Walters  
 (Appointed 11-3-2009)

- S 389 Housing Authority Retirement  
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**ROCKINGHAM COUNTY**—District 26—Senator Philip E. Berger

- S 40 Murfreesboro/Salisbury/Rockingham Occupancy Tax  
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- H 992 Landis/Repeal Annexation  
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- S 40 Murfreesboro/Salisbury/Rockingham Occupancy Tax  
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- H 986 Spencer/Amend Property Description  
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**RUCHO, SENATOR ROBERT** .....**39th District—Mecklenburg** (part).

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- S 862 Supreme Court Rule Making  
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- S 679 Uniform Apportionment of Tort Responsibility  
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- H 109 Conveyance to Town of Roseboro/Authorize  
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- S 251 Faison/Extraterritorial Jurisdiction Powers  
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S 703	State Treasurer Investments (S.L. 2009-98.) .....	285, 504, 518, 765, 779, 782, 874.
S 691	Tax Information Disclosure to State Treasurer (S.L. 2009-283.) .....	284, 504, 518, 987, 1004, 1010, 1107.
S 632	Treasurer's Governance and Transparency Act (H Finance Com) .....	256, 516, 527.

**STATE PARKS SYSTEM**

S 89	Authorize Grandfather Mountain as State Park (S.L. 2009-12.) .....	82, 149, 194, 197, 352, 376.
H 1196	State Nature and Historic Preserve Additions and Deletions (S.L. 2009-503.) .....	703, 945, 1132, 1149, 1358.

**STATE PERSONNEL SYSTEM [G.S. 126]**

S 202 Appropriations Act of 2009  
 (S.L. 2009-451.) .....118, 402, 403, 405,  
 410, 411, 417, 855,  
 859, 864, 887, 1285,  
 1294, 1337, 1344,  
 1346, 1473.

S 1070 Bereavement Leave/State and School Employees  
 (Appropriations/Base Budget Com) .....369.

S 973 Create Department of Military and Veterans Affairs  
 (State & Local Government Com).....342, 359.

H 1099 Environmental Laws Amended 2009  
 (Conference Committee) .....702, 1299, 1300,  
 1301, 1340, 1409,  
 1410.

S 1032 No State Payroll Deductions for Politics  
 (Finance Com).....363.

S 843 Nondiscrimination in State Employment  
 (Judiciary II Com) .....316.

H 213 Voluntary Shared Leave Nonfamily Sick Leave Donations  
 (Appropriations/Base Budget Com)  
 (Inc. S.L. 2009-574.) .....691, 829, 845.

S 352 Voluntary Shared Leave Nonfamily Sick Leave Donations  
 (Appropriations/Base Budget Com)  
 (Inc. S.L. 2009-574.) .....163, 468.

**STATE PRISON SYSTEM [G.S. 148]**

S 202 Appropriations Act of 2009  
 (S.L. 2009-451.) .....118, 402, 403, 405,  
 410, 411, 417, 855,  
 859, 864, 887, 1285,  
 1294, 1337, 1344,  
 1346, 1473.

H 912 Encourage Use of Military Veteran Contractors  
 (Commerce Com) .....714.

S 220 General Statutes Commission Technical Corrections  
 (S.L. 2009-570.) .....123, 584, 607, 630,  
 1420, 1436, 1461.

S 167 No Smoking/Cell Phones on Prison Grounds  
 (S.L. 2009-560.) .....106, 597, 607, 1355,  
 1370, 1378.

**STATUTORY CONSTRUCTION [G.S. 12]**

S 843 Nondiscrimination in State Employment  
 (Judiciary II Com) .....316.

**STATUTORY LIENS AND CHARGES [G.S. 44A]**

S 803 Protect Third-Party Purchasers for Value  
 (Judiciary I Com)  
 (Inc. S.L. 2009-574.) .....309.

S 448 Self-Service Storage Facilities  
 (S.L. 2009-201.) .....206, 532, 554, 894,  
 905, 906, 984.

H 1035 University of North Carolina Performance and Payment  
 Bond Modification  
 (Commerce Com) .....700.

**STEIN, SENATOR JOSH.....16th District—Wake (part).**  
 Absent of Leave .....965 (portion), 1096, 1113,  
 1125 (portion), 1365 (portion).  
 Adjournment Motion—Second.....60.  
 Certification of Election.....6.  
 Journal Approval.....732, 1038.  
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 Conference ..... 865, 1176, 1310, 1410, 1411.  
 Standing/Select.....69, 233.  
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 The Honorable Daniel T. Blue, Jr. ....688.  
 Katherine Southard, Miss North Carolina 2009 .....1172.  
 Oath of Office .....8.  
 Paired Votes—  
 S 202 Appropriations Act of 2009 .....1337.  
 Remarks Spread—  
 H 303 Honoring the Life and Memory of Kay Yow .....430.  
 S 1106 Honoring the Life and Memory of Vernon Malone .....1082.  
 Bills and Resolutions—(Senate Bills)  
 Primary Sponsor ..... 239, 452, 453, 593, 629, 635, 763, 764, 765, 817,  
 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022,  
 1023, 1024, 1025, 1061.  
 Co-Sponsor .....89, 122, 125, 146, 147, 151, 162, 182, 185, 187,  
 189, 195, 196, 199, 204, 205, 206, 221, 230, 242,  
 297, 304, 305, 314, 320, 323, 325, 352, 362, 371,  
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 564, 602, 608, 679, 737, 750, 754, 770, 781, 810,  
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 991, 992, 1047, 1060, 1065, 1066, 1069, 1095,  
 1098, 1106.

