

JOURNAL
OF THE
SENATE
OF THE
2011 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

FIRST SESSION

2011

VOLUME 1

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**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
2011 GENERAL ASSEMBLY**

SENATE LEADERSHIP

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 PHILIP E. BERGER, President *Pro Tempore* Eden
 JAMES FORRESTER, * Deputy President *Pro Tempore* Mt. Holly

DISTRICT	NAME OF SENATOR	RESIDENCE
1	MARC BASNIGHT ⁺ (D)	Manteo
1	STAN WHITE ^{**} (D)	Nags Head
2	JEAN R. PRESTON (R)	Emerald Isle
3	S. CLARK JENKINS (D)	Tarboro
4	EDWARD W. JONES (D).....	Enfield
5	LOUIS M. PATE, JR. (R).....	Mount Olive
6	HARRY BROWN (R).....	Jacksonville
7	DOUG BERGER (D).....	Youngsville
8	WILLIAM P. RABON (R).....	Southport
9	THOMAS C. GOOLSBY (R)	Wilmington
10	BRENT JACKSON (R)	Autryville
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15	NEAL HUNT (R).....	Raleigh
16	JOSHUA H. STEIN (D).....	Raleigh
17	RICHARD Y. STEVENS (R)	Cary
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21	ERIC L. MANSFIELD (D).....	Fayetteville
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23	ELEANOR KINNAIRD (D).....	Chapel Hill
24	RICHARD W. GUNN (R)	Burlington
25	WILLIAM R. PURCELL (D)	Laurinburg
26	PHILIP E. BERGER (R).....	Eden

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48	TOM APODACA (R)	Hendersonville
49	MARTIN L. NESBITT, JR. (D)	Asheville
50	JAMES W. DAVIS (R)	Franklin

SENATE OFFICERS

JANET B. PRUITT, ^{***} Principal Clerk	Raleigh
SARAH CLAPP, ⁺⁺⁺ Principal Clerk	Raleigh
LEE SETTLE, Reading Clerk	Pinehurst
PHILIP KING, Sergeant-at-Arms	Southport

* Deceased October 31, 2011

⁺ Resigned January 25, 2011

^{**} Appointed January 25, 2011

⁺⁺ Appointed December 8, 2011

^{***} Retired March 31, 2011

⁺⁺⁺ Elected April 4, 2011

SENATE JOURNAL

2011 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 26, 2011

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 p.m. in the Senate Chamber in the Legislative Building in the City of Raleigh.

The Honorable Walter Dalton, Lieutenant Governor, calls the Senate to order.

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

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 Ernest Grant from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

The Chair extends privileges of the floor to Jamie Norris who is serving the Senate as Interpreter of the Day.

The President recognizes Cecil Goins, the Sergeant-at-Arms of the 2009 Session, who announces that the members of the Judiciary 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 to their seats.

The President directs the Sergeant-at-Arms of the 2009 Senate to open the doors of the Senate and to escort Hogan Medlin to the well of the Senate.

The President introduces The Reverend C. F. McDowell III, Senior Pastor of First Baptist Church, Laurinburg, North Carolina, who offers prayer as follows:

"O God, on this significant day for our North Carolina Senators, their families, their staffs and we the people of this great State, I echo the words of the hymn writer Martin Luther, 'A mighty fortress is our God, a bulwark never failing.' Please be a fortress and bulwark for our Senators and our State. I echo the words of the hymn writer Isaac Watts, 'O God our help in ages past our hope for years to come.' Please be a help and hope for our Senators and our State. I echo the words of the Psalmist who spoke of you drawing him out of a desolate pit and mire bog, setting his feet upon a rock and making his steps secure. God, through the leadership and tough decision-making of these our Senators, please set the feet of our State on a rock and make our steps into the future secure, Amen."

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 2009 Session to open the doors of the Chamber for the presentation of the Colors by the John Motley Morehead High School Army Junior ROTC from Eden, 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 Hogan Medlin from Eden, North Carolina, who sings The Star-Spangled Banner.

CALL OF THE ROLL/ELECTION CERTIFICATION

The Chair directs the Principal Clerk of the 2009 Senate to call the roll by Senatorial districts, and the Senators-elect who are present 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 Twenty-third day of November, A.D., 2010 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 the Second, 2010 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 2011, to wit:

DISTRICT	NAME
First District	Marc Basnight
Second District	Jean R. Preston
Third District	Clark Jenkins
Fourth District	Edward (Ed) Jones
Fifth District	Louis M. Pate, Jr.
Sixth District	Harry Brown
Seventh District	Doug Berger
Eighth District	Bill Rabon
Ninth District	Thom Goolsby
Tenth District	Brent Jackson

January 26, 2011

Eleventh District	E. S. (Buck) Newton
Twelfth District	David Rouzer
Thirteenth District	Michael Walters
Fourteenth District	Dan Blue
Fifteenth District	Neal Hunt
Sixteenth District	Josh Stein
Seventeenth District	Richard Stevens
Eighteenth District	Bob Atwater
Nineteenth District	Wesley Meredith
Twentieth District	Floyd B. McKissick, Jr.
Twenty-first District	Eric L. Mansfield
Twenty-second District	Harris D. Blake
Twenty-third District	Eleanor Kinnaid
Twenty-fourth District	Rick Gunn
Twenty-fifth District	Bill Purcell
Twenty-sixth District	Philip E. (Phil) Berger
Twenty-seventh District	Donald R. (Don) Vaughan
Twenty-eighth District	Gladys A. Robinson
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	Tommy Tucker
Thirty-sixth District	Fletcher L. Hartsell, Jr.
Thirty-seventh District	Daniel (Dan) Clodfelter
Thirty-eighth District	Charlie Dannelly
Thirty-ninth District	Robert (Bob) Rucho
Fortieth District	Malcolm Graham
Forty-first District	James (Jim) Forrester
Forty-second District	Austin Allran
Forty-third District	Kathy Harrington
Forty-fourth District	Warren T. Daniel
Forty-fifth District	Dan Soucek
Forty-sixth District	Debbie Ann Clary
Forty-seventh District	Ralph E. Hise, Jr.
Forty-eighth District	Tom Apodaca
Forty-ninth District	Martin L. Nesbitt
Fiftieth District	Jim Davis

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

DONE IN OFFICE at Raleigh, this Thirteenth day of December, 2010.

(SEAL)

S/Elaine F. Marshall
Secretary of State

January 26, 2011

With 48 Senators answering the call of the roll, the President declares a quorum present and qualified.

LETTER OF RESIGNATION

The President instructs the Principal Clerk of the 2009 session to read the letter of resignation from Senator Marc Basnight.

President Pro Tempore
Senator Marc Basnight

Governor Bev Perdue
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

January 10, 2011

Dear Governor Perdue:

It has been my deepest honor to represent Senate District 1 for the past 26 years and to serve the people of our great State in the North Carolina Senate. The people of the northeast are truly special and wonderful people. I have been humbled by their faith in me and proud to be their Senator.

As you know, I have decided to step down from the Senate prior to the convening of the 2011 Session. Please consider this letter as official notification that I will resign from the Senate effective at noon Tuesday, January 25, 2011.

It has been such a pleasure to work with you throughout our decades of public service. Thank you for all you do for our State.

Best wishes,
S/Marc Basnight

PROCLAMATION FROM THE GOVERNOR

The President instructs the Principal Clerk of the 2009 session to read the Proclamation from the Governor appointing Stan White as follows:

THE APPOINTMENT OF STAN WHITE

2011-2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

January 26, 2011

WHEREAS, the Honorable Marc Basnight, elected Senator from the First Senatorial District 2011-2012 General Assembly, has resigned; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the resignation of the Honorable Marc Basnight be filled by appointment of the person recommended by the First State Senate Executive Committee of the Democratic Party; and

WHEREAS, the First State Senate Executive Committee of the Democratic Party has notified me of its recommendation of Stan White of Dare County, North Carolina, to fill the unexpired term,

I do by these presents appoint

STAN WHITE

as a member of the

SENATE

2011-2012 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-fifth day of January in the year of our Lord two thousand and eleven, and of the Independence of the United States of America the two hundred and thirty-fifth.

S/ Beverly Eaves Perdue
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

The President recognizes Cecil Goins, Sergeant-at-Arm of the 2009 Senate, who announces that The Honorable Stan White awaits at the door to enter the Chamber to take his seat as a member-elect of the Senate. The President announces Senator Jones, Senator Jenkins, and Senator Garrou as the committee to escort Senator-elect Stan White.

Senator White is escorted to seat number 49.

January 26, 2011

OATH OF OFFICE

The President of the Senate recognizes The Honorable Sarah E. Parker, Chief 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 2011 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

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 Apodaca who offers the following nomination and remarks:

“I rise today to do something that was only a dream for many of us over the past ten to one hundred twenty to one hundred thirty years. I rise to nominate a Republican for the President *Pro Tempore* of the Senate. As I was thinking about remarks, one thing that came to mind was, as you look around Senator Berger and you see some of the most beautiful grandchildren anyone could ever want to have, it’s hard to believe they came from him. But then, behind him, you see his beautiful wife and you see where that comes from. In all seriousness, as you know, children are our future. We have unprecedented times before us, and we have tough decisions to make. I really cannot think of anybody else I would rather see lead the North Carolina State Senate. So with that, he told me to keep it brief, I gladly nominate Senator Phil Berger for the President *Pro Tempore* of the North Carolina State Senate.”

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

“Ladies and gentlemen of the Senate, I rise to second the nomination of Senator Phil Berger to be President *Pro Tempore* of the Senate and I also move that the nominations for President *Pro Tempore* be closed and that Senator Phil Berger be elected by acclamation.”

January 26, 2011

A motion offered by Senator Brown that the nominations be closed and that Senator Philip E. Berger be elected President *Pro Tempore* by acclamation prevails.

The President declares Senator Philip E. Berger duly elected President *Pro Tempore* and appoints Senator Harrington, Senator Nesbitt, Senator McKissick, Senator Stein, Senator Stevens and Senator Clary to escort the President *Pro Tempore*-elect to the well of the Senate. Senator Stevens presents Senator Philip E. Berger to the President. The Honorable Paul M. Newby, Associate Justice of the Supreme Court of North Carolina, administers the prescribed Oath of Office.

The President recognizes Senator Philip E. Berger, President *Pro Tempore*, who addresses the Senate from the well of the Senate and offers the following remarks:

“Thank you, ladies and gentlemen, for the warm welcome and thank you to my colleagues for selecting me as President *Pro Tempore* of the North Carolina Senate. Thank you, Lieutenant Governor Dalton, for your kind words of introduction. I would also like to, although you’ve already seen them a couple of times, just recognize and thank my family -- my wife, Pat, my children and grandchildren, and my two wonderful daughters-in-law, for being here and all the support they’ve given me. Also, I would like to thank our Supreme Court Chief Justice, Sarah Parker; Supreme Court Associate Justice, Paul Newby; Court of Appeals Judge, Ann Marie Calabria; Superior Court Judge, Ola Lewis; my Senate colleagues; Hogan Medlin; and the Junior Army ROTC Color Guard from John Motley Morehead High School in Eden, North Carolina. I also want to give a special thank you to Senator Marc Basnight for the assistance and guidance that he, his Chief of Staff, Amy Fulk, and the rest of his team provided during the transition process. Actions speak volumes and Senator Basnight’s actions are appreciated more than he will ever know. I am humbled and honored to stand before you today. This is a historic moment for this body and our State. But this is just a moment. History will judge us based on the substance of this session -- not this moment. North Carolina is suffering the effects of a national recession. Policy choices made over the last twenty years have deepened the recession in North Carolina. The result is that our principal order of business this session is to eliminate a \$3.7 billion budget deficit. This is our primary task if we expect to see private sector job growth resume in our State. Our population is growing, but job creation in North Carolina is not keeping pace. From 2000 to 2009, North Carolina’s workforce increased by nearly 330,000 workers. Yet during the same time period, our State’s economy added only 13,806 jobs. We must do all in our power to change this trend. That means first and foremost improving North Carolina’s business climate, the costs associated with the set of regulations that must be followed, the fees and taxes that must be paid, and the government red tape that must be cut in order for private business to turn a profit. Business cannot grow if it cannot profit and if

January 26, 2011

it cannot grow, it will not add jobs. Balancing the State's budget and reducing government costs to families and business is how we can most effectively create jobs in North Carolina. It is time for a different philosophy in State government, one that will return North Carolina to its rightful place as the Southeast's leader in job creation, education, transportation, and quality of life. Just as working families and small businesses have to make difficult decisions and tighten their belts to make ends meet, we, as a state, will also have to tighten our belt to put our financial house in order. State government and state employees will have to do more with less as we work to right-size state government. It's not going to be easy, but streamlining state government will pay dividends in the long run. Today is a new day for North Carolina with a new vision for our State's future. We will lead North Carolina on a path of smaller, smarter, more efficient government. We will reduce spending, balance our budget, and reform North Carolina's regulatory environment to make our State a better place to live, to work, to raise a family, and to start and grow a business. We will implement common-sense tort and medical malpractice reforms. We will lift the cap on charter schools and support our State's education and job skills training programs to better prepare our students and workforce for today's economy. Senate members of both parties understand the great responsibility the voters have placed on our shoulders by electing us to this body. To date, we are encouraged that Governor Perdue, knowing the magnitude of the challenges that lie ahead and having demonstrated a willingness to work in a bipartisan fashion to address our State's problems, will continue to be our partner as we take steps to move North Carolina forward. We must work together to bring about real, positive, and lasting change. We, Republicans and Democrats, all know our constituents expect us to provide common-sense solutions to address the fiscal and other problems we face. Today, we see the hallmarks of all new beginnings, optimism, expectation of opportunity, and confidence for a better quality of life for all North Carolinians. We are excited and energized at what the future will bring and stand ready to address the challenges at hand. To the people of this great State, we thank you for your support and for the opportunity to serve. Thank you very much."

ADOPTION OF RULES

Senator Apodaca submits **S.R. 1**, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2011 GENERAL ASSEMBLY, for adoption. Upon motion of Senator Apodaca, S.R. 1 is placed before the Senate for immediate consideration.

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

Senator Apodaca offers Amendment No. 2 which is adopted (48-1).

Upon motion of Senator Apodaca, Senate Resolution 1 is adopted (30-19) and Amendment No. 2 is engrossed.

The text of the Resolution is as follows:

January 26, 2011

A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2011 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
2011 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 31-37.2
- 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 reconvening 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 or a Senator designated by 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 of the Senate except that of casting a vote in case of a tie when the President Pro Tempore or the designated Presiding Officer 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 Senate shall be called to order by a member designated by the President Pro Tempore, or if no member is designated, by the Deputy President Pro Tempore of the Senate. If no member has been designated and the Deputy President Pro Tempore is also absent, the Senate shall be called to order by the Chair of the Committee on Rules and Operations of the Senate who shall 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.

January 26, 2011

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

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

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

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

II. CONDUCT OF DEBATE

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

RULE 9. Parliamentarian to be appointed by the President Pro Tempore. – The President Pro Tempore shall appoint from among the members of the Senate a Parliamentarian. In the absence of the Parliamentarian, the Chair of the Committee on Rules and Operations of the Senate shall act as Parliamentarian.