**STEVENS, SENATOR RICHARD Y.....17th District—Wake (part).**  
 Absent of Leave .....684, 763, 772, 781, 794, 803, 811, 825,  
 838, 852, 867, 881, 896, 907, 941, 954, 968, 979,  
 992, 1009, 1029, 1038, 1039, 1053, 1072, 1096,  
 1113, 1125, 1141, 1153, 1163, 1171, 1178, 1197,  
 1214, 1232, 1246, 1269, 1290, 1317, 1357, 1413.

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 Adjournment Motion—Second.....396.  
 Certification of Election.....6.  
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     Conference .....865.  
     Standing/Select.....69, 108.  
 Escorts—  
     President *Pro Tempore*-Elect .....11.  
     Reading Clerk-Elect .....43.  
     UNC Men’s Basketball Team .....515.  
     The Honorable Daniel T. Blue, Jr. ....688.  
 Oath of Office .....8.  
 Paired Votes—  
     S 202 Appropriations Act of 2009 .....1294, 1337.  
     S 943 Expand Film Credit .....949, 965.  
     S 460 Commercial Dog Breeder Regulation .....1345.  
     S 461 North Carolina Racial Justice Act.....1351.  
     S 488 Establish Proportionate Sentence Lengths .....1131.  
     S 489 Even Out Prior Criminal Record Points .....1131.  
     H 8 Healthy Youth Act .....949.  
     H 148 Congestion Relief/Intermodal Transport Fund.....1337, 1362.  
     H 1508 Two-Thirds Bonds Act of 2008.....952, 958.  
 Remarks Spread—  
     S 1106 Honoring the Life and Memory of Vernon Malone  
         (Remarks read by Senator Stein as Senator Stevens was absent.) .....1082.  
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     Primary Sponsor .....5, 151, 364, 370, 435, 506, 630, 631, 637, 638,  
         689, 773, 786, 868, 869, 870, 1030.  
     Co-Sponsor .....13, 15, 17, 18, 19, 23, 25, 26, 34, 35, 37, 45, 46,  
         47, 49, 50, 66, 69, 70, 82, 89, 95, 96, 123, 124,  
         125, 146, 147, 156, 157, 158, 159, 162, 167, 182,  
         185, 186, 187, 188, 189, 190, 191, 192, 193, 194,  
         195, 196, 198, 199, 206, 208, 226, 227, 229, 230,  
         239, 242, 248, 250, 274, 292, 306, 312, 313, 319,  
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         353, 354, 371, 376, 383, 411, 412, 413, 417, 420,  
         422, 423, 424, 442, 443, 444, 445, 446, 452, 460,  
         464, 467, 468, 469, 470, 471, 517, 563, 564, 571,  
         586, 587, 592, 593, 595, 629, 635, 644, 679, 685,  
         712, 734, 736, 737, 739, 740, 741, 750, 770, 789,  
         812, 813, 817, 818, 834, 896, 939, 947, 948, 976,  
         982, 983, 991, 992, 1015, 1017, 1019, 1020,  
         1022, 1023, 1024, 1025, 1060, 1069, 1071, 1095,  
         1096, 1098, 1106.

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S 963	Appropriate Federal Stimulus Funds - 2008-2009 (Appropriations/Base Budget Com) .....	340, 836, 894.
S 960	Ensure Accountability Re: Stimulus Funds (S.L. 2009-475.) .....	340, 359, 1036, 1185, 1186, 1293, 1303, 1309, 1310, 1313, 1386, 1398, 1404, 1415.
S 912	Home Purchase Stimulus (Finance Com) .....	332, 512, 836.
S 959	Report/Recommendations Re: Stimulus Funds (Appropriations/Base Budget Com) .....	339.

**STOKES COUNTY—District 30—Senator Don W. East**

H 103	Delinquent Tax - Deny Building Permit (S.L. 2009-117.) .....	373, 828, 844, 898, 909.
H 300	King/Public Nuisance Ordinance (State & Local Government Com) .....	281.

**STUDIES**

H 709	Address Erosion Control Issues (S.L. 2009-479.) .....	695, 1384, 1385, 1388, 1466.
S 869	After School Child Care Programs Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	325.
S 896	Analysis of Agricultural Research Stations (Agriculture/Environment/Natural Resources Com) .....	330.
S 1093	Appropriations Act of 2009 (Appropriations/Base Budget Com) .....	372.
S 944	Autism Spectrum Disorders Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	337.
H 466	Boxing Advisory Commission Study (Rules and Operations of the Senate Com) .....	692.
S 699	Cement Plant Moratorium and Study (Appropriations/Base Budget Com) (Inc. S.L. 2009-574.) .....	267, 648, 671.
S 804	Certificate of Need Changes (S.L. 2009-373.) .....	310, 661, 672, 674, 1127, 1145, 1168, 1186, 1210, 1216, 1271.
S 1041	Certificate of Need Study (Rules and Operations of the Senate Com) .....	364.

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S 884	Cigarette Safety Amend/Department of Health and Human Services Electronic Supervision (S.L. 2009-490.) .....	328, 600, 629, 1412, 1432, 1463.
S 418	Community College Construction Process Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	190.
S 520	Consider Off Shore Drilling/Study (Held as Filed) .....	227, 232.
S 876	Consolidated Environmental Commission Study (Agriculture/Environment/Natural Resources Com) (Inc. S.L. 2009-574.) .....	326.
S 1086	Correctional/Probation Training Commission Study (Appropriations/Base Budget Com) (Inc. S.L. 2009-574.) .....	371, 629.
H 1245	Department of Transportation Study Tolling at State Lines/Other States (Finance Com) (Inc. S.L. 2009-574.) .....	1254.
S 805	DHHS Study/Influenza Vaccine Public Schools (Health Care Com) (Inc. S.L. 2009-574.) .....	310.
S 769	Do Not Resuscitate Orders/Declaration of Natural Death Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	296.
H 908	Election Administration Amendments (S.L. 2009-541.) .....	561, 1260, 1276, 1305, 1342, 1366, 1418, 1422, 1444, 1451, 1459, 1469.
H 1099	Environmental Laws Amended 2009 (Conference Committee) .....	702, 1299, 1300, 1301, 1340, 1409, 1410.
S 635	Equity Formula Study Commission (Rules and Operations of the Senate Com).....	259.
S 1063	Erasing Arrears/Incarcerated Parents Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	368.
S 1064	Establish Family Violence and Child Custody Committee (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	368.

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S 732	Establish Study Committee/Early Childhood Programs (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	290.
S 496	Ex-Offender Reentry Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	223, 232.
H 659	Existing Children/Youth Programs Study (S.L. 2009-126.) .....	453, 786, 796, 822, 825, 910.
S 835	Extend Climate Change Commission (S.L. 2009-306.) .....	315, 378, 392, 403, 1073, 1155.
H 79	Extend School Formula Study Committee (S.L. 2009-276.) .....	210, 948, 960, 1039, 1106.
S 940	Flexibility of Certified Nurse Midwives Study (Rules and Operations of the Senate Com).....	337, 648.
S 220	General Statutes Commission Technical Corrections (S.L. 2009-570.) .....	123, 584, 607, 630, 1420, 1436, 1461.
S 342	Grandparents' Visitation Rights Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	161.
S 945	Guardianship Study (Rules and Operations of the Senate Com).....	337, 638.
S 1033	Head Injuries in High School Athletics Study (Rules and Operations of the Senate Com).....	363.
S 644	High School Programs at Community Colleges Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	260.
S 1012	Home Schoolers in Public School Program/Study (Rules and Operations of the Senate Com).....	348, 649.
S 100	Innovations/Incentives in Education Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	86.
S 919	Interbasin Transfer Netting Study (Agriculture/Environment/Natural Resources Com) (Inc. S.L. 2009-574.) .....	333.
S 1069	Joining Our Businesses and Schools Commission (S.L. 2009-339.) .....	369, 567, 572, 605, 663, 1110, 1121, 1126, 1201.

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H 115	Joint Domestic Violence Committee/Recommendations (S.L. 2009-342.) (Inc. S.L. 2009-574.) .....	463, 1026, 1059, 1076, 1120, 1138, 1178, 1201.
S 223	Joint Domestic Violence Committee/Recommendations (Mental Health & Youth Services Com) (Inc. S.L. 2009-574.) .....	124.
S 1085	Legislative Commission on Gasoline Shortages (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	371.
H 67	License Plate Frame/State Name Visible/Study (S.L. 2009-456.) (Inc. S.L. 2009-574.) .....	460, 946, 1032, 1051, 1162, 1175, 1227, 1239, 1242, 1248, 1474.
S 574	Make Better Use of Economic Incentives (Finance Com) (Inc. S.L. 2009-574.) .....	240.
S 870	Make General Statutes Gender Neutral (S.L. 2009-273.) .....	325, 598, 611, 1040, 1105.
S 1061	Medical Treatments/Prescription Drugs Study (Rules and Operations of the Senate Com).....	367.
S 998	Moratorium on Certain Sandbag Removals (H Environment and Natural Resources Com) (Inc. S.L. 2009-574.) .....	346, 531, 558.
S 879	Off-Shore Drilling Revenues Study (Rules and Operations of the Senate Com).....	327.
S 905	Parent Provide Illegal Drugs to Child/Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	331.
S 471	Pay Equity Study (Rules and Operations of the Senate Com).....	210.
S 589	Plan to Eliminate Mandatory Minimum Sentences (Judiciary II Com) .....	246.
H 1307	Possess Prescription Drug/Not Drug Trafficking (Rules and Operations of the Senate Com).....	719.
S 775	Prepaid Wireless Service Charges Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.) .....	297.
H 1190	Preservation of DNA and Biological Evidence (S.L. 2009-203.) .....	717, 807, 823, 882, 985.