January 26, 2011

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 Parliamentarian, whose decision may be appealed 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 Parliamentarian.

(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 Parliamentarian, whose decision may be appealed 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, Parliamentarian, 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, giving priority to the President Pro Tempore, the Deputy President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or the Parliamentarian.

(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

January 26, 2011

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, subject to an appeal to the Parliamentarian, whose decision may be appealed to the Senate by any Senator, 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 Parliamentarian.

(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) The President Pro Tempore may authorize and provide for the broadcasting of Senate sessions via television or Internet.

(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 electronic devices, the use of quotations during debate or for personal privilege.

- (i) The operation of:
- a. Vocal wireless communication devices,
 - b. Pagers, or
 - c. Any other electronic devices whose sound cannot be muted,

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.

(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 (j) of this section.

(l) Neither food nor beverage shall be permitted in the galleries.

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 resolve into the Committee of the Whole Senate.
- (3) To lay on the table.
- (4) For the previous question.
- (5) To postpone indefinitely.
- (6) To postpone to a certain day.
- (7) To re-refer to a standing committee.
- (8) To refer to a select committee.
- (9) To amend.

RULE 20. Motions requiring a second. – The motions to adjourn, to resolve into the Committee of the Whole Senate, 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, to resolve into the Committee of the Whole Senate, or to commit to a standing or select committee shall preclude debate on the main question.

January 26, 2011

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, to resolve into the Committee of the Whole Senate, 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 specified, the motion shall be deemed to apply to the current question.

(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 of the Committee on Rules and Operations of the Senate or the President Pro Tempore for the sole purpose of correcting grammatical errors in bills in the possession of the Senate.

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

IV. VOTING

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

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

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

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

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

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

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

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

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken

January 26, 2011

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) To resolve into the Committee of the Whole Senate.
- (3) For the previous question.
- (4) To postpone indefinitely.
- (5) To postpone to a day certain.
- (6) To refer to a committee.
- (7) To reconsider.
- (8) To adopt.
- (9) To concur.
- (10) To take from the table.
- (11) 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. (Reserved for future use).

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 for future use).

January 26, 2011

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
- Committee of the Whole Senate
- Education/Higher Education
- Finance
- Health Care
- Insurance
- Judiciary I
- Judiciary II
- Mental Health & Youth Services
- State and Local Government
- Pensions & Retirement and Aging
- Redistricting
- 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.

January 26, 2011

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 minutes, in a format and medium approved by the Chairman of the Committee on Rules and Operations of the Senate, 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. Committee of the Whole Senate. – Notwithstanding the provisions of Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by motion. When such a motion is seconded, the President shall put the question without debate: "Shall the Senate resolve itself into the Committee of the Whole Senate for consideration of _____?", stating the matter or matters identified by the Chair of the Committee on Rules and Operations of the Senate to be considered. Only the President Pro Tempore, the Deputy President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate may move to resolve into the Committee of the Whole Senate. The Committee of the Whole Senate shall convene in the Senate Chambers and shall utilize electronic voting. Unless otherwise stated, the Rules and Operations of the Senate apply to the Committee of the Whole Senate and the Principal Clerk of the Senate shall be the Committee Assistant, but shall not record committee activity on the Journal. The Chair shall be the President Pro Tempore of the Senate or his designee.

RULE 37.1. Membership, quorum, and voting. – Every Senator shall be a member of the Committee of the Whole Senate. A quorum of a Committee of the Whole Senate is 26 members.

January 26, 2011

RULE 37.2. Committee Substitutes; Report of the Committee of the Whole Senate; Adjournment. – (a) The committee of the Whole Senate shall not consider committee substitutes.

(b) The Chair may entertain a motion that the Committee adjourn after the Chair has announced that the Committee has finished the business for which it was convened.

(c) The Chair of the Committee of the Whole Senate shall report the bill to the Senate immediately following the adjournment of the Committee, including any amendments that were adopted in the Committee.

(d) The Chair shall announce the adjournment of the Committee of the Whole Senate and the members shall adjourn and, if the Committee was resolved out of an unadjourned session, the Senate shall resume session.

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. No more than three Senators may be listed as primary sponsors. 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. When a bill is presented with more than one primary sponsor, the Chair of the Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the primary sponsors. The Principal Clerk with prior approval from, and at the direction of, the Chairman of the Committee on Rules and Operations of the Senate, may authorize Senators to cosponsor legislation electronically.

(b) All memorializing, celebration, commendation, and commemoration resolutions shall be excluded from introduction and consideration in the Senate. Notwithstanding this, a member may introduce a Senate memorializing, celebration, commendation, or commemoration resolution after presenting the draft to the Chairman of the Committee on Rules and Operations of the Senate and receiving the approval of that Chairman, except that the Chairman may refer the request to the full committee for approval. The approval of the Chairman or committee shall be indicated on the bill jacket. Such Senate resolution shall upon its introduction be placed at the end of that day's calendar for consideration, and the question shall be decided without debate.

(c) No member may introduce a public bill that has no substantive provisions. No member may introduce more than one local 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 1, 2011, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 9, 2011, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those adjourning the General Assembly, must be filed for introduction not later than Friday, March 11, 2011, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 23, 2011, shall be treated as if it had been filed for introduction under this rule.

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

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

RULE 41. Crossover bill deadline. – In order to be eligible for consideration by the Senate during the 2011 or 2012 Regular Sessions of the 2011 General Assembly, all House bills other than those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget

January 26, 2011

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 12, 2011, 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. (Reserved for future use).

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, 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, upon the floor of the Senate, may request that an actuarial note be attached to a bill, resolution, or an amendment which affects the costs to or the revenues of a system described in this rule and which is in the possession of the Senate, when in the opinion of that Chair, the effect to the cost to or the revenues of a system described in this rule are not apparent from the language of the measure. No bill, resolution, or amendment for which an actuarial note has been requested may be considered for passage prior to the actuarial note from both the Fiscal Research Division and the administrator of the affected system being attached to it.

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

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

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

(b) Municipal Incorporations. Every legislative proposal introduced in the Senate, or received in the Senate from the House, proposing the incorporation of a municipality shall have attached to the jacket of the original bill at the time of its consideration on second or third readings by the Senate or by any committee of the Senate prior to a favorable report, a recommendation from the Joint Legislative Commission on Municipal Incorporations, established by Article 20 of Chapter 120 of the General Statutes.

The recommendation of the Joint Legislative Commission on Municipal Incorporations shall be made in accordance with the provisions and criteria set forth in Article 20 of Chapter 120 of the General Statutes and shall include the findings required to be made by G.S. 120-166 through G.S. 120-170.

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

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

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

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

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

January 26, 2011

(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.

RULE 42.5. Appropriations/Base Budget Committee meetings.

– The Appropriations/Base Budget Co-chairs 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. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

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

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

RULE 46. Unfavorable report by committee. – All bills reported unfavorably by the committee to which they were referred 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.

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 placed on the calendar on motion, and shall include the bill number and short title of each bill on the calendar.

RULE 49. (Reserved for future use).

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

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

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

RULE 53. Effect of defeated measure. – (a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. After an amendment has been tabled or defeated on the Senate floor, the contents of such amendment or the principal provisions of its subject matter shall not be embodied in any other measure. If a substitute amendment is adopted on the floor, the contents of the previously pending amendment which are not contained in the substitute shall be considered to have been defeated. Upon the point of order being raised and sustained by the Presiding Officer, such measure shall be laid upon the table and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate present and

voting: Provided, no local bill shall be held by the Presiding Officer as embodying the provisions of, or being identical with, any statewide measure which has been laid upon the table or failed to pass any of its readings.

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

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

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

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

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

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

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

January 26, 2011

(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.

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 a vacancy in the office of 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.

(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. – No group or individual other than members of the Senate may make remarks upon the floor 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, may 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 three-fifths 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 three-fifths 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 Hunt who offers the following nomination and remarks:

“Ladies and gentlemen, I rise to nominate Senator Jim Forrester to be Deputy President *Pro Tempore*. Senator Forrester has an unbelievable resume. Senator Forrester is not only a State Senator, he is a medical doctor, he’s a retired General in the Military, he’s even been knighted by the Country of Portugal. The only thing I could find in his resume that he has not done is he is not a golf pro, but his father was. Senator Forrester has been in the Senate for twenty-one years and he has been Republican Whip, Republican Deputy Leader, Republican Senate Leader, Republican Joint Caucus Leader and all during those years he represented his values. These values include lower taxes, smaller and efficient government, less regulation, private sector job promotion, individual liberties as well as individual responsibilities and traditional family values. So it is my pleasure to nominate Senator Jim Forrester as Deputy President *Pro Tempore*.”

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

January 26, 2011

“I rise to second the nomination for Jim Forrester as Deputy President *Pro Tempore* of the Senate and I also move that the nominations for Deputy President *Pro Tempore* of the Senate be closed and we elect Senator Forrester Deputy President *Pro Tempore* by acclamation.”

A motion offered by Senator Tillman that the nominations be closed and that Senator Forrester be elected Deputy President *Pro Tempore* by acclamation prevails.

The President declares Senator Jim Forrester duly elected Deputy President *Pro Tempore* and appoints Senator Rucho, Senator Allran, Senator Hartsell, and Senator Harrington to escort the Deputy President *Pro Tempore*-elect to the well of the Senate. Senator Rucho presents Senator Forrester to the President. The Honorable Ann Marie Calabria, Judge, North Carolina Court of Appeals, administers the prescribed Oath of Office.

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

“Thank you, Mr. President, President *Pro Tempore*, and distinguished members of the Judiciary, visitors and guests and fellow members of the Senate. I thank my wife for being here today and my grandson, James Summers Forrester III, and my son, James Summers Forrester, a doctor. He is here somewhere with his wife, as well. I will keep my comments brief. Thank you for your vote of confidence in the dawn of a new age in the history of the North Carolina Senate under the capable leadership of Senator Phil Berger. For the first time in over one hundred years, the Senate will be led by another party. Yes, I am excited to be a part of that. I’m looking forward to open debate, which I think we started this morning, and transparency in our legislature and rules that will give every Senator the opportunity to represent their constituents and I can assure you there will be a fair and legal redistricting process under the leadership of Senator Bob Rucho. I hope all of us will put partisanship in a proper perspective and concentrate on good public policy that serves the best interests of the people of North Carolina. Representative John Boehner, Speaker of the United States House of Representative, said it well when he said, ‘It is not as much a time for celebration as it is for humility and hard work.’ With our fragile economy, job creation in the private sector, not the government sector, is a priority we all face as we face this almost four billion dollar shortfall. We will be charged to meet the needs of our citizens with fewer resources. But these challenging times can present new opportunities and can create new jobs in industries, but we must all work together. I hope Governor Perdue gives us some major savings recommendations in a few weeks when she presents to us her budget. I hope it will include a consolidation of government functions, elimination of duplicate services, elimination of State Boards that have little value, and a hiring freeze on all State government employees. We cannot tax and spend our way into economic recovery. It is times as these that remind me when I first came to the United States. Born in Scotland, I came over with my

January 26, 2011

mother on the ship, SS John Ericsson. I was ten years old, wearing my kilt, as we passed the Statue of Liberty going to Ellis Island where thousands of us immigrants came to this Country to be citizens. Then I went on to Wilmington where my uncle sponsored us and that's how I ended up in North Carolina. As I passed the Statue of Liberty, my mother was standing on the deck of the ship holding my hand and she said to me, 'Son, this is America. This is your new home. Soon you will be a naturalized citizen of this great Country and you can do anything and you can succeed in America if you try hard enough. But always remember to thank those that helped you. Reach down and help someone else and always give back to your community, to your State, and to your Nation more than you have received.' I have tried to do that in the community as a physician for over forty years. I've treated thousands of patients and delivered hundreds of babies for fifty dollars, would you believe. As far as the federal government, I served almost thirty-five years in the United States Air Force and the Air National Guard. I've been all over the world. I was in air evacuations, a command flight surgeon bringing patients back out of Vietnam, wounded Marines and soldiers, to Japan and to the United States. In the community, I have served like many of you have, eight years as a County Commissioner and now over twenty years in the North Carolina Senate. During my tenure in the Senate, I've served alongside a few outstanding members, Democrats and Republicans, who served their constituents with distinguished achievement and are no longer with us. I want to honor their memory here today and pay tribute to their service at this time. They are Jeanne Lucas from Durham County, Vernon Malone from Wake County, Jim Richardson from Mecklenburg County, Ham Horton from Forsyth County, Tina Little from Moore County, Robert Holloman from Hertford County, Russell Walker from Randolph County, Marvin Ward from Forsyth County, and Jim Speed from Franklin County. Their legislative footprints are well marked throughout this hall. Today, as we begin this new era in North Carolina, let us remember that good government requires a lot of hard work and a lot of cooperation and a lot of us all working together for the betterment of all the citizens of this State. I am personally looking forward to working with every one of you. May God bless you, each one, may God bless the great State of North Carolina and may God bless America. Thank you."

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 Stevens who offers the following nomination and remarks:

"Ladies and Gentlemen of the Senate, those of you who have been here and worked here before know the quality work of our current clerk, Janet Pruitt, and the professionalism that she and her staff have brought to that position working with all of us, both parties, in all of her time here. The first time I met her about

January 26, 2011

eight years ago, she said something that I've never forgotten. She said the Senate of North Carolina is like your family. You have good times or bad times, births, deaths, weddings. You experience that as a family and I've thought about that many, many times and I've thought of the people Senator Forrester just mentioned and those members of our family who passed on. She has done an outstanding job and, Mr. President, I recommend and now nominate her to continue as our Principal Clerk."

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

"I rise to second the nomination of Janet Pruitt for Principal Clerk and I also move that the nominations for Principal Clerk be closed and that Janet Pruitt be elected by acclamation."

The motion by Senator Brown that the nominations be closed and that Janet Pruitt be elected Principal Clerk of the 2011 Senate by acclamation prevails. The President declares Janet Pruitt duly elected and appoints Cecil Goins, Sergeant-at-Arm of the 2009 Senate, to escort the Principal Clerk-elect, Janet Pruitt, to the well of the Senate. The Honorable Walter Dalton, President of the Senate, 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 Blake who offers the following nomination and remarks:

"Ladies and gentlemen of the Senate, I rise to nominate Lee Settle as Reading Clerk. I'd like to give you a brief background on Mr. Settle. He was born in Mississippi, moved to Michigan and from there he got his education at the University and then he became an employee with Ralston Purina. I used to know them as a feed company, but he was in the fast food business of that division and then he moved to California, spent several years there and then he got wise and came to North Carolina and especially Pinehurst. I got to know Mr. Settle about ten years ago and I can say that we today are going to appoint as our Reading Clerk a first-class citizen. I'm sure we will all be proud of his work in the Senate and I am here to recommend him to be our Reading Clerk."

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

"Ladies and gentlemen of the Senate, I rise to second the nomination of Lee Settle for the position of Reading Clerk and I also move that the nominations for Reading Clerk be closed and that Lee Settle be elected by acclamation."

The motion offered by Senator Hise that the nominations be closed and that Lee Settle be elected Reading Clerk of the 2011 Senate by acclamation prevails.

January 26, 2011

The President declares Lee Settle duly elected and appoints Senator Blake and Senator Tillman to escort the Reading Clerk-elect to the well of the Senate. Senator Blake is recognized and presents the Reading Clerk-elect, Lee Settle. The Honorable Ann Marie Calabria, 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 Rabon who offers the following nomination and remarks:

“Ladies and gentlemen of the Senate, I rise to nominate Philip King III as Sergeant-at-Arms of this body. Philip was a Captain in the United States Navy, a Navy Seal, and a member of the Federal Bureau of Investigation where he led and saw several high profile cases. It is with great pleasure that I make this nomination.”

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

“Ladies and gentlemen of the Senate, I rise to second the nomination and move that the nominations be closed for Phil King of being elected Sergeant-at-Arms and that he be elected by acclamation.”

The motion offered by Senator Rucho that the nominations be closed and that Philip King be elected Sergeant-at-Arms of the 2011 Senate by acclamation prevails. The President declares Philip King III duly elected and appoints Senator Rabon and Senator Rucho to escort the Sergeant-at-Arms-elect, Philip King. The Honorable Ola M. Lewis, Senior Resident Superior Court Judge, Judicial District 13B, administers the prescribed Oath of Office and the President directs the Sergeant-at-Arms to assume his seat.

PRESENTATION TO CECIL GOINS

Senator Brown and Senator Dannelly are recognized and present to Cecil Goins the Order of the Long Leaf Pine in recognition of his service to the North Carolina Senate.

RECONSIDERATION

Having voted with the majority, Senator Apodaca offers a motion, seconded by Senator Brunstetter, that the vote by which Senator Philip E. Berger was elected President *Pro Tempore* of the Senate be reconsidered and further moves that the motion to reconsider do lie upon the table, which motion prevails (48-1).

January 26, 2011

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 24, 2011

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 Republican Caucus met on November 18, 2010, with 31 members present and nominated the following officers for the 2011 Session of the General Assembly:

President Pro Tempore - Senator Philip Berger
Deputy President Pro Tempore - Senator James Forrester
Senate Majority Leader - Senator Harry Brown
Senate Majority Whip - Senator Jerry Tillman
Caucus Secretary - Senator Fletcher Hartsell
Caucus Liaison - Senator Jean Preston

Additionally, we advise you that the Senate Republican Caucus met on January 21, 2011, with 26 members present and nominated the following officers for the 2011 Session.

Principal Clerk - Ms. Janet Pruitt
Sergeant-at-Arms - Mr. Philip King
Reading Clerk - Mr. Lee Settle

Sincerely,
S/Senator Fletcher L. Hartsell, Jr.
Secretary—Republican Caucus

FLH Jr.:gfj

cc: The Honorable Philip Berger
Ms. Janet Pruitt

January 26, 2011

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

January 25, 2011

The Honorable Walter Dalton
2104 Legislative Building Raleigh, NC 27603

Mr. President:

The Democratic Caucus met on December 14, 2010 and January 19, 2011 in Raleigh to discuss leadership matters for the upcoming 2011 - 2012 Session of the General Assembly. It is with great pleasure that I announce that the following members were elected or appointed to serve the Senate Democratic Caucus beginning in January, 2011.

Senator Martin Nesbitt, Democratic Leader
Senator Linda Garrou, Deputy Democratic Leader
Senator Floyd McKissick, Deputy Democratic Leader
Senator Don Vaughan, Deputy Democratic Leader
Senator Josh Stein, Democratic Whip
Senator Eleanor Kinnaird, Democratic Caucus Secretary
Senator Charlie Dannelly, Democratic Caucus Chair

Respectfully
S/Martin Nesbitt
Senate Democratic Leader

MN:jwl

REMARKS BY THE LIEUTENANT GOVERNOR

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

“Members of the Senate and guests in the gallery, I know you are happy to know that these proceedings are soon drawing to an end, but I do want to take this opportunity to congratulate Senator Berger on his historic election as the President *Pro Tempore* of the Senate. As I said two years ago and as I say today, I have great respect for Senator Berger. I look forward to working with him in the coming months. Also, I want to congratulate all of the leaders elected by the respective caucuses, particularly Senator Brown, the Majority Leader, and Senator Nesbitt, the Minority Leader. You both have tremendous experience and leadership ability as shown by the faith and trust placed in you

January 26, 2011

by your peers. While we have a challenging session ahead, I know you will represent your positions well. But even more, I know at the end of the day you will work in a positive and respectful fashion for the betterment of the people of North Carolina. I would also like to pause a moment and salute Senator Marc Basnight who is not present today, but his presence will be missed. On behalf of the people of our State, we are grateful for his many years of service in the Senate. His term of office was unprecedented but that is secondary, I think, to the accomplishments which were achieved. It was Marc who had the vision to create the Clean Water Management Trust Fund that has funded many water and sewer projects across the State. That's the foundation of economic development. It also helped preserve the beauty of this State which is so critical to our tourist industry. It was Marc who drove the University and Community College bond bill at the turn of the century that prepared our campuses for the twenty-first century and set North Carolina apart as a leader in higher education, research, and innovation. And finally, his successful effort to fund cancer research has made North Carolina a world leader. I was with Dr. Victor Dzau just a few weeks ago before a group of about five hundred. Victor is the head of Duke Health System. He applauded what this General Assembly did in that vision. He said with that appropriation and what Duke is doing in other research campuses in North Carolina, he felt that North Carolina would become the epicenter of cancer research in this Country. That will lead to a better economy but more importantly, it will save lives within our borders and outside our borders. To all of you who have been elected, you are going to be assessed every two years by the voters, but I will say to you that you will truly be judged by future generations. I think that Senator Basnight's contributions to North Carolina will be judged in a most favorable light and children not yet born will benefit from his vision. So again, I say thank you to him and congratulations on his engagement. To you new members, I want to congratulate you. Your constituents have given you their most prized possession. They have given you their trust and I know you will never abuse that trust. As President of the Senate, it will be my job to preside over this body to ensure fair and open debate and to enforce the rules that you, as Senators, have instituted. I pledge to you that I will continue to do just that without regard to party or ideology. With that said, I was elected to this office to represent all nine and a half million North Carolinians. They are my constituents and I will speak out on their behalf. I will not participate in Senate debate. That is not my role in this Chamber, but I will add my voice to the debate outside of these walls. I would like to take a moment just to tell you what I am hearing from those constituents as I travel across the State. As you know, they are frustrated with these difficult times. They want opportunity to work and to provide for their families. They have been calling for a 'change' but given the swings in recent elections in the last four years, they are not sure how that change is to be defined. The people I talk to in Greenville, Senators Jenkins and Pate, or Winston-Salem, Senator Brunstetter and Senator Garrou, want us 'to do the right thing.' Whether they are Republican or Democrat, their wants are similar. They want good jobs, they want better schools, they want better roads, and they want lower taxes. To some

January 26, 2011

degree those needs are sometimes diametrically opposed or at least in competition with one another, but as a voter they have that right and privilege. They do not have to make it balance--you do. They understand down deep that tough decisions will have to be made and perhaps some of those will not be to their liking. But they have put their trust in you to do the right thing. I believe the right thing will be that which provides an opportunity for people to succeed and to build a better life and to build a better future just as Senator Forrester said a while ago. I believe in a bubble-up economy where people have the opportunity to compete. It's not competition when one team walks on the field with the best uniforms and the best coaching and the other team walks on the field barefooted and they don't know the rules. But, Coach Tillman, you know when you equip both teams to play the game they both get better. That's how you drive a stronger economy. In real terms that would lead to a stronger economy. In today's world, the equipment for success is a good education. In North Carolina, we are fortunate to have a heritage of providing those opportunities. The nascent act of the General Assembly in this State when we became a State was to create the first public university in this Nation. Now there were great colleges at that time, Princeton, Harvard, Yale, William & Mary, all great private institutions, but to go there you had to be 'landed gentry.' Another way to state that is you had to be rich. But North Carolina had the vision that if you had the desire, the ability, and the talent, then you should have the opportunity to better yourself. It is a great heritage that has reaped great benefits for our State and which also inspired the vision to create what is probably the best community college system in our Nation. Even in the toughest times, North Carolina has stood tall for education. During the Great Depression, there was one state in the Union that kept its public schools open. That was North Carolina because no future economy will be a good economy without the tools to compete and again, those are rooted in education. We all know it has been a tough time. Federal trade policies have encouraged companies to go offshore. Federal credit policies and oversight have led to distress. A national recession has resulted but this is not the first time our Nation has encountered hardship. Look at the last one hundred years. We saw the Great Depression, World War I, World War II, Korea, Vietnam, The Gulf War, and other conflicts and recessions. Yet, during that time, we saw the advent of the automobile, the invention of the airplane. We landed a man on the moon; we invented the computer and the internet and amazing medical discoveries that led to a better quality of life. Despite hardships, generally, our path through history has been one of progress, and if you look at history, new economies have followed new inventions and cutting edge research. That's why our State's investments in things like photonics, Senator Rucho, at the University of Charlotte, the storage of information through the use of light, are so important to the financial industry, the medical industry, and the insurance industry. Research in gerontology, biofuels, regenerative medicine, and cancer has positioned North Carolina well to lead out of this recession if we do the right thing. Many people say they want change but there are certain things I do not think the people do want to change. They want us to continue to have the

January 26, 2011

best public university system in the Nation and they want us to continue to have the best community college system in the Nation. They are proud to be in a state that has been rated numerous times by *Forbes* and *Site Selection* and others as one of the best states in which to live, work, retire, do business, or start a small business. People want to live here and we've obviously been doing something right because our enormous population growth has added an extra burden to our state budget. We must also remember that the problems we face, which are faced by other states, are caused by a national recession. We must remember that we cannot and should not unilaterally disarm when it comes to aggressively attracting new employers, especially ones with skilled, good-paying jobs. We are not only competing with South Carolina and Virginia, we are competing with China and India. I would put our work force up against anyone anywhere, but we have to keep creating good jobs to fill. Now more than ever, we need every tool at our disposal. We must be wise stewards of our taxpayer dollars and maintain our Triple-A bond rating and look for every efficiency in government. But please remember that state employees constitute about seventy percent of the budget and the demand for services has been increasing. School enrollment is up. People need to be retrained for new jobs. People who never thought they would need governmental services are now in line for those services and they are grateful for the safety net that is there. It will be hard work. Roy Williams, in the foreword of his book entitled Hard Work, comments, 'We should not be pushed by our problems but we should be led by our dreams.' I agree and, as a State, we must have the long-term health of this State and our future as a guiding star. North Carolina is a great State and you have been entrusted with its future. Difficult days are ahead, but opportunities do exist. Again, I ask that we conduct the debate with respect and dignity and that we remember that the judgment of our actions will be in the years to come and that we must have a sound, strong, and lasting foundation upon which that future can rest. While we may differ in philosophy, I will forecast to you that the greatest debates will occur within your respective caucuses. In the end, we must strive for an accord and a plan that responsibly bridges the shortfalls of a recession that is ending without doing harm to the foundation of a future that offers great promise to our citizens. Now, I apologize for speaking at such length and I know celebratory events are at hand as your constituents and your families and friends honor you on this day. So, I conclude by again congratulating each and every one of you and I wish you Godspeed in your endeavors and that He grant you the wisdom to do the right thing for the citizens and the future of North Carolina."

Upon motion of Senator Phil Berger, seconded by Senator Apodaca, the Senate adjourns at 2:06 p.m. to meet Thursday, January 27, at 11:00 a.m.

January 26, 2011

SECOND DAY

Senate Chamber
Thursday, January 27, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we are thankful today because you have brought us to this place. Thank you for bringing us here to this Chamber to do your will and to bless this State and to listen for your voice. You have been our dwelling place in all generations before the mountains were brought forth or even before you formed us in our mothers' wombs. From everlasting to everlasting, you are God. You return us to dust for a thousand years in your sight or as watch in the night. It is by your steadfast love that you have sustained us and drawn us from the pit. Lord Jesus, we are grateful that you have given us this State and this fine group of humble servants. Prepare them in mind and heart to do their public duty. We ask you to give them clean hands and pure hearts, to serve you and your people. Equip them to give and to make our State a better place for the glory of your name. Give them peace of soul when their thoughts and plans are right and disturb them when they drift from what's best. Lead them in the paths of righteousness and truth. In the words of the prophet Micah, 'May they do justly, love mercy, and walk humbly with you their God.' Lord be their shelter and their refuge. We pray these things in the name of Jesus. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, January 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Stacy Thomson from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Vaughan:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING CRUELTY TO ANIMALS.

Referred to the **Judiciary II Committee.**

January 27, 2011

By Senator Vaughan:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO BROADEN SWEEPSTAKES LAW TO INCLUDE SWEEPSTAKES THAT USE ANY TYPE OF VISUAL DISPLAY, TO SUPPLEMENT CURRENT LAW WHICH MAKES GAME PLAY OR SIMULATED GAME PLAY UNLAWFUL.

Referred to the **Judiciary II Committee**.

By Senators Vaughan (Primary Sponsor) and Purcell:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

S.J.R. 5, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN MCNEILL SMITH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 26, 2011

Mr. President:

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

Speaker: Thom Tillis
Speaker Pro Tempore: Dale R. Folwell
Principal Clerk: Denise G. Weeks

And pursuant to House Rule 46, the Speaker has appointed:

Sergeant-at-Arms: Clyde Cook, Jr.

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

January 27, 2011

Majority Leader: Paul Stam
Majority Whip: Ruth Samuelson
Deputy Majority Whips: Pat McElraft
Jonathan Jordan
Republican Freshman Leader: Mike Hager
Joint Caucus Leader: Marilyn Avila
Minority Leader: Joe Hackney
Deputy Minority Leader: William Wainwright
Minority Whips: Rick Glazier
Larry Hall
Ray Rapp
Deborah Ross
Michael Wray

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

January 26, 2011

Ms. Janet Pruitt
Principal Clerk of the Senate
North Carolina General Assembly
Legislative Building
Raleigh, NC 27603-5925

Dear Ms. Pruitt:

This is written to comply with Sections 1 and 2 of Executive Order Number 107.

This 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.