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S 972	Prison Overcrowding/Nonviolent Felonies Study (Judiciary I Com) (Inc. S.L. 2009-574.)	342.
S 796	Probation Study (Judiciary I Com) (Inc. S.L. 2009-574.)	308, 413.
S 755	Promote Mitigation Banks (S.L. 2009-337.)	294, 551, 564, 589, 1110, 1121, 1126, 1201.
H 188	Raising Compulsory Attendance Age Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.)	691.
S 320	Raising Compulsory Attendance Age Study (Education/Higher Education Com) (Inc. S.L. 2009-574.)	154.
S 636	Reimburse Beach Nuisance Abatement Cost (H Appropriations Com) (Inc. S.L. 2009-574.)	259, 504, 518.
H 996	Replace DHHS with UNC Poverty- Adult Care Home/Public Housing Study (S.L. 2009-391.)	616, 1117, 1134, 1179, 1273.
S 1060	Retirement and Health Benefits Study (Rules and Operations of the Senate Com)	367.
S 1046	Sentencing and Prison Overcrowding Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.)	365.
S 672	Smoking Ban/Foster Care Homes Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.)	272.
H 1118	Standardize Wild Boar Seasons/Swine Study (S.L. 2009-89.)	562, 759, 770, 774, 873.
S 872	Standards/Disputed Child Custody Cases Study (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.)	326, 358.
S 238	State Contracts w/Minority Businesses Study (Rules and Operations of the Senate Com)	126.
S 594	Study Existing Children/Youth Programs (Rules and Operations of the Senate Com)	247.
S 651	Study NC Government to Up Alternative Energy Use (Rules and Operations of the Senate Com) (Inc. S.L. 2009-574.)	269.

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- S 105 Suspension and Revocation of Fishing Licenses  
(H Finance Com)  
(Inc. S.L. 2009-574.) .....87, 595, 596, 605.
- S 571 Televisive Legislative Session  
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- H 945 The Studies Act of 2009  
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- S 948 Youth Aging Out of Foster Care Study  
(Rules and Operations of the Senate Com)  
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**SUNDAYS, HOLIDAYS AND SPECIAL DAYS [G.S. 103]**

- H 683 Adopt North Carolina Hot Sauce Day  
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- S 7 Allow Hunting on Sunday  
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- H 1251 Cancer Screening Awareness Month  
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- H 1249 Deep Vein Thrombosis Awareness Month  
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- H 455 Designate Kidney Month  
(Rules and Operations of the Senate Com).....592.
- H 1115 Designate Psoriasis Awareness Month  
(Rules and Operations of the Senate Com).....578.
- H 696 Motorcycle Awareness Month  
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- S 21 Organ Donation Awareness Month  
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**SURRY COUNTY—District 30—Senator Don W. East**

- H 1000 Alleghany/Surry Delinquent Tax - No Permit  
(Finance Com).....538.
- H 103 Delinquent Tax - Deny Building Permit  
(S.L. 2009-117.) .....373, 828, 844, 898,  
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- H 395 Surry County Occupancy Tax  
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870, 882.

**SURVIVING SPOUSES [G.S. 30]**

- H 312 Increase Spousal Year's Allowance/Conform Language  
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H 765 Revise Elective Share Statutes  
 (S.L. 2009-368.) .....429, 996, 1021,  
 1062, 1143, 1205.

**SWAIN COUNTY**—District 50—Senator John J. Snow, Jr.

S 455 School Calendar Flexibility/Some LEAs  
 (Education/Higher Education Com) .....207.  
 S 384 Senate District 50 Local Act.  
 (Rules and Operations of the Senate Com).....177.

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Adjournment Motion—Second..... 130, 283, 459, 591, 748, 1461.  
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 Committee Assignments—  
 Conference ..... 865, 895, 1129, 1176, 1244, 1257, 1351, 1448.  
 Standing/Select.....69.  
 Escorts—  
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 H 825 Garbage Collection Trucks Parking on Highways .....791.  
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 Remarks Spread—  
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 S 146 Honoring the Life and Memory of Roger Bone .....181.  
 S 182 Honoring the Life and Memory of Robert W. "Bob" Scott.....420.  
 S 1106 Honoring the Life and Memory of Vernon Malone .....1078.  
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 Primary Sponsor ..... 146, 147, 229, 230, 231, 273, 274, 312, 313, 314,  
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 737, 740, 741, 761, 770, 818, 834, 864, 866, 907,  
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 1071, 1074, 1085, 1093, 1095, 1098, 1106.

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S 1022 Comparative Effectiveness Task Force  
 (H Rules, Calendar, and Operations of the  
 House Com)  
 (Inc. S.L. 2009-574.) .....350, 567, 590.

S 1048 Juvenile Jurisdiction to Age 18 Years  
 (Judiciary I Com)  
 (Inc. S.L. 2009-574.) .....365.

S 1024 North Carolina 2050 Sustainability Task Force  
 (Select Committee on Energy, Science and  
 Technology Com)  
 (Inc. S.L. 2009-574.) .....350.

H 1274 State Health Plan Blue Ribbon Task Force  
 (S.L. 2009-571.) .....718, 1258, 1259,  
 1280, 1358.

S 287 State Health Plan Funds/Good Health Initiatives  
 (S.L. 2009-16.) .....144, 211, 221, 245,  
 251, 266, 282, 442,  
 445, 452, 462, 474,  
 496, 497, 501.

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S 139 Add Division of Law Enforcement Support Services to CCPS  
 (Finance Com).....99.

S 777 Affiliate Liability for Other Tobacco Products Excise Tax  
 (S.L. 2009-559.) .....305, 555, 571, 582,  
 1390, 1396, 1429,  
 1462.

S 842 Alternative Fuels Tax Credit  
 (Finance Com).....316.

S 711 Annexation Law Omnibus  
 (Finance Com).....286, 322.

S 494 Annexation/Meaningful Services and Oversight  
 (Finance Com).....217, 355, 426, 434,  
 512.

S 202 Appropriations Act of 2009  
 (S.L. 2009-451.) .....118, 402, 403, 405,  
 410, 411, 417, 855,  
 859, 864, 887, 1285,  
 1294, 1337, 1344,  
 1346, 1473.

S 1093 Appropriations Act of 2009  
 (Appropriations/Base Budget Com) .....372.

S 391 Cabarrus County Local Option Sales Tax  
 (Finance Com).....178.

**TAXATION [G.S. 105]** (continued)

S 486	Change Corporate Income Tax (Finance Com).....	216, 232.
S 365	Child Health Insurance Tax Credit (Finance Com).....	174.
S 772	Clarify Mill Machinery Privilege Tax (Finance Com).....	296.
H 274	Clarifying Changes to State Law (S.L. 2009-550.) .....	281, 1392, 1393, 1394, 1417, 1422, 1461, 1465.
S 163	Clay County Local Sales Tax Modification (Finance Com).....	105.
S 313	Community Colleges Sales Tax Refund (Appropriations/Base Budget Com) .....	153.
H 1586	Community Land Trust Property Taxation (S.L. 2009-481.) .....	1194, 1320, 1364, 1405, 1429, 1464.
H 148	Congestion Relief/Intermodal Transport Fund (S.L. 2009-527.) .....	501, 1292, 1336, 1361, 1465.
S 151	Congestion Relief/Intermodal Transport Fund (Finance Com).....	102, 267.
H 311	Continue School Construction Funding (S.L. 2009-395.) .....	692, 1173, 1184, 1189, 1274.
H 102	Continuing Budget Authority (S.L. 2009-399.) .....	250, 1240, 1255, 1256, 1261, 1268, 1274.
S 476	Create Titling Categories-Replica/Street Rod (Finance Com).....	214, 623, 624.
S 492	Cumberland County Sales Tax Modification and MLK Appropriations (Finance Com).....	217.
H 852	Defer Tax on Builders' Inventory (S.L. 2009-308.) .....	988, 1028, 1062, 1073, 1155.
H 225	Delegate Authority Regarding Stamp Tax Overpayment (S.L. 2009-110.) .....	380, 828, 844, 870, 882.
H 201	Division of Law Enforcement Support Services Added to Crime Control and Public Safety (S.L. 2009-81.) .....	280, 439, 440, 726, 737, 773, 871.

**TAXATION [G.S. 105]** (continued)

S 700	Dry-Cleaning Solvent Act Amendments (S.L. 2009-483.)	285, 426, 766, 837, 846, 858, 1324, 1369, 1429, 1462.
H 511	Emergency Medical Services/Fire Department Sales Tax Refund (S.L. 2009-233.)	808, 885, 903, 951, 955, 1014.
S 838	Environmental Technical Corrections 2009 (S.L. 2009-484.)	315, 585, 611, 1411, 1432, 1462.
S 233	Equal Tax Treatment of Government Retiree Benefits (Finance Com) (Inc. S.L. 2009-574.)	126.
S 541	Expand Aircraft Parts Sales Tax Exemption (Finance Com)	235.
S 456	Expand Energy Star Sales Tax Holiday (Finance Com)	207.
H 713	Expand Film Credit (Finance Com)	695, 1377, 1383, 1385, 1393, 1394.
S 943	Expand Film Credit (S.L. 2009-529.)	337, 885, 902, 949, 965, 1420, 1437, 1463.
S 939	Expand Mill Rehabilitation Tax Credit (Finance Com)	336.
S 367	Franchise Tax-Overbilling Out of Capital Base (S.L. 2009-422.)	174, 186, 742, 755, 771, 1198, 1382.
S 88	Health Insurance Tax Deduction (Finance Com)	82.
S 1053	Highway Use Tax Exemption for Disabled Veterans (Finance Com)	366.
S 912	Home Purchase Stimulus (Finance Com)	332, 512, 836.
S 305	Incentives for Energy Conservation (Finance Com)	147, 150.
H 512	Incentives for Energy Conservation (S.L. 2009-548.)	1193, 1297, 1339, 1415.
S 410	Increase Cigarette Tax/Proceeds to Mental Health Trust Fund (Finance Com)	189.
S 177	Increase Disabled Vet Property Tax Exclusion (Finance Com)	110.