January 27, 2011

I hereby designate the following employees of the Governor's Office as the officials to whom delivery of bills can be made under the provisions of Section 2 of the Executive Order:

- a. Andy Willis;
- b. Courtney Crowder;
- c. Monica Yelverton; and
- d. Forrest Gilliam

Sincerely,
S/Bev Perdue

COMMITTEE APPOINTMENTS

Pursuant to Senate Rules 31 and 32, Senator Philip E. Berger, President *Pro Tempore*, announces the following appointments of the Committee Chairs and Committee Members for the 2011-2012 Session:

Agriculture/Environment/Natural Resources

Co-chair: Senator East

Co-chair: Senator Rouzer

Vice chair: Senator Jackson

Members: Senators Atwater, Bingham, Brock, Brown, Daniel, Hartsell, Jenkins, Kinnaird, Preston, Tillman, Tucker, Walters, White

Appropriations/Base Budget

Co-chair: Senator Brunstetter

Co-chair: Senator Hunt

Co-chair: Senator Stevens

Vice chair: Senator Apodaca

Vice chair: Senator Garrou

Members: Senators Blake, Blue, Brock, Brown, Dannelly, East, Graham, Harrington, Hartsell, Jackson, Jones, Nesbitt, Pate, Rucho, Tucker, Walters

Appropriations Subcommittee on Natural and Economic Resources

Co-chair: Senator East

Co-chair: Senator Rouzer

Vice chair: Senator Jackson

Members: Senators Atwater, Daniel, Kinnaird, Tucker, Walters

Appropriations Subcommittee on Education

Co-chair: Senator Apodaca

Co-chair: Senator Preston

Co-chair: Senator Tillman

Members: Senators Dannelly, Garrou, Rucho, Soucek

January 27, 2011

Appropriations Subcommittee on Transportation**Co-chair:** Senator Forrester**Co-chair:** Senator Harrington**Vice chair:** Senator Rabon**Members:** Senators Gunn, Jenkins, Vaughan**Appropriations Subcommittee on Health and Human Services****Co-chair:** Senator Bingham**Co-chair:** Senator Blake**Co-chair:** Senator Pate**Vice chair:** Senator Tucker**Members:** Senators Allran, D. Berger, Hartsell, Mansfield, Purcell, Rabon**Appropriations Subcommittee on Justice and Public Safety****Co-chair:** Senator Brown**Co-chair:** Senator Goolsby**Vice chair:** Senator Jones**Vice chair:** Senator Soucek**Members:** Senators Clodfelter, East, Newton**Appropriations Subcommittee on General Government****Co-chair:** Senator Brock**Co-chair:** Senator Davis**Members:** Senators Blue, Graham, Gunn**Commerce****Chair:** Senator Brown**Vice chair:** Senator Apodaca**Vice chair:** Senator Gunn**Vice chair:** Senator Meredith**Members:** Senators D. Berger, Blake, Blue, Brunstetter, Clary, Clodfelter, Davis, Garrou, Goolsby, Graham, Hise, Hunt, Jackson, McKissick, Nesbitt, Newton, Robinson, Rucho, Soucek, Stein, Stevens, Vaughan, White**Education****Co-chair:** Senator Preston**Co-chair:** Senator Soucek**Co-chair:** Senator Tillman**Vice chair:** Senator Apodaca**Members:** Senators Allran, Atwater, Brown, Daniel, Dannelly, Forrester, Garrou, Goolsby, Graham, Gunn, McKissick, Newton, Purcell, Robinson, Rucho, Stein, Stevens, White**Finance****Co-chair:** Senator Hartsell**Co-chair:** Senator Rucho**Vice chair:** Senator Apodaca

January 27, 2011

Vice chair: Senator Harrington

Vice chair: Senator Rabon

Members: Senators Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Forrester, Garrou, Goolsby, Hunt, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Purcell, Rouzer, Stein, Stevens, Tillman, Walters, White

Health Care

Co-chair: Senator Bingham

Co-chair: Senator Blake

Co-chair: Senator Pate

Vice chair: Senator Forrester

Members: Senators Allran, Atwater, D. Berger, Clary, Kinnaird, Mansfield, Meredith, Purcell, Rabon, Robinson, Rouzer, Rucho, Tucker

Insurance

Co-chair: Senator Apodaca

Co-chair: Senator Meredith

Vice chair: Senator Gunn

Vice chair: Senator Hise

Members: Senators Atwater, D. Berger, Clary, Davis, East, Garrou, Jackson, Newton, Rouzer, Rucho, Vaughan, Walters, White

Judiciary I

Chair: Senator Brunstetter

Vice chair: Senator Goolsby

Members: Senators Apodaca, Brock, Brown, Clodfelter, Harrington, Jenkins, Mansfield, Nesbitt, Pate, Rouzer, Rucho, Soucek, Stevens, Tillman, Walters

Judiciary II

Co-chair: Senator Allran

Co-chair: Senator Daniel

Co-chair: Senator Newton

Members: Senators D. Berger, Bingham, Blue, Clary, Davis, East, Forrester, Hartsell, Jones, Stein, Tucker, Vaughan

Mental Health and Youth Services

Co-chair: Senator Hartsell

Vice chair: Senator Allran

Vice chair: Senator Tucker

Members: Senators Bingham, Daniel, Davis, Forrester, Jackson, Jones, Kinnaird, Nesbitt, Purcell, Robinson

Pensions/Retirement/Aging

Co-chair: Senator Apodaca

Co-chair: Senator Hise

Vice chair: Senator Meredith

January 27, 2011

Members: Senators Atwater, Brock, Dannelly, Davis, Garrou, Harrington, Jenkins, Pate, Preston, Rucho, Stevens, Walters

Program Evaluation

Chair: Senator Clary

Members: Senators Atwater, Bingham, Clodfelter, East, Gunn, Hise, Hunt, Mansfield, McKissick, Nesbitt, Pate, Preston, Purcell, Rabon, Rouzer, Tillman, White

Redistricting

Chair: Senator Rucho

Vice chair: Senator Brock

Vice chair: Senator Brown

Members: Senators Apodaca, Brunstetter, Clary, Dannelly, Forrester, Hise, Hunt, Jones, McKissick, Nesbitt, Rabon, Walters

Rules

Chair: Senator Apodaca

Vice chair: Senator Brunstetter

Vice chair: Senator Jackson

Members: Senators Blue, Brock, Brown, Garrou, Harrington, Hartsell, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Preston, Stein

State and Local Government

Co-chair: Senator Davis

Co-chair: Senator Walters

Members: Senators Bingham, Blake, East, Goolsby, Harrington, Hartsell, Jackson, Jones, Kinnaird, Nesbitt, Pate, Robinson, Stevens, Tucker, White

Transportation

Co-chair: Senator Forrester

Co-chair: Senator Rabon

Vice chair: Senator Harrington

Members: Senators Daniel, East, Graham, Hise, Hunt, Jackson, Jenkins, McKissick, Robinson, Soucek, Stevens, Tillman, Vaughan

Ways and Means

Chair: Senator Apodaca

Vice chair: Senator Brock

Members: Senators Clodfelter, Dannelly, Forrester

Upon motion of Senator Phil Berger, seconded by Senator Vaughan, the Senate adjourns at 11:19 a.m., subject to the reading of executive orders, to meet Monday, January 31, at 7:00 p.m.

January 27, 2011

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 No. 61, Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials Throughout the State.

Executive Order No. 62, Proclamation of a State of Emergency by the Governor of the State of North Carolina Due to Hurricane Earl.

Executive Order No. 63, Notice of Termination of Executive Orders No. 61 and No. 62.

Executive Order No. 64, Creation of the Governor's eLearning Commission.

Executive Order No. 65, Governor's Education Transformation Commission.

Executive Order No. 66, Proclamation of a State of Emergency by the Governor of the State of North Carolina Due to Tropical Storm Nicole.

Executive Order No. 67, Amending Executive Order No. 10, Ethical Standards for the State Health Coordinating Council.

Executive Order No. 68, Proclamation of a State of Disaster for the City of Saluda.

Executive Order No. 69, Governor's Gang Task Force.

Executive Order No. 70, Rules Modification and Improvement Program.

Executive Order No. 71, Proclamation of a State of Disaster for Lincoln County.

Executive Order No. 72, Temporary Suspension of Motor Vehicle Regulations to Ensure Adequate Fuel Supplies Throughout the State.

Executive Order No. 73, Designating the North Carolina Health Information Exchange as the State-Designated Entity Under the Health Information Technology for Economic and Clinical Health Act of the American Recovery and Reinvestment Act.

Executive Order No. 74, To Declare by Proclamation the True Boundary Line Between the State of North Carolina and the State of South Carolina from Transylvania County to Polk County.

Executive Order No. 75, Proclamation of a State of Emergency by the Governor of the State of North Carolina.

January 27, 2011

Executive Order No. 76, Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials Throughout the State.

Executive Order No. 77, Notice of Termination of Executive Orders No. 75 and No. 76.

Executive Order No. 78, Proclamation of a State of Emergency by the Governor of the State of North Carolina.

Executive Order No. 79, Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services and Transporting Essentials Throughout the State.

Executive Order No. 80, Extending the Youth Accountability Planning Task Force.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRD DAY

Senate Chamber
Monday, January 31, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, will you help us to be still and would you invest these words in our lives with power, with your spirit. Favor this dwelling, O Lord, with your presence. Far from it repulse all the wiles of the deceiver. Your holy angels, let them live here to keep us in peace and let your blessing remain always upon us. We ask in Jesus' name, Amen."

The Chair grants a leave of absence for tonight to Senator Forrester.

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

January 31, 2011

The Chair extends privileges of the floor to Demetria Craig from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

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

BEVERLY EAVES PERDUE
GOVERNOR

January 31, 2011

The Honorable Phil Berger
The Honorable Thom Tillis
North Carolina General Assembly
Raleigh, NC 27601

Dear President Pro-Tem Berger and Speaker Tillis:

Pursuant G.S. § 53-92, I write to submit to you the name of Mr. Joseph A. Smith, Jr., for reappointment and reconfirmation as Commissioner of the North Carolina Banking Commission effective April 1, 2011. Mr. Smith has served as Commissioner of Banks since June 1, 2002.

Sincerely,
S/Bev Perdue

cc: Ms. Janet Pruitt
Ms. Denise Weeks
Mr. Joe Smith

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 81, Improving the Environment while Protecting Small Business and Industry from Unnecessary Costs from Greenhouse Gas Permitting.

January 31, 2011

INTRODUCTION OF BILLS

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

By Senator D. Berger:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO REFUND PREMIUMS PAID WHEN THE PLAN DID NOT ACTUALLY PROVIDE COVERAGE.

Referred to the **Insurance Committee**.

By Senators Brown (Primary Sponsor); Brock, Gunn, Jackson, Meredith, Rouzer, Soucek, Stevens and Tillman:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE TO THE LIST OF CONTROLLED SUBSTANCES WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, SALE, OR DELIVERY OF MEPHEDRONE A CRIMINAL OFFENSE.

Referred to the **Judiciary II Committee**.

By Senators Stevens (Primary Sponsor); Allran, Apodaca, Bingham, Brock, Brown, Brunstetter, Clary, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Meredith, Newton, Pate, Preston, Rouzer, Soucek, Tillman and Tucker:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

By Senators Brown (Primary Sponsor); Allran, Brock, Gunn, Jackson, Meredith, Rouzer, Soucek, Stevens and Tillman:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS.

Referred to the **Judiciary II Committee**.

SENATE PAGES

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

Sterling Carter, Yanceyville and Aaron Teran, Raleigh.

Upon motion of Senator Phil Berger, seconded by Senator Blake, the Senate adjourns at 7:09 p.m. to meet Tuesday, February 1, at 2:00 p.m.

January 31, 2011

FOURTH DAY

Senate Chamber
Tuesday, February 1, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, we come to you on this first day of February, aware that we are facing many uncertainties and great challenges in our State. We implore you to come to our assistance, to make haste to help us. By your power and your grace, Lord, give these, your beloved servants, a clear dedication to the needs of those in our midst who are on the outside because of age, ill health, race, sex, poverty, urban or rural degradation. And, Lord Jesus remind us that you did not simply walk the earth, but you had compassion on those who were in your midst. To you be all honor and glory, a world without end. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, January 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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.

INTRODUCTION OF BILLS

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

By Senator Mansfield:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

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

By Senator Mansfield:

S.B. 11, 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 Senator Mansfield:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR MONITORING AND EMERGENCY CLEANUP OF THE TEXFI SITE CONTAMINATION.

February 1, 2011

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

By Senators Stevens, Brunstetter, Hunt (Primary Sponsors); Blake, Brown, Goolsby, Hise, Jackson, Preston and Tucker:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011.

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

By Senators Brunstetter and Stein (Primary Sponsors):

S.B. 14, A BILL TO BE ENTITLED AN ACT TO MODIFY AND EXPAND THE DUTIES OF THE JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

By Senators Brunstetter, Stein (Primary Sponsors) and Blake:

S.B. 15, A BILL TO BE ENTITLED AN ACT TO STUDY MEANS TO INCREASE NORTH CAROLINA'S GLOBAL ENGAGEMENT.

Referred to the **Finance Committee**.

By Senators D. Berger, East (Primary Sponsors) and Kinnaird:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT PERFORM A BLOOD TEST ON ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE.

Referred to the **Judiciary II Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 1, 2011

Mr. President:

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

Freshman Democratic Caucus Leader: Diane Parfitt

Respectfully,
S/Denise G. Weeks
Principal Clerk

February 1, 2011

ADDITIONAL SPONSORS

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

S.B. 8, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER SCHOOLS.

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

S.B. 2, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING CRUELTY TO ANIMALS.

S.B. 4, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES.

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

S.B. 4, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS.

Upon motion of Senator Phil Berger, seconded by Senator Blue, the Senate adjourns at 2:07 p.m., subject to the receipt of messages from the House of Representatives, to meet Wednesday, February 2, at 2:00 p.m.

February 1, 2011

FIFTH DAY

Senate Chamber
Wednesday, February 2, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, you have called us by name and you have set us on a rock higher than we can reach on our own effort. And, Lord, we come to you and admit that we are more lost than we could ever dare admit. But, Lord, we are more loved than we ever dare hope. Give us hope, Lord, primarily over all things. I pray for these Senators, their staffs, this General Assembly, that you would come to them and remind them just how much you love them and how much your power is on the move in this place. Through Christ, Amen."

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

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

The Chair extends privileges of the floor to Brenda Davis from Jamestown, North Carolina and Carol Bullard from Winston-Salem, 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 Senators Brown, Rouzer, Jackson (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brock, Brunstetter, Clary, Daniel, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Meredith, Newton, Pate, Preston, Rabon, Rucho, Stevens and Tillman:

S.J.R. 17, A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE.

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

By Senators Vaughan (Primary Sponsor); Bingham and Robinson:

S.B. 18, A BILL TO BE ENTITLED AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR.

Referred to the **Judiciary II Committee**.

February 2, 2011

By Senator Tucker:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.

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

By Senators Tillman, Clodfelter (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brown, Daniel, Gunn, Hise, Hunt, Jenkins, Jones, Meredith, Preston, Purcell, Rouzer, Soucek, Stein, Stevens and Tucker:

S.B. 20, A BILL TO BE ENTITLED AN ACT REGARDING THE REFUND POLICIES OF PROPRIETARY SCHOOLS.

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

By Senators Clary (Primary Sponsor); Apodaca, Goolsby, Hise and Preston:

S.R. 21, A SENATE RESOLUTION CREATING THE PROGRAM EVALUATION COMMITTEE AS A STANDING COMMITTEE OF THE SENATE.

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

By Senators Brown, Rouzer (Primary Sponsors); Apodaca, Blake, Brock, Brunstetter, Daniel, East, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Preston, Rabon, Rucho, Soucek, Tillman and Tucker:

S.B. 22, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

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

By Senators Clary, Rouzer, Pate (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Daniel, Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Preston, Rucho, Soucek, Tillman and Tucker:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE.

Referred to the **Judiciary II Committee**.

By Senators Hunt (Primary Sponsor); Blake, Brock, Daniel and Tillman:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE U.S. NAVY SPECIALTY PLATE TO THE U.S. NAVY SUBMARINE VETERAN PLATE, TO CHANGE THE PHRASE ON THE PLATE, AND TO ADD MORE DETAIL TO THE REPRESENTATION OF THE QUALIFICATION PIN.

Referred to the **Finance Committee**.

By Senators D. Berger (Primary Sponsor) and Jones:

S.B. 25, A BILL TO BE ENTITLED AN ACT PROVIDING THAT ONLY BARBERS MAY USE THE STRIPED BARBER POLE AS A MEANS OF ADVERTISEMENT.

Referred to the **Commerce Committee**.

February 2, 2011

By Senators Vaughan, Stevens, Kinnaird (Primary Sponsors) and Brunstetter:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION ACT.

Referred to the **Judiciary I Committee**.

ADDITIONAL SPONSOR

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

S.B. 15, A BILL TO BE ENTITLED AN ACT TO STUDY MEANS TO INCREASE NORTH CAROLINA'S GLOBAL ENGAGEMENT.

Upon motion of Senator Phil Berger, seconded by Senator Rucho, the Senate adjourns at 2:11 p.m., subject to the receipt of committee reports and receipt of messages from the House of Representatives, to meet Thursday, February 3, at 11:00 a.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 13, A BILL TO BE ENTITLED AN ACT TO ENACT THE BALANCED BUDGET ACT OF 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 35037, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned

SIXTH DAY

Senate Chamber
Thursday, February 3, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, we are grateful again for a new day. A day where you have clothed us in our right mind, a day where you have given us health and a day where we

February 3, 2011

have the privilege of entering this Chamber and serving this State. Lord, there is one that is ailing and we ask that you might move in the life of Senator Forrester and speed his recuperation. He is in your hands, Lord, and for that we are grateful. We are eternally grateful that you watch over us, Lord, and that you rain down your love on us. Father, we come to you and we ask one thing, that you might write yourself upon our hearts, turning us from stone and into clay, and that you might make our words your words and our thoughts, your thoughts. May we open up our hearts to how you would move and shape us on this day. We pray in the name of Jesus, Amen."

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

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

The Chair extends privileges of the floor to Alisha Cornell from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.R. 21, A SENATE RESOLUTION CREATING THE PROGRAM EVALUATION COMMITTEE AS A STANDING COMMITTEE OF THE SENATE, with a favorable report as to adoption.

Upon motion of Senator Apodaca, the Senate Resolution is placed on the calendar for Tuesday, February 8, for adoption.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE.

Referred to the **Judiciary II Committee**.

CALENDAR

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

S.B. 13 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011.

February 3, 2011

Senator D. Berger, Senator Jenkins, and Senator Walters offer Amendment No. 1 which fails of adoption (18-30).

The Committee Substitute bill passes its second reading (30-18).

Senator Stevens objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, February 7, upon third reading.

CHANGES TO 2011 SENATE COMMITTEES

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

Senator Allran, Senator Clodfelter, and Senator Rabon are appointed to the **Agriculture/Environment/Natural Resources Committee**.

Senator Tillman, Senator Kinnaird, and Senator Rouzer are appointed to the **Appropriations/Base Budget Committee**.

Senator Harrington and Senator Purcell are appointed to the **Commerce Committee**.

Senator Brock, Senator Nesbitt, and Senator Pate are appointed to the **Education/Higher Education Committee**.

Senator Atwater and Senator Gunn are removed from the **Education/Higher Education Committee**.

Senator Allran and Senator Atwater are appointed to the **Finance Committee**.

Senator Davis is appointed to the **Health Care Committee**.

Senator McKissick is appointed to the **Insurance Committee**.

Senator Stein is appointed to the **Judiciary I Committee**.

Senator Blake, Senator Dannelly, and Senator McKissick are appointed to the **Judiciary II Committee**.

Senator Stein is removed from the **Judiciary II Committee**.

Senator Hartsell is appointed as Chair of the **Mental Health & Youth Services Committee**.

Senator Hartsell is appointed as Vice-Chair of the **Program Evaluation Committee**.

Senator Gunn and Senator White are appointed to the **Transportation Committee**.

February 3, 2011

COMMITTEE APPOINTMENT

Senator Phil Berger, President *Pro Tempore*, announces the establishment of the **Select Committee on UNC Board of Governors**. The members are as follows:

Senator Apodaca, Co-Chair; Senator Stevens, Co-Chair; Members; Senator Dannelly, Senator Garrou, Senator Preston, Senator Rouzer, Senator Soucek, Senator Tillman, and Senator Walters.

Upon motion of Senator Phil Berger, seconded by Senator Rucho, the Senate adjourns at 12:24 p.m., subject to the introduction of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Monday, February 7, at 5:30 p.m.

INTRODUCTION OF BILLS

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

By Senators Brock, Newton, Goolsby (Primary Sponsors); Apodaca, Bingham, Brown, Daniel, Harrington, Hartsell, Jackson, Meredith, Preston, Rabon, Rucho, Soucek, Tillman and Tucker:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.

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

By Senators Bingham (Primary Sponsor); Atwater and Jones:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PREVENT INFANT MORTALITY IN NORTH CAROLINA.

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

By Senator Gunn:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Referred to the **Finance Committee**.

By Senators Mansfield (Primary Sponsor); Atwater and Meredith:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DEFENSE AND SECURITY TECHNOLOGY ACCELERATOR.

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

February 3, 2011

By Senator Mansfield:

S.B. 31, A BILL TO BE ENTITLED AN ACT TO CONFORM THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

Referred to the **Judiciary I Committee**.

By Senators Brunstetter, Clodfelter (Primary Sponsors); Allran, Apodaca, Atwater, Bingham, Blake, Brown, Daniel, Dannelly, Garrou, Goolsby, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Mansfield, McKissick, Meredith, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Tillman, Tucker and Walters:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

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

By Senators Apodaca, Brown, Rucho (Primary Sponsors); Bingham, Blake, Brock, Clary, Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Pate, Preston, Purcell, Rabon, Rouzer, Soucek, Stevens, Tillman, Tucker and Walters:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTH DAY

Senate Chamber
Monday, February 7, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, my soul makes its boast in you. Let the humble hear and be glad. Oh magnify the Lord with me and let us exalt his name together. I sought after the Lord and he answered me and delivered me from all my fears. Those who look to him are radiant and their faces shall never be ashamed. This poor man cried out and the Lord heard him and saved him out of his troubles. O taste and see that the Lord is good. Blessed is the one who takes refuge in Him. Amen."

The Chair grants a leave of absence for tonight to Senator Jenkins.

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

The Chair extends privileges of the floor to Dr. Conrad Flick from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Leslie Sharpe from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.J.R. 17, A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE, with an unfavorable report as to Joint Resolution, but favorable as to Committee Substitute Joint Resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute Joint Resolution 55033, is adopted and engrossed.

By Senator Allran for the **Judiciary II Committee**:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE TO THE LIST OF CONTROLLED SUBSTANCES WHICH MAKES THE

February 7, 2011

UNLAWFUL POSSESSION, MANUFACTURE, SALE, OR DELIVERY OF MEPHEDRONE A CRIMINAL OFFENSE, with a favorable report.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55034, is adopted and engrossed.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Brock, D. Berger, Harrington (Primary Sponsors); Apodaca, Clary, Daniel, Goolsby, Gunn, Hise, Jones, Newton, Pate, Preston, Soucek, Stevens and Tucker:

S.B. 34, 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.

Referred to the **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE HUNTING OF DEER WITH DOGS IN ORANGE COUNTY.

Referred to the **Judiciary II Committee**.

By Senators Dannelly (Primary Sponsor); Atwater, D. Berger, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO MAKE USING A MOBILE PHONE UNLAWFUL WHILE DRIVING A MOTOR VEHICLE ON A PUBLIC STREET OR HIGHWAY OR PUBLIC VEHICULAR AREA.

Referred to the **Judiciary II Committee**.

By Senators Jackson (Primary Sponsor); Apodaca, Brock, Brown, Clary, Daniel, East, Goolsby, Hise, Hunt, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tucker and Walters:

February 7, 2011

S.B. 37, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY TO CONVEY AN INTEREST IN THAT PROPERTY FOR ECONOMIC DEVELOPMENT AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES.

Referred to the **Judiciary I Committee**.

By Senators Stevens, Hunt, Soucek (Primary Sponsors); Apodaca, Brown, Goolsby, Gunn, Hise, Newton, Pate, Preston and Tucker:

S.R. 38, A SENATE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA.

Pursuant to Rule 40(b), the Senate Resolution is placed on tonight's calendar. The Senate Resolution is adopted (47-0).

CALENDAR

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

S.B. 13 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011.

Senator Stevens offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (31-16) and is ordered engrossed and sent to the House of Representatives by special message.

ADDITIONAL SPONSORS

Senator D. Berger, Senator Blue, Senator Brock, Senator Clary, Senator East, Senator Gunn, and Senator Pate request to be added as a sponsor of previously introduced legislation:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

Upon motion of Senator Phil Berger, seconded by Senator Garrou, the Senate adjourns in honor of former Senator Marc Basnight at 6:04 p.m. to meet Tuesday, February 8, at 2:00 p.m.

February 7, 2011

EIGHTH DAY

Senate Chamber
Tuesday, February 8, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we are certainly in need of your grace and Lord, we are in desperate need of your mercy. Lord, we thank you for the sun shining outside today and we thank you for the relationships that you are creating within this body. Lord, you have called us to value the Lord above all things because you are most valuable. Lord Jesus, drive far from us all wrong desires and incline our hearts to keep your ways. May these servants here gathered not grow weary in doing good, but rather grant them to cheerfully do your will on this day so that when night comes we may rejoice and give you thanks through Christ Jesus our Lord. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, February 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Kelly Cobb from Yanceyville, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Jenkins:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF PARMELE FROM THREE TO FIVE MEMBERS.

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

By Senators Jones, Hartsell, McKissick (Primary Sponsors); Apodaca, Atwater, D. Berger, Blue, Graham, Kinnaird, Purcell, Stein, Tillman, Vaughan and White:

S.B. 40, A BILL TO BE ENTITLED AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2)

February 8, 2011

ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."

Referred to the **Judiciary I Committee**.

By Senators Rouzer (Primary Sponsor); Allran, Apodaca, P. Berger, Blake, Brock, Brown, Clary, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rucho, Soucek, Stevens, Tillman and Tucker:

S.R. 41, A SENATE RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF PRESIDENT RONALD REAGAN.

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

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE TO THE LIST OF CONTROLLED SUBSTANCES WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, SALE, OR DELIVERY OF MEPHEDRONE A CRIMINAL OFFENSE.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is placed on the calendar for Thursday, February 10.

S.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS.

February 8, 2011

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, February 10.

S.J.R. 17 (Committee Substitute Joint Resolution), A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE.

Senator Apodaca offers Amendment No. 1 which is adopted (48-1).

The Committee Substitute Joint Resolution, 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.R. 21, A SENATE RESOLUTION CREATING THE PROGRAM EVALUATION COMMITTEE AS A STANDING COMMITTEE OF THE SENATE, upon adoption.

The Senate Resolution is adopted (49-0)

SENATE PAGES

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

Kristopher Faheem, Raleigh; Sara Pearce, New Bern; and Andrew Price, Eden.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 22, A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55044, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 35, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE HUNTING OF DEER WITH DOGS IN ORANGE COUNTY, referred to the **Judiciary II Committee** on February 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **State and Local Government 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 **State and Local Government Committee**.

February 8, 2011

ADDITIONAL SPONSORS

Senator Davis, Senator Forrester, Senator Graham, Senator Harrington, Senator Vaughan, and Senator White requests to be added as a sponsor of previously introduced legislation:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

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

S.B. 34, 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.

Upon motion of Senator Phil Berger, seconded by Senator Hartsell, the Senate adjourns at 2:17 p.m., subject to the receipt of committee reports, to meet Wednesday, February 9, at 3:00 p.m.

NINTH DAY

Senate Chamber
Wednesday, February 9, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, you are the 'fount of every blessing.' Jesus, we come before you and ask you, 'would you tune our hearts to sing thy grace?' Streams

February 9, 2011

of mercy never ceasing call for songs of loudest praise. O to grace how great a debtor, daily, I'm constrained to be. Let thy goodness, like a fetter, bind my wandering heart to thee. Prone to wander, Lord I feel it, prone to leave the God I love. Here's my heart, Lord, take and seal it, seal it for thy courts above. Amen."

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

The Chair extends privileges of the floor to Tom Hartley from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 6, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

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

H.J.R. 50, 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.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar.

CALENDAR

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

S.B. 22 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS.

Senator Atwater offers Amendment No. 1 which is adopted (49-1).

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

February 9, 2011

H.J.R. 50, 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, placed earlier on today's calendar.

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.

ADDITIONAL SPONSORS

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

S.R. 41, A SENATE RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF PRESIDENT RONALD REAGAN.

Senator Kinnaird, Senator Newton, and Senator Stevens request to be added as a sponsor of previously introduced legislation:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

Upon motion of Senator Phil Berger, seconded by Senator Blake, the Senate adjourns at 3:13 p.m., subject to the introduction of bills and reading of proclamations, to meet Thursday, February 10, at 11:00 a.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Mansfield (Primary Sponsor) and Davis:

S.B. 42, A BILL TO BE ENTITLED AN ACT RELATING TO THE REMOTE TESTIMONY OF CHILD WITNESSES IN CRIMINAL PROCEEDINGS RELATING TO SEXUAL OFFENSES.

Referred to the **Judiciary II Committee**.

February 9, 2011

By Senator Mansfield:

S.B. 43, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE AUTHORIZED TO BE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM.

Referred to the **Finance Committee**.

By Senator Apodaca:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

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

By Senators East (Primary Sponsor); Hise, Pate, Soucek, Tillman and Jackson:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO PREVENT AN INSPECTION STATION FROM DENYING AN INSPECTION AUTHORIZATION FOR THE MERE FACT THAT THE "CHECK ENGINE LIGHT" IS ON WITH NO UNDERLYING EMISSION OR SAFETY ISSUES WHICH WOULD REQUIRE A DENIAL AND TO LIMIT THE REQUIRED EMISSIONS AND SAFETY INSPECTIONS TO ONCE A YEAR REGARDLESS OF THE VEHICLE'S OWNERSHIP.

Referred to the **Transportation Committee**.

By Senator East:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES AND COYOTES IN SURRY COUNTY.

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

By Senators Tillman (Primary Sponsor); Allran, Apodaca, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens and Tucker:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

Referred to the **Judiciary I Committee**.

By Senators Allran (Primary Sponsor); Apodaca, Bingham, Blake, Brock, Hartsell, Hise, Hunt, Preston, Rouzer, Rucho, Stevens and Tillman:

S.B. 48, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES.