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H 594	Increase Disabled Veteran Property Tax Exclusion (Finance Com).....	1193.
S 768	Increase Earned Income Tax Credit (Finance Com).....	296.
S 577	Internal Revenue Code Update (Finance Com) (Inc. S.L. 2009-451.) .....	241.
S 95	Jury Duty Tax Deduction (Finance Com).....	83.
S 312	LEA Sales Tax Refund (Appropriations/Base Budget Com) .....	153.
H 530	Life Sciences Development Act (H Finance Com) .....	463, 1413, 1421, 1435.
S 993	Limit Toxic Flame Retardants Containing PBDEs (Commerce Com).....	345.
S 574	Make Better Use of Economic Incentives (Finance Com) (Inc. S.L. 2009-574.) .....	240.
S 289	Mills River Video Distribution (Finance Com).....	144.
S 487	Modernize Sales Tax Statues/Digital Products (Finance Com) (Inc. S.L. 2009-451.) .....	216.
S 575	Modify Corporate Apportionment Formula (S.L. 2009-54.) .....	240, 564, 583, 605, 750, 760, 771, 773, 782.
S 823	Modify Definition of Income for Homestead Exclusion (Finance Com).....	313.
H 63	Modify Onslow County Sales Tax Distribution (S.L. 2009-18.) .....	373, 472, 505, 516, 521.
S 337	NC Illegal Immigration Reform Act (State & Local Government Com).....	158.
S 818	New or Existing Home Purchase Tax Credit (Finance Com).....	312, 413.
S 723	No Credit for Obscene Films (Finance Com).....	289, 412.
S 580	North Carolina Life Science Development Corporation Act (H Finance Com) .....	241, 1032, 1051, 1068.
S 48	Permit Semimonthly Sales Tax Payments (Finance Com).....	67.

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S 751	Qualified Venture Capital Gain Exemption (Finance Com).....	293, 413.
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S 500	Raise Homestead Exclusion Income Limit (Finance Com).....	224.
S 405	Real Property Sales Information (S.L. 2009-454.) .....	188, 379, 517, 527, 1229, 1237, 1246, 1474.
S 685	Reduce Corporate Income Tax Rate (Finance Com) (Inc. S.L. 2009-574.) .....	274.
S 910	Regional Transportation Authorities (Commerce Com).....	332.
S 779	Religious Organizations/Clarify Property Tax Exemption (Finance Com).....	305.
S 239	Renewable Energy and Energy Efficiency Credit (Finance Com).....	127.
S 996	Repeal Combined Motor Vehicle Registration/Tax System (Finance Com).....	346, 613.
S 915	Repeal County Land Transfer Tax (Finance Com).....	332.
S 572	Repeal Estate Tax (Finance Com).....	240.
S 997	Repeal Use Tax Cap on Out-of-State Vehicles (Finance Com).....	346.
H 1530	Rescind Advanced Property Tax Appraisal (S.L. 2009-180.) .....	749, 829, 847, 858, 906, 982.
S 895	Restore Cigarette Tax Stamps (Finance Com).....	330.
S 462	Restore Public Schools' Sales Tax Refund (Finance Com).....	208.
S 509	Revenue Laws Technical, Clarifying, and Administrative Changes (S.L. 2009-445.) .....	225, 828, 846, 857, 1191, 1207, 1218, 1251, 1280, 1290, 1472.
S 1057	Sales Tax Incentives for Flight Simulators (S.L. 2009-511.) .....	367, 1176, 1177, 1184, 1407, 1434, 1464.