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

February 9, 2011

By Senators Allran (Primary Sponsor); Bingham, Brock, Hise and Purcell:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE FROM TWENTY-FIVE DOLLARS TO TWO HUNDRED FIFTY DOLLARS.

Referred to the **Judiciary II Committee**.

By Senator Apodaca:

S.J.R. 50, 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.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TENTH DAY

Senate Chamber
Thursday, February 10, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we often do not even know how to pray. Lord, teach us to pray. Some of us are not skilled in the art of prayer. As we draw near to you in thought our spirits long for your Spirit and reach out for you, longing to feel you near. We know not how to express the deepest emotions that lie hidden in our hearts. In these moments we have no polished phrases with which to impress one another, no finely molded, delicately turned clauses to present to you. We know, our Father, that we are closest to you when we have left behind the things that have held us captive so long. And we thank you, Lord, that you are closer to us even than our own thoughts. And for that we are eternally grateful. Guide this session, Lord, and guard our hearts as we put our trust in you to lead us. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, February 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Lady Sue Bell from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

February 10, 2011

ENROLLED RESOLUTION

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. 50, 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. 1)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 9, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 50**, 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 Brubaker, Chair
Representative Stam
Representative Howard
Representative Samuelson
Representative Folwell
Representative Hackney
Representative Wainwright
Representative Womble, and
Representative Ross

Respectfully,
S/Denise G. Weeks
Principal Clerk

February 10, 2011

CALENDAR

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

S.B. 7, A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE TO THE LIST OF CONTROLLED SUBSTANCES WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, SALE, OR DELIVERY OF MEPHEDRONE A CRIMINAL OFFENSE.

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. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF SYNTHETIC CANNABINOIDS CRIMINAL OFFENSES AND TO CREATE THE CRIMINAL OFFENSE OF TRAFFICKING IN SYNTHETIC CANNABINOIDS.

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.

APPOINTMENT OF ESCORT COMMITTEE

The President recognizes Senator Philip E. Berger, President *Pro Tempore*, who announces the appointment of Senator Brown, Chair; Senator Nesbitt; Senator Preston; Senator Clary; Senator Blue; and Senator White as the Committee to escort the Honorable Beverly E. Perdue, Governor, to the joint session of the General Assembly on Monday, February 14, to hear the State-of-the-State address.

PERSONAL PRIVILEGE

Senator Rouzer is recognized for a point of personal privilege. He submits a Senatorial Statement to be read and spread upon the Senate Journal.

Upon motion of Senator Phil Berger, seconded by Senator Rouzer, the Senate adjourns at 11:18 a.m., subject to the introduction of bills, receipt of committee reports, and reading of a senatorial statement to meet Monday, February 14, at 6:45 p.m.

February 10, 2011

**SENATORIAL STATEMENT
COMMEMORATING THE 100TH ANNIVERSARY OF THE BIRTH OF
PRESIDENT RONALD REAGAN**

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to Government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, February 6, 2011 was the 100th anniversary of Ronald Reagan's birth and the seventh since his passing.

NOW THEREFORE, the North Carolina Senate honors the memory of President Ronald Reagan upon the occasion of the 100th anniversary of his birth and urges all the citizens of North Carolina to take cognizance of the recent anniversary and to reflect on the contributions President Reagan made to this Country.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 10th day of February, 2011.

S/Janet Pruitt
Senate Principal Clerk

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Bingham:

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS.

Referred to the **Finance Committee**.

February 10, 2011

By Senators Stevens and Apodaca (Primary Sponsors):

S.R. 52, 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 **Select Committee on UNC Board of Governors**.

By Senators Stein and Blue (Primary Sponsors):

S.B. 53, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE THE CLOSURE OF DOROTHEA DIX HOSPITAL.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Stein and Hunt (Primary Sponsors):

S.B. 54, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A KAPPA ALPHA ORDER SPECIAL LICENSE PLATE.

Referred to the **Finance Committee**.

By Senators Clodfelter, Dannelly (Primary Sponsors); Graham, Rucho and Tucker:

S.B. 55, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN MECKLENBURG COUNTY.

Referred to the **Finance Committee**.

By Senators Clodfelter (Primary Sponsor); Dannelly and Graham:

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE THE CITY TO USE THE DESIGN-BUILD DELIVERY METHODS FOR CONSTRUCTION.

Referred to the **Finance Committee**.

By Senators D. Berger (Primary Sponsor); Clary, Daniel, Dannelly and Hise:

S.B. 57, A BILL TO BE ENTITLED AN ACT TO CREATE THE STATUS OFFENSE OF HABITUAL MISDEMEANOR LARCENY.

Referred to the **Judiciary II Committee**.

By Senators Brunstetter, Hunt, and Stevens (Primary Sponsors):

S.B. 58, A BILL TO BE ENTITLED AN ACT MODIFYING THE FMAP CUTS IN THE 2010-2011 STATE BUDGET AND AUTHORIZING THE GOVERNOR TO ADDRESS MEDICAID LIABILITIES INCURRED IN THE 2009-2010 FISCAL YEAR.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate adjourns at 11:18 a.m.

February 10, 2011

ELEVENTH DAY

Senate Chamber
Monday, February 14, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, we are grateful you have guided us back together tonight from our various districts and various tasks. We are privileged to serve you in this place. What shall we bring to you, Lord, in return for all of your loving kindness? What offering may I bring? Lord, you ask us to bring you everything because you have given us everything. Glory to you for your love and for your mercy and for your patience. Glory to you for forgiving us all of our sins. And you have cast our sins as far as the east is from the west. You are the light of the world. You give our lives strength. To you be the glory for endless ages. Amen."

The Chair grants leaves of absence for tonight to Senator Garrou, Senator Jenkins, and Senator Mansfield.

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

The Chair extends privileges of the floor to Dr. Robert Majors from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Dr. Linda O'Boyle from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

S.B. 13, AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011.

February 14, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 14, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 50**, 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

ADDITIONAL SPONSOR

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

S.B. 34, 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.

Upon motion of Senator Phil Berger and in accordance with H.J.R. 50, 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 stands adjourned, subject to the introduction of bills, receipt of messages from the House of Representatives and committee reports, to reconvene Tuesday, February 15, at 3:00 p.m.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

February 14, 2011

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives.

The Honorable Thom Tillis, Speaker of the House of Representatives, presides and recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice, the Associate Justices of the Supreme Court of North Carolina, and the Judges of the Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House of Representatives to open the doors and escort the members of the Judiciary to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the members of the Council of State and the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the door of the House of Representatives and escort the members of the Council of State and the Governor's Cabinet to their seats.

The Speaker extends the courtesies of the House to the First Gentleman of North Carolina, Mr. Bob Eaves, 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. Speaker *Pro Tempore* Folwell 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 2011 General Assembly.

STATE-OF-THE-STATE ADDRESS

“Good evening. Thank you, Lieutenant Governor Dalton, and good evening to all of you. Thank you, Speaker Tillis, President *Pro Tem* Berger and all of you here, ladies and gentlemen of the General Assembly, members of the Cabinet and Council of State. Thank you for coming. To our distinguished members of the judiciary and honored guests and all of our fellow North

February 14, 2011

Carolínians around the State tonight, it is my privilege to be here with you tonight. I am joined by some very special people in my life and I would like to introduce them. My husband, Bob Eaves, North Carolina's First Gentleman, and my sons and their wives, Garrett and April, and Emmett and Sarah. Now before I begin, I've been told all day that many of you in this room have been blaming me for destroying your Valentine's Day for your significant other or whomever it might be. This speech doesn't last all night and I'm sure you can still find flowers or candy or a good restaurant somewhere tonight and so just don't blame me. I know that I have made life difficult for legislators before, but tonight I am not your excuse. This is my second opportunity to speak to you about the state of our State. Tonight finds us in a very different place than two years ago. Two years ago we stood at the precipice of economic disaster. The stock market was in tatters, construction in North Carolina had come to a screeching halt, business profits were down and companies were closing their doors. Workers were losing their jobs and families were losing their homes. We literally stood on a cliff, the very edge of that cliff, and when we looked over we saw the potential collapse of the very foundations on which we have built the North Carolina I love today. We saw deficits and foreclosures; we saw unemployment and we saw bankruptcy. It was enough to make the best and strongest turn and just give up. But, my friends, we in North Carolina did not give up. We North Carolínians looked over that edge and we did not flinch. Instead, we began systematically one day at a time to overcome whatever the global recession threw at us. We squared up and put the bat to our shoulder and we swung hard. Two years later, North Carolina is winning at that game and the nation, my friends, is noticing. We have garnered national acclaim as leading the way out of the recession and creating a business climate that is the envy of every other state in America. We are in the top ten states to improve our unemployment record. Our rate has dropped by nearly one-and-a-half points since last February. Businesses are now investing in North Carolina, building new facilities, expanding their existing plants and putting our people to work. We have announced more than 300 new projects. Companies we all know, Red Hat, Caterpillar and Electrolux and on and on, and some companies we are getting to know like NS Aviation in Winston-Salem or Tasz in Caldwell County. Businesses have pledged to create 58,000 jobs and they are investing 12.5 billion dollars into the Tar Heel State and our people. We are moving forward. In a twenty-four month period, we have faced down a collective 5.5 billion dollar deficit in this state's budget and we have made tough decisions. We've cut services, saving more than half a billion dollars. We've furloughed workers, saving 60 million dollars. We've frozen salaries and closed programs, saving a combined 350 million dollars, cuts that saved us hundreds of millions of dollars. In spite of these tremendous financial challenges, North Carolina, our State, stands tonight with a balanced budget, one of only eight states in America to maintain our Triple-A bond rating, and we're recognized by *Site Selection* magazine, *Forbes*, *USA Today* and others around the Country as either the very best place to live, to work and to play or one of the best States. That's North Carolina I'm talking about. But there is much work still to be done, and there are many North Carolínians still hurting but they are still fighting. We all know

February 14, 2011

someone, all of us do; a spouse, a neighbor or a friend who is out of work who is continuing to look. As long as this is true, our work here in this body is not finished. But North Carolina, my friends, is moving forward. You can take it to the bank. We are not afraid to change in this State, to adapt to a new economic reality. And as I've said before over and over, all of us have to manage for results. That means resetting the way we do things. It's more than just making those hard decisions about where to cut the budget and what jobs to eliminate. It's more than just repositioning our resources or shuffling things around or simply moving chairs on the deck. It's about real, significant, and sustainable change, resetting state government to work in this new reality that we find ourselves in and to work for the people who call this State home. North Carolina looks very different today than she looked two years ago. We've welcomed more than 400,000 new people into this State. Our public schools continue to grow to meet the demands of a new North Carolina. We've enrolled more than 5,000 new students over the last two years. And our business recruitment strategies have been renewed with an eye on global, high-tech economies where North Carolina is no longer competing simply with Georgia, Virginia, or South Carolina, but today we compete with China and India and countries around the globe. The budget that I will deliver to you later this week is 2.2 billion dollars less than the budget I inherited in 2009. It spends 11 percent less per capita and it sheds thousands and thousands of state positions. Never before in history has North Carolina better lived the phrase "doing more with less" and we have to continue to do more. North Carolina must be agile and responsive to our citizens, less bureaucratic as we focus our limited resources on our core missions which are jobs and education. I've called upon the General Assembly to act where I am unable to. I've sent over 345 boards and commissions for your review. I've asked you to eliminate those that don't clearly benefit our businesses or our people. I submitted more than 900 state regulations that are outdated and confusing. It's the first wave of the results of the Regulatory Review that I began three months ago. Eliminate those 900 now and get ready because there are hundreds more that I will be sending to you in the coming weeks. Later this week, I will present to you a budget that consolidates 14 state agencies into 8. That privatizes some services. That continues the hiring freeze and halted pay raises in all but critical jobs areas. We are going to offer an early retirement package in this budget to those who qualify shedding as many as a thousand workers. So we will not just make government smaller, we will make it more efficient, more capable of serving the 9.5 million people who call this great State home. We have embraced public and private partnerships and new technology, not as a substitute for our own ingenuity, but as a way to enhance what we do. Cops on our street are using new databases and radio networks. Probation officers now communicate with the entire justice system to better protect us and themselves. Medicaid officials are using new software to hunt down fraud, saving money and helping catch those bad actors who are trying to scam our system. We are also providing a 21st century education imbedded with technology, more career and academic choices for students of all ages. We've established a new level of accountability for our teachers and our administrators. Today, 46,000 high school students are

February 14, 2011

taking courses, probably as we speak tonight, from the North Carolina Virtual High School. Teachers are using handheld computers all over the State to determine what a child needs to know so the child can get the help needed before he or she falls so far behind they'll never be able to catch up. It makes such good common sense. A year ago I asked this General Assembly and folks across North Carolina to join me in our Career and College Ready Set Go initiative. We challenged educators at all levels, from kindergarten through community colleges and the universities, to focus on one single goal - to prepare all of our students to graduate ready for a career, college or technical training. North Carolina accepted that challenge with gusto. Leaders from throughout the education community and beyond joined together to make Career College Ready Set Go the standard for public schools all across the State. Then, as North Carolina so often does, we took it a step further. Using Ready Set Go as our foundation, we applied for federal Race to the Top dollars, and we won. We won because we are not afraid to think differently and to demand more from our students and our educators. We were recognized nationally. We are one of 12 states in America that won this contest. Career and College Ready Set Go won us 400 million dollars. That's funds to help our kids and teacher do better and now North Carolina sits on the spot of states to watch across America as we transform our public education system. So we are resetting state government, and we're resetting education. And we are also resetting the way we go after businesses and the jobs that they bring North Carolina. Last summer, a company called Clearwater Paper was looking for a site for a new manufacturing and distribution center. They looked everywhere. When they came to North Carolina, they found a business climate where clusters of 21st Century industries thrived. They talked to us about the green business, companies that are tied to our vibrant military bases, about the innovative start-ups that are all over the state, the next generation of SAS or Quintiles. They saw local and state governments that are willing to work together and don't care who gets the credit. They found flexible recruiting tools like the One North Carolina Fund. Last June, after considering more than 100 different sites in several states across America, Clearwater Paper decided, like so many other companies have decided, that North Carolina is the state for their business and workers. They are investing 260 million dollars to set up shop in Shelby and over five years, they are going to employ about 250 people. Gordon Jones, the company's Chairman and CEO, explained his decision in choosing North Carolina to me this way. He said, 'It was a critical combination of four things: reasonable taxes, good highways, an available quality workforce and a very good working relationship with city, county and state agencies. Put them together and that made North Carolina the right choice for us.' Mr. Jones is here with us tonight in the gallery. Would you please stand up, Gordon. Let's welcome you and Clearwater to North Carolina. Now Clearwater and its 250 jobs could have gone anywhere. So could Plastek, which is bringing 250 new jobs to Hamlet and that's a huge deal in a town of only 6,000 people. They all seemed to pick North Carolina because we use every tool in our toolbox to convince companies that the Tar Heel State deserves our reputation as the best place in the Nation to do business. Let me be very clear tonight, that includes our use of business

February 14, 2011

incentives. Tonight, I propose giving North Carolina one more tool to attract new jobs and to grow jobs here in existing small businesses - tax relief for corporations and for small businesses. Right now, we have, in North Carolina, the highest corporate tax rate in the southeast. That means our businesses are paying more taxes when they could be creating jobs. That's a strike against us from day one as we work to convince businesses that North Carolina is the best value for them and their company. Businesses look at more than the bottom line, but the bottom line is the big difference maker in a company's decision to relocate. So in this budget we will continue to fund our business incentives for job growth and job recruitment and I am asking the General Assembly to lower North Carolina's corporate tax rate to 4.9 percent. That will make us, North Carolina, the lowest in the southeast and one of the lowest in the Nation. This change will push our State to the forefront in growing jobs for our people and that, my friends, must be the number one priority for every one of us in this Chamber tonight. I also understand clearly that existing small businesses are the core of our State's economy. That's why I worked with the North Carolina Rural Center to develop the Capital Access Program. Now the Capital Access Program is the very first in the Nation to put federal Treasury funds into the hands of small business owners who are desperate out there to find capital in loans. With 46 million dollars in federal money, North Carolina can leverage up to 800 million dollars in loans from banks all over this State. Those loans will be used to grow businesses and create jobs. Everywhere I have gone for the last two years, this is the number one worry I have heard from small business owners or from companies who are desperate and hungry to start up. They say to me, 'I can't find capital.' Well, now you can in North Carolina. My job creation package will be more robust than ever before, investing in incentives to support small businesses and green companies. We will provide tax breaks for companies like LSG Printing here in Raleigh. Let me tell you a little bit about LSG Printing and Wayne Branch. Mr. Branch started his company ten years ago. He had two employees and he shared an 800-square-foot space with another printer. He carved out a niche. He printed plans and technical documents for architects and engineers and his business began to grow. But then the recession hit and construction just went to the bottom. Wayne adapted his business in the spirit of reinvention that we know so well here in North Carolina. He started providing green projects, producing electronic documents instead of using paper. He started selling copy equipment and those giant signs that wrap around trucks and buses. And he ventured into web design. Wayne now has 36 employees, a 14,000 square-foot printing plant and a satellite office in Greensboro. Wayne is in the gallery tonight. We welcome you and would you please stand up so we can say congratulations on having that North Carolina spirit. And we know we also want to draw outside money into our State, but, more importantly, we also want to keep North Carolina dollars and jobs here. So I have expanded our North Carolina Business Preference to include information technology purchases, making sure that more North Carolina tax dollars go to North Carolina-owned businesses. A year ago we used an Executive Order to create the North Carolina Business Preference. It gives our own home-grown companies the opportunity to match the low bids for state

February 14, 2011

government contracts. That means we keep those North Carolina tax dollars here and we keep our citizens working. That's just plain ol' good North Carolina common sense. These days our economy is increasingly driven by knowledge instead of muscle, so as the State transforms, government must adapt. It's the only way to continue our progress. We are writing our own story of North Carolina as we continue to create the promise of tomorrow for our children and grandchildren. Friends, we in North Carolina know how to do this. This is not the first time that our State has been challenged by adversity, nor the first time North Carolinians have had our resolve tested. We were the first state, in America to call for independence before the American Revolution. The Nation's very first public university sits in North Carolina. North Carolinians transformed a Greensboro lunch counter into a beacon for the Civil Rights movement. We turned a plot of undeveloped pine forest into the world-renowned Research Triangle Park. Tar Heel families give our sons and our daughters to the Army, the Navy, the Air Force, the Marines, the Coast Guard, and the National Guard. We cry together when they are wounded or when they give their lives for America and we rejoice together when they come home. Through it all, we declare ourselves in this State, declare ourselves our North Carolina, the most military-friendly state in America. We are the people who refuse to turn backwards. That's just not in our bloodstream. We have the ambition to conquer tomorrow, all of us in this room and across this State. Generation after generation, North Carolinians have risen to meet the challenge and they've overcome what many other states, especially states in the South, have never been able to get right. Decade after decade, in this State, our leaders, from both parties, from the public and private sectors, have consciously chosen to do whatever it takes to ensure that North Carolina is the most progressive state in the South and in America. I'm talking about Governors Hunt and Sanford, Martin and Holshouser - visionaries who knew how to focus on what sets North Carolina apart. They were never afraid to reinvent, to innovate, or change the game. They never ran away from tough choices or necessary investments to protect what's core to us as a people, education. Last year I had the privilege to visit China on a trip to recruit new businesses and to develop our economic relationships with North Carolina's second largest trading partner, China. It was my first time in the Country, and I'll tell you, I wasn't fully prepared for what I saw or how I felt when I came back home. I went into classrooms where children were studying concepts far in advance of American children of similar ages. They seem to demand more work out of their kids. They require much more involvement from parents. They expect no less than excellence from their teachers and their parents and their schools. Education in China is a major part of the reason that their workers are now global competitors. Make no mistake, my friends, they are North Carolina's competition and they have learned from our successes. Brian Crump of Catawba County knows what I mean. Let me tell you a little bit about Brian tonight. China changed his life too, but in a very different way. Brian was a high school football player. He got decent grades; he graduated high school and he went to work in a furniture factory shortly after he graduated high school. He got married and they have three beautiful kids. Life was great for Brian and his

February 14, 2011

family. Then the factories started laying off workers or they started closing. You saw the influx of the Chinese imports coming into our Country and State, competing with American products. Six years ago, Brian lost his job. He was angry. He'd worked hard and he had built a good life as a factory worker. He didn't know how to do anything else. But he had a family at home to support and couldn't take time to feel sorry for himself. Brian made a choice that so many North Carolinians have made throughout this recession. Brian decided he had to reinvent himself. He turned to Catawba Valley Community College and he started training for a job that had always called out to him, but a job he had never actually dreamed would be possible for him, being a paramedic. It wasn't an easy choice. After a year in school, Brian's finances were short. He fell behind on his mortgage and at one point he even had to sell his truck to make ends meet. He said to me: 'I was in shambles.' But Brian did something else we North Carolinians are known for - what got us our nickname as the Tar Heel state - he stuck with it. He slogged through that second year, and today, Brian Crump is a paramedic for Catawba County EMS. Brian took a hard time and an economic challenge, and turned it into an opportunity to change his life and his family's life. Brian is here with us tonight. Brian, will you and your family please stand up? This is who we are in North Carolina. We have an unmatched capacity to persevere. We grow stronger with adversity. The fires of the recession have forged a new North Carolina, one where we never, ever lose faith in our possibilities. So many of those possibilities point directly back to education. Brian Crump had access to a stellar community college system that could help him retool and retrain. He took advantage of that resource and took a life that was turned upside down and righted it. There are thousands and thousands and thousands of North Carolinians out there right now who are looking for that same kind of turnaround. Others are looking for a start. While we've seen North Carolina's high school graduation rate increase to 74 percent. That simply is not good enough to reach our North Carolina's goal for EVERY child to graduate high school ready for a career, college or technical training - how many of those students drop out of high school because they see no way to ever be somebody? They never have big dreams. How many give up because they don't understand the value of a high school education or because they never dreamed about career training or college because they didn't think they could afford it? Tonight I am following through with a promise I made to North Carolina more than two years ago, a College promise. Except tonight I am rebranding it as North Carolina's Career and College Promise. By consolidating existing programs and nurturing partnerships between high schools and our community college system, career training and a college degree will be more affordable to our students than ever before. In the budget I will submit to you, any high school junior who signs up at school for the Career and College Promise - who meets certain criteria while maintaining high academic standards will be eligible to earn a two-year college career or college degree at no cost. The students of the Career and College Promise will have a new reason to stay in school - because for what may be the first time for many of them or for their families they will have a clear, attainable path to success. They will have the ambition to conquer tomorrow. You know they will be the workforce we

February 14, 2011

depend on to propel our futures. These students will be the workers who fill our 21st Century industries and workplaces. The North Carolina Career and College Promise will set them on the path to a career or college degree. But we can never forget that real education begins in the early years, long before a child reaches high school. Every single child in this state must have the very best education we can muster. Every single child has a right under North Carolina's constitution to a basic, quality, sound public education, no matter where he or she lives. I go in and out of schools all across North Carolina and I meet many, many marvelous teachers and principals. Teachers like Jennifer Facciolini, of Midway High School in Newton Grove. Jennifer is North Carolina's teacher of the year and she is here with us tonight. Jennifer, will you please stand up. Now, we wish every classroom in this State had a teacher like Jennifer. But the truth is, teaching positions have been lost during this recession. There are schools all over the State that are failing our children and there are teachers and administrators failing to meet the standards of excellence that we need and demand from them. My friends, this is unacceptable. The budget I submit to you will fund every current state-supported teacher and teaching assistant position. We will demand that all teachers and administrators meet our standards of excellence or we will replace them. Now is **not** the time to let our children fall behind. We have to act decisively and we must act now to ensure all children in every single school system get the sound, basic education they must have to compete in the workforce of tomorrow. And it's good for us because it keeps North Carolina competitive. I urge the General Assembly to join me in making critical decisions about how we invest our State's resources. The leaders in this room tonight have a decision to make. You can invest in our students or cross your fingers and hope for the best. We all understand this state is facing a 2.4 billion dollar deficit. The cuts have already begun, and so has the debate over where to cut more and more and more. I have made deep and painful cuts and I want you to know that I will listen to any suggestion for cutting waste, for finding savings and stretching our limited resources. But there is one thing I will not do - I will not sacrifice our children's future. We cannot eliminate teachers, whose job it is to build that future and the future of this great State. You know how I love history and I read a lot of history and if you read the history of North Carolina you know that no governor or legislature in our history has ever walked away from that core responsibility, and I refuse to be the first. Tonight, you have heard me talk about what makes North Carolina great. You have heard me talk about our capacity to change, our toughness in the face of adversity, our relentless ability to reinvent ourselves and to keep on going when the going gets tough. You have heard me praise the leaders that came before us, who made conscious choices to invest in our children and their future and you heard me talk about my priorities of creating jobs and educating our children and transforming state government. Hear me now. I will not back down from those priorities. I will not play partisan politics and I will reach across the aisle day after day to find compromise. I will sacrifice some of my goals if it means protecting our children's education and growing new jobs for our people and for this state. I challenge you to do the same, for our people, for our state, and for our children. We in North Carolina can never forget what those leaders before us

February 14, 2011

knew so well. The story of North Carolina is still being written and this chapter belongs to us. Someday, when our children learn of our present struggle and the choices we made - when they read the history of this moment - they will turn the page and learn that in this great State, we, like our forbearers, refused to betray our future just to soothe the sting of our present need. They will learn that through our faith in each other and in God, we were undaunted. Join me in this endeavor so when that day comes, our children can proudly recall our fierce ambition for their tomorrows. God bless you and God bless the great State of North Carolina.”

The Escort Committee is recognized to escort Governor Perdue from the Hall of the House of Representatives.

Upon motion of Senator Phil Berger, seconded by Speaker Tillis, the joint session is dissolved and, pursuant to the motion prevailing earlier in the Senate, the Senate adjourns at 7:41 p.m., subject to the introduction of bills, receipt of messages from the House of Representatives and committee reports, to reconvene Tuesday, February 15, at 3:00 p.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Davis:

S.R. 59, A SENATE RESOLUTION HONORING CLAY COUNTY ON ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

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

By Senators Robinson (Primary Sponsor); Atwater, Bingham, Blue, Garrou, Jones, Kinnaird, Mansfield, McKissick, Pate, Preston, Purcell, Walters and White:

S.B. 60, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH.

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

By Senators East (Primary Sponsor); Hise and Tillman:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE.

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

February 14, 2011

By Senator Mansfield:

S.B. 62, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS TO MAKE UP SNOW DAYS BY REQUIRING STUDENTS TO COMPLETE LESSONS POSTED ONLINE.

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

By Senator Jenkins:

S.B. 63, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT CERTAIN PERSONS ARE NOT SUBJECT TO THE STATUTES GOVERNING COLLECTION AGENCIES.

Referred to the **Commerce Committee**.

By Senators Davis (Primary Sponsor) and Apodaca:

S.B. 64, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW.

Referred to the **Judiciary I Committee**.

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE.

Referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

February 14, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80020, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWELFTH DAY

Senate Chamber
Tuesday, February 15, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, it's hard to imagine anything better than spending time with you, Lord. In fact, you have given us nothing more spectacular than your very self and because of that, we are grateful on this day. May we know as a community, as Senators, as staff, as servants of a most high God, that in all our activity, you are faithful. As Timothy reminds us in Scripture, 'If we are faithless, He remains faithful, for He cannot deny Himself.' May we marvel at your faithfulness to us and the distance you traversed in which to bring us to yourself. For Christ's sake, Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, February 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Holly Biola from Durham, North Carolina, who is serving the Senate as Doctor of the Day, and to Barb Smith from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with a favorable report.

February 15, 2011

By Senator Walters for the **State and Local Government Committee**:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF PARMELE FROM THREE TO FIVE MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55054, is adopted and engrossed.

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 27, A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, with a favorable report.

By Senator Apodaca for the **Select Committee on UNC Board of Governors**:

S.R. 52, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to adoption of Senate Resolution, but favorable as to adoption of Committee Substitute Senate Resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute Senate Resolution 35050, is adopted and engrossed.

INTRODUCTION OF A BILL AND A RESOLUTION

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

By Senators Apodaca (Primary Sponsor); Atwater, D. Berger, Bingham, Blue, Brunstetter, Clodfelter, Dannelly, Garrou, Graham, Harrington, Hise, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Pate, Purcell, Rabon, Robinson, Soucek, Stein, Tillman, Vaughan, Walters and White:

S.R. 65, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Clary (Primary Sponsor); Hise and Newton:

S.B. 66, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED DEER USING A SINGLE DOG ON A LEASH.

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

February 15, 2011

CALENDAR

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

H.B. 2 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, February 16.

SENATE PAGES

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

Nathan Andrews, Vale; Victoria Martin, Oxford; Ashley Staton, Hendersonville and Micaela Thiery, Hendersonville.

Upon motion of Senator Phil Berger, seconded by Senator Doug Berger, the Senate adjourns at 3:11 p.m., subject to the receipt of committee reports, to meet Wednesday, February 16, at 2:00 p.m.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 16, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, it's a good thing to be in your presence today. It's a good thing to be here in this Chamber. But, Lord, sometimes our differences become magnified. Lord, we often shy away from wrestling with tough issues. Even more, Lord, we shy away from wrestling with you. We hear of Jacob wrestling with you, and it actually encourages us because we are all human. Whether it is the health of our own moms, our friend in the hospital, or the health of this State, Lord, we come to you because we know we are not just wrestling as men and women. You are in our midst, El Ohim, turning water into wine. And as you turn us from water into wine, remind us that you care and that you have the last say. You love us,

February 16, 2011

Lord, and that is good news. Father, as we wrestle, help us to trust this process. Would you direct your piercing love down upon us to lead us down paths of righteousness. May you be our vision. May you be our 'very present help in a time of need.' And Jesus, you do that. You protect us. In you, Lord, we can say with David, 'Hide me under the shelter of thy wing.' Amen."