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S 980	Sales Tax Refund for Emergency Response Personnel (Finance Com).....	343.
S 909	Sales Tax: Reliance on Written Advice by DOR (S.L. 2009-413.) .....	331, 414, 564, 590, 1192, 1211, 1216, 1381.
S 610	Sales Tax: Exempt Liquefied Petroleum Gas (Finance Com).....	252.
S 398	Security and Immigration Compliance (Commerce Com) .....	187.
S 1025	Small Business Health Insurance Expansion (Commerce Com) .....	350.
S 470	Spay/Neuter Program Funding (Finance Com).....	210.
S 569	Stanly, Davidson Limited Privilege Tax (Finance Com).....	239.
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S 413	Streamlined Sales and Use Tax Update (Held as Filed).....	189.
S 1066	Tax Credit for Alternative Fuel Facilities/Vehicles (Finance Com).....	368.
S 147	Tax Credit For Energy-Efficient Homes (Finance Com).....	101.
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S 867	Tax Law Compliance Condition of ABC Permit (Finance Com).....	325.
S 439	Tax on Lottery Winnings (Finance Com).....	205.
S 200	Temporary Floor for Motor Fuels Tax Rate (S.L. 2009-108.) .....	118, 564, 583, 604, 811, 875.
S 871	Use Pre-Stimulus Federal Medical Assistance Percentage for Medicaid Hold Harmless (H Appropriations Com).....	326, 444, 504, 515, 528.
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- S 222 Wilmington Local Option Sales Tax/Congestion  
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- S 1006 Withholding on Contractors Identified by ITIN  
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- H 1322 Probationary Teacher Appeals  
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- S 868 Remove Barriers/Teacher Lateral Entry Program  
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- S 362 Retired Teachers Return to Work  
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- S 950 Salary/Teachers with Advanced Degrees  
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- S 657 State Board of Education to Develop Teacher Asstant Salary  
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- S 439 Tax on Lottery Winnings  
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- S 949 Teacher Assistant Salary Schedule  
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H 1129	Clarify Silver Alert-All Ages (S.L. 2009-143.) .....	716, 787, 801, 804, 912.
S 65	Computer Solicitation of Child Amended (S.L. 2009-336.) .....	76, 95, 279, 302, 1109, 1120, 1126, 1201.
H 1180	Consumer Choice and Investment Act of 2009 (S.L. 2009-238.) .....	716, 766, 837, 851, 860, 908, 1015.
S 46	Internet Libel /Civil and Criminal Offense (Judiciary I Com).....	67, 75, 85, 96.
H 1267	Law Regarding Liability of Social Networking Sites Amended (S.L. 2009-272.) .....	717, 950, 964, 1054, 1105.
S 96	No "Texting" While Driving (Judiciary II Com) .....	85.
H 1261	Protect Our Kids/Cyber Bullying Misdemeanor (S.L. 2009-551.) .....	704, 1374, 1394, 1467.
S 47	Unauthorized Wireless Phone Use /\$50 Limit (Commerce Com) .....	67.
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H 1299	Virtual Visitation/Family Law (S.L. 2009-314.) .....	719, 1043, 1066, 1074, 1156.

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H 686	Modernize Do Not Call Notice Procedures (S.L. 2009-122.) .....	453, 779, 791, 801, 839, 909.
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S 22	Ban Texting While Driving (Appropriations/Base Budget Com) .....	61, 378.
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H 1110 Clarify/Alienation of Affection/Criminal Conversation  
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**Randolph.**

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**TRANSYLVANIA COUNTY**—District 50—Senator John J. Snow, Jr.

H 206 Affordable Housing for Local Employees  
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 S 271 Affordable Housing for Local Employees  
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- S 220 General Statutes Commission Technical Corrections  
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**TURNPIKE AUTHORITY**

- H 1617 Department of Transportation Savings/Transfer Turnpike  
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- S 750 Turnpike GAP Funding and Debt  
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**TYRRELL COUNTY—District 1—Senator Marc Basnight**

- H 927 Alcoholic Beverage Control Capital Project/County Funds  
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- H 103 Delinquent Tax - Deny Building Permit  
(S.L. 2009-117.) .....373, 828, 844, 898,  
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- H 563 Delinquent Tax - Deny Building Permit  
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**UNC TARHEELS MENS BASKETBALL TEAM**

- H 1517 Honor the UNC-Chapel Hill Men's Basketball Team  
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- S 1100 Honor UNC Men's Basketball Team  
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**UNIFORM INTERSTATE FAMILY SUPPORT ACT [G.S. 52C]**

- S 14 Create Employment Safety and Security Commission  
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S 127 Prudent Management of Institutional Funds  
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**UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS  
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S 127 Prudent Management of Institutional Funds  
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**UNION COUNTY—District 35—Senator W. Edward (Eddie) Goodall**

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1056, 1074, 1103.

S 570 Indian Trail Charter Revised  
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S 63 Regulation of Golf Carts in Marvin  
(State & Local Government Com).....76.

S 103 Regulation of Golf Carts in Stallings  
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S 339 Stallings Occupancy Tax  
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S 171 Union County Local Act  
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S 338 Union Fire Fees  
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H 565 Union Fire Fees  
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S 400 No Increase in UNC In-State Tuition or Fees  
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S 786 University Nonappropriated Capital Projects  
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H 780 Building Code/Exempt Equestrian Arenas  
 (S.L. 2009-245.) .....714, 853, 854, 878,  
 969, 1016.

**VANCE COUNTY—District 7—Senator Doug Berger**

S 331 Five County LME/State Health Plan  
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 and Medical Benefits Com).....157, 585, 586.

S 715 Five County Mental Health Authority/State Health Plan  
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S 402 Senate District 7 Local Act  
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 S 461 North Carolina Racial Justice Act.....1351.

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 S 1053 Highway Use Tax Exemption for Disabled Veterans  
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 H 594 Increase Disabled Veteran Property Tax Exclusion  
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 H 1124 Unemployment Insurance/Severely Disabled Veterans  
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 H 1009 End Department of Administration Supervision of Local  
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 H 631 Wearing of Medals by Public Safety Personnel  
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**VICTIMS COMPENSATION [G.S. 15B]**

S 1017 Enhance Protections Against Identity Theft  
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 1116, 1151, 1152,  
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 H 1342 Free Medical Exam-Victims of Rape/Sex Offenses  
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 S 403 Victims Compensation Amendment  
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S 584	Amend Private Protective Services Act .....	1069, 1094.
S 777	Affiliate Liability for OTP Excise Tax.....	571, 582, 1396, 1430.
S 778	Eliminate Overlap Between CAMA and SEPA .....	574.
S 832	CRC May Permit Terminal Groin .....	528.
S 882	Statute of Repose/Products Liability .....	589, 631, 1211.
S 887	Amend Electronics Recycling Law .....	657.
S 913	Clarify MV Franchise Laws/Termination Assist.....	658, 1121.
S 914	Clarify MV Dealer Franchise Rights.....	659, 1439.
S 923	Utilities Comm. Members/Longevity Changes.....	1373, 1395.
S 1004	Amend Certain Electricity Generation Laws.....	1186.
S 1030	After-School Child Care Programs .....	590, 939.
H 274	Clarify Changes to State Law.....	1394.
H 309	Internet Ticket Protection Resale Sunset.....	1036.
H 323	Prevent the Theft of Scrap Metals .....	876.
H 578	Partition Sales/Commissioners, Sellers, Buyers.....	1304.
H 825	Garbage Collection Trucks Parking on Highways .....	791.
H 1079	Energy Efficient State Motor Vehicle Fleet .....	879.
H 1084	Revise Liquefied Petroleum Gas Dealer Requirements .....	1161.
H 1180	Consumer Choice and Investment Act of 2009.....	851, 860.
H 1378	Clean Marinas/Pumpout Stations .....	1067.
H 1490	Extend Permits Regarding Land Development .....	1450.
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H 1617	Department of Transportation Savings/Turnpike Auth .....	1139.

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S 202	Appropriations Act of 2009.....	411, 417, 1294, 1337.
S 287	State Health Plan \$/Good Health Initiatives.....	282.
S 460	Commercial Dog Breeder Regulation .....	1345.
S 461	North Carolina Racial Justice Act .....	1351.
S 488	Establish Proportionate Sentence Lengths .....	1131.
S 489	Even Out Prior Criminal Record Points .....	1131.
S 526	School Violence Prevention Act .....	555.
S 943	Expand Film Credit.....	949, 965.
H 2	Prohibit Smoking in Certain Public Places .....	591.
H 88	Healthy Youth Act .....	949.
H 148	Congestion Relief/Intermodal Transport Fund.....	1337, 1362.
H 578	Partition Sales/Commissioners, Sellers, Buyers.....	1304, 1345.
H 1508	Two-Thirds Bonds Act of 2008.....	952, 958.

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H 1110	Clarify/Alienation of Affection/Criminal Conversation.....	1065.
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**WAKE COUNTY**—District 14—Senator Vernon Malone  
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 Senator Daniel T. Blue, Jr.  
 (Appointed 5-19-2009)  
 District 15—Senator Neal Hunt  
 District 16—Senator Josh Stein  
 District 17—Senator Richard Y. Stevens

S 364 Apex Wheel Locks  
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H 758 Apex/Satellite Annexations  
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 775, 782.

H 384 Fuquay-Varina Quick Take  
 (S.L. 2009-155.) .....511, 885, 899, 935,  
 943, 956.

S 370 Holly Springs Design Build  
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S 506 Holly Springs/911 Fund Uses  
 (State & Local Government Com).....225.

H 464 Raleigh Energy Efficiency  
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 944.

H 394 Raleigh Motor Vehicles  
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H 1011 Raleigh Stormwater Assessment  
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S 453 Use of Funds Received From Parking Meters  
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S 72 Wake School Board Elections  
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H 743 Wendell Extraterritorial Jurisdiction Extension Authorized  
 (S.L. 2009-260.) .....502, 1006, 1019,  
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**WALTERS, SENATOR MICHAEL P. .... 13th District—Hoke, Robeson.  
 (Appointed 11-3-2009 to replace Senator Weinstein.)**

**WARREN COUNTY**—District 7—Senator Doug Berger

S 331 Five County LME/State Health Plan  
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 and Medical Benefits Com).....157, 585, 586.

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- S 715 Five County Mental Health Authority/State Health Plan  
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- H 898 No Killing of Grass Carp  
(S.L. 2009-261.) .....525, 997, 1019,  
1057, 1075, 1104.
- S 402 Senate District 7 Local Act  
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**WASHINGTON COUNTY**—District 1—Senator Marc Basnight**WATAUGA COUNTY**—District 45—Senator Steve Goss

- H 401 Boone Occupancy Tax  
(S.L. 2009-291.) .....748, 1006, 1019,  
1054, 1076, 1103,  
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- S 434 Boone Occupancy Tax  
(Finance Com).....193.
- S 93 Dare/Watauga Commissioners Vacancy  
(S.L. 2009-1.) .....83, 104, 105.
- S 57 Senate District 45 Local Act  
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**WATER AND SEWER SYSTEMS [G.S. 162A]**

- S 711 Annexation Law Omnibus  
(Finance Com).....286, 322.
- S 494 Annexation/Meaningful Services and Oversight  
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