The Chair grants leaves of absence for today to Senator Apodaca, Senator Garrou, and Senator Mansfield.

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

The Chair extends privileges of the floor to Gail Ward from Elizabeth City, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS.

Upon motion of Senator Brunstetter, the bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

S.B. 29, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF THE TOWN OF PARMELE FROM THREE TO FIVE MEMBERS.

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. 2 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE.

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

February 16, 2011

Senator Allran offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (30-18) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence.

S.R. 52 (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

The Committee Substitute Senate Resolution is adopted (47-1).

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE NUMBER OF CHARTER 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 55057, which changes the title to read **S.B. 8** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS, is adopted and engrossed.

Upon motion of Senator Phil Berger, seconded by Senator Tillman, the Senate adjourns at 2:57 p.m., subject to the introduction of bills and resolutions and receipt of committee reports, to meet Thursday, February 17, at 11:00 a.m.

February 16, 2011

INTRODUCTION OF BILLS

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

By Senators Clary, Tucker, Goolsby (Primary Sponsors); Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, East, Forrester, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Rouzer, Rucho, Stevens and Tillman:

S.B. 67, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

Referred to the **Judiciary I Committee**.

By Senators Walters (Primary Sponsor); Apodaca, Jackson and Purcell:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY.

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

By Senators Clary (Primary Sponsor); Atwater and Jackson:

S.B. 69, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE RONALD MCDONALD HOUSE CHARITY.

Referred to the **Finance Committee**.

By Senators Kinnaird (Primary Sponsor); Atwater, D. Berger, Graham, Jenkins, Jones, Mansfield, Robinson, Vaughan, Walters and White:

S.B. 70, 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, TO REQUIRE THOSE AGENCIES TO MAINTAIN THE CONFIDENTIALITY OF THE EXPUNGED INFORMATION, AND TO MAKE CONFORMING CHANGES.

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

By Senators Kinnaird (Primary Sponsor); Atwater, Graham, Jenkins, Jones, Robinson, Vaughan and White:

S.B. 71, A BILL TO BE ENTITLED AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

Referred to the **Commerce Committee**.

February 16, 2011

By Senators Kinnaird (Primary Sponsor); D. Berger, Blue, Graham, Jones, McKissick, Preston, Purcell and Robinson:

S.B. 72, 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 **Finance Committee**.

By Senators Daniel, Allran, Harrington (Primary Sponsors); Blake, Brock, Brunstetter, Davis, Forrester, Goolsby, Hunt, Jackson, Newton, Rabon, Soucek and Tucker:

S.B. 73, 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 Senators Gunn (Primary Sponsor); Brown, Clary, Davis, East, Goolsby, Hise, Hunt, Jackson, Meredith, Rouzer, Soucek, Tucker and Vaughan:

S.B. 74, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

By Senators Hartsell (Primary Sponsor); Bingham, Clodfelter, Mansfield and Meredith:

S.B. 75, 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 Hartsell, Rucho, and Clary (Primary Sponsors):

S.B. 76, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE INDUSTRIAL FACILITIES SALES TAX REFUND AND A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION.

Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 55, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN MECKLENBURG COUNTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

February 16, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55058, is adopted and engrossed.

By Senator Davis for the **State and Local Government Committee**:

S.B. 46, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES AND COYOTES IN SURRY 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 85026, which changes the title to read **S.B. 46** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FOURTEENTH DAY

Senate Chamber
Thursday, February 17, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, I was blind, but now I see. Give us this day our daily bread and forgive us our debts as we forgive our debtors. Lead us not into temptation, but deliver us from evil. In Christ name, Amen."

The Chair grants leaves of absence for today to Senator Daniel and Senator Garrou.

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

February 17, 2011

The Chair extends privileges of the floor to Frank Castelblanco from Asheville, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS

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

By Senators Bingham (Primary Sponsor); Allran, Blue, Brown, Brunstetter, Clary, East, Goolsby, Hunt, Jenkins, Jones, Kinnaird, McKissick, Newton, Preston, Purcell, Stevens and Tucker:

S.B. 77, A BILL TO BE ENTITLED AN ACT TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE OFFENSE OF TRAFFICKING IN MDPV.

Referred to the **Judiciary II Committee**.

By Senators Stevens (Primary Sponsor); Allran, Atwater, Bingham, Blake, Hise, Jackson, Robinson and Rouzer:

S.B. 78, 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 Stevens (Primary Sponsor); Allran, Atwater, Bingham, Blake, Hise and Jackson:

S.B. 79, 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 Senator Brunstetter:

S.B. 80, A BILL TO BE ENTITLED AN ACT TO RESTATE THAT THE TOWN OF LEWISVILLE HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE

February 17, 2011

CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."

Referred to the **Judiciary I Committee**.

CALENDAR

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

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY 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.

February 17, 2011

S.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN 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 by special message.

ADDITIONAL SPONSOR

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

S.B. 74, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

S.B. 73, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "CHOOSE LIFE" SPECIAL LICENSE PLATE.

Upon motion of Senator Phil Berger, seconded by Senator Jones, the Senate adjourns at 11:17 a.m., subject to the receipt of committee reports, to meet Monday, February 21, at 7:00 p.m.

FIFTEENTH DAY

Senate Chamber
Monday, February 21, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we thank you for binding together this body. We thank you for making us a bit of a family. And, Lord, at this moment one of our family is grieving. Lord, we just don't understand you sometimes. It's really that simple. Lord, you are the creator of all things and you are the balm of Gilead, but

February 21, 2011

sometimes we just don't feel that balm. So I lift up your beloved daughter, Kelly Nicholson, as she has lost her husband and we ask you to comfort her, Jesus. Comfort her as only you can. As a woman of faith, I pray that you will surround her in this time by her family, her church body at Apostles, and through her friends. We come to you because we are weak and we thank you because we have confidence that you are strong, that you are our 'fortress' and that you are 'very present' in a time of need. Sometimes we just have to throw our hands up and trust the words you say, 'Come to me all who are heavy laden and burdened and I will give you rest.' We know that there are others that are around us dealing with loss. And, Lord, we simply beg you to draw near and to do your work. Amen."

The Chair grants a leave of absence for tonight to Senator D. Berger.

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

The Chair extends privileges of the floor to Dr. Conrad Flick from Cary, North Carolina, who is serving the Senate as Doctor of the Day, and to Demetria Craig from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Kinnaird:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY.

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

By Senator Rabon:

S.B. 82, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

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

February 21, 2011

By Senator Newton:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987 LOCAL ACT RELATING TO THAT BOARD.

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

By Senators Robinson (Primary Sponsor); Atwater, Brock, Dannelly, Graham, Hise, Jones, Kinnaird, Mansfield and McKissick:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA SHALL HAVE THE SAME RIGHT TO VOTE AS ALL OTHER MEMBERS.

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

By Senators Meredith (Primary Sponsor); Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White:

S.R. 85, A SENATE RESOLUTION HONORING THE DEDICATION OF THE NORTH CAROLINA VETERANS PARK.

Pursuant to Rule 40(b), the Senate Resolution is placed at the end of tonight's calendar for adoption.

By Senators Harrington, Clary, Forrester (Primary Sponsors); Allran, Apodaca, Bingham, Brock, Daniel, Davis, Goolsby, Gunn, Hise, Hunt, Meredith, Newton, Preston, Rabon, Rouzer, Rucho, Soucek and Tucker:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS.

Referred to the **Judiciary I Committee**.

By Senators Apodaca (Primary Sponsor); Harrington, Hise, Meredith, Rabon, Rouzer and Rucho:

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

Referred to the **Judiciary I Committee**.

February 21, 2011

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 48, A BILL TO BE ENTITLED AN ACT TO REDUCE SPENDING BY ELIMINATING 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**.

CALENDAR

A Senate Resolution on tonight's calendar is taken up and disposed of, as follows:

S.R. 85, A SENATE RESOLUTION HONORING THE DEDICATION OF THE NORTH CAROLINA VETERANS PARK, placed earlier on tonight's calendar for adoption.

The Senate Resolution is adopted (46-0).

SENATE PAGES

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

Cameron Chauvaux, Cary; Sarah Cooper, Swansboro; Nick Hall, Raleigh and David Torres, Raleigh.

Upon motion of Senator Phil Berger, seconded by Senator Gunn, the Senate adjourns at 7:15 p.m. to meet Tuesday, February 22, at 3:00 p.m.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 22, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord we are all weak and we pray for our brother who is resting. We pray you be with him. That you would go to him as only you can and comfort him with your spirit. And Lord it's good that you find joy in us, your children. You

February 22, 2011

take delight in us despite being prone to wander. Despite our unrighteousness, our wretchedness, you have laid down your life for us, your friends. Greater love hath no man. We are grateful for your presence today here amongst us. We are grateful because sometimes we are hard of hearing. We come into this Chamber very different from different places, with incredibly different motivations and, Lord, we are thankful that you not only can see through those struggles, but that you can see to the bottom of them. You place us in situations that bring us to the end of our rope. Ultimately, Lord, we must not stand, but kneel. To ask for your help. And so in the face of that, and in the face of, many issues that we face, my prayer is that you, Holy Spirit, would speak to them and that you would help them hear from you. And as we consider that, Lord, we are thankful that we are not left alone, but like a great doctor, you come to us and you speak over us and so Lord I ask that you speak over these men and women the words you spoke over the prophet Zephaniah, 'Sing aloud O daughter of zion. Shout O Israel, rejoice and exalt with all your heart, O daughter Jerusalem. The Lord has taken away the judgments against you. He has turned away your enemies. The King of Israel, the Lord is in your midst. You shall not fear disaster. The Lord is in your midst. O warrior who gives victory. He will rejoice over you with singing, he will renew you in his love, he will exalt over you with loud singing.' Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, February 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Bobby Lowery from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED RESOLUTION

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. 17, A JOINT RESOLUTION TO ESTABLISH THE JOINT REGULATORY REFORM COMMITTEE. (Res. 2)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Davis for the **State and Local Government Committee**:

S.B. 68, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY, with a favorable report.

February 22, 2011

By Senator Allran for the **Judiciary II Committee**:

S.B. 34, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75033, which changes the title to read **S.B. 34** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE, INCLUDING FORCE THAT IS INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM, AND TO CREATE A PRESUMPTION THAT A PERSON IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS BODILY HARM IN CERTAIN CIRCUMSTANCES, is adopted and engrossed.

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 Preston, Soucek, and Tillman (Primary Sponsors):

S.J.R. 88, 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**.

By Senator Preston:

S.B. 89, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SUSTAINABLE FISHERIES SPECIAL PLATE.

Referred to the **Finance Committee**.

By Senators Tillman, Preston, and Soucek (Primary Sponsors):

S.J.R. 90, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR TO THE STATE BOARD OF EDUCATION.

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

February 22, 2011

By Senator Hartsell:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET ACCESS IN RURAL AND URBAN AREAS.

Referred to the **Commerce Committee**.

By Senators Soucek, Tillman, and Preston (Primary Sponsors):

S.J.R. 92, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

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

By Senators Hartsell, Clodfelter, Tillman (Primary Sponsors), Jenkins, Stein, Daniel; East and Jones:

S.B. 93, A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE.

Referred to the **Finance Committee**.

By Senators Hartsell, Tillman, Newton (Primary Sponsors), Jenkins, Stein; East, Jones and Rucho:

S.B. 94, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE.

Referred to the **Finance Committee**.

By Senators Kinnaird (Primary Sponsor); Graham, Mansfield, McKissick, Purcell and Robinson:

S.B. 95, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE FAIR HOUSING ACT TO PROHIBIT DISCRIMINATION ON THE BASIS OF RECEIPT OF HOUSING ASSISTANCE.

Referred to the **Commerce Committee**.

By Senators Kinnaird, McKissick (Primary Sponsors); D. Berger, Goolsby, Graham, Jones, Robinson and Vaughan:

S.B. 96, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST INFORMATION FROM AN APPLICANT FOR EMPLOYMENT OR ADMISSION REGARDING AN ARREST OR CRIMINAL CHARGE AGAINST THE APPLICANT THAT HAS BEEN EXPUNGED.

Referred to the **Judiciary II Committee**.

February 22, 2011

By Senators Rucho, Hartsell, Daniel (Primary Sponsors); Apodaca, Blake, Brock, Davis, Harrington, Hise, Mansfield, Meredith, Newton, Pate, Rouzer and Tucker:

S.B. 97, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION.

Referred to the **Finance Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 59 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

Referred to the **Judiciary II Committee**.

CHANGES TO 2011 SENATE COMMITTEES

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

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

Senator Gunn is removed from the **Appropriations Subcommittee on Department of Transportation**.

Senator Hise and Senator Meredith are appointed to the **Appropriations Subcommittee on Department of Transportation**.

COMMITTEE APPOINTMENT

Senator Phil Berger, President *Pro Tempore*, announces the establishment of the **Joint Regulatory Reform Committee**. The members are as follows:

Senator Brown, Co-Chair; Senator Rouzer, Co-Chair; Members: Senator Clary, Senator Clodfelter, Senator East, Senator Gunn, Senator Jackson, Senator Jenkins, and Senator Walters.

February 22, 2011

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 Senators Clary, Rucho, and Hartsell (Primary Sponsors):

S.B. 99, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS.

Referred to the **Finance Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 3:22 p.m., subject to the receipt of committee reports, to meet Wednesday, February 23, at 3:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 27, A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35072, is adopted and engrossed.

February 22, 2011

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE 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 35067, is adopted and engrossed.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTEENTH DAY

Senate Chamber
Wednesday, February 23, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"For the poor, the homeless, the addicted and those begging on the streets, may we not turn away from them no matter how distasteful and offensive their circumstances might be. Let us pray to the Lord for these Senators gathered, our Speaker of the House, and for all these servants. We thank you and we praise you Lord and we ask you to bless them and to shine your face upon them. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, February 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Robin Hackmann Leib from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

February 23, 2011

ENROLLED BILL

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

H.B. 2, AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

S.J.R. 88, 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 a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar.

S.B. 20, A BILL TO BE ENTITLED AN ACT REGARDING THE REFUND POLICIES OF PROPRIETARY 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 35075, which changes the title to read **S.B. 20** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING PROPRIETARY SCHOOLS, is adopted and engrossed.

S.B. 74, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN 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 65008, is adopted and engrossed.

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

S.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA, with a favorable report.

February 23, 2011

S.B. 58, A BILL TO BE ENTITLED AN ACT MODIFYING THE FMAP CUTS IN THE 2010-2011 STATE BUDGET AND AUTHORIZING THE GOVERNOR TO ADDRESS MEDICAID LIABILITIES INCURRED IN THE 2009-2010 FISCAL YEAR, with a favorable report.

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 13, "An Act to Enact the Balanced Budget Act of 2011."

Section 2 of Senate Bill 13, "An Act to Enact the Balanced Budget Act of 2011," was designed to grant authority to the Governor to reduce expenditures for the remainder of fiscal year 2010-11. This bill provides that the Director of the Budget shall exercise these powers with a goal of reducing recurring expenditures by at least four hundred million dollars (\$400,000,000).

I have already used powers granted to me through existing statutes to reduce expenditures by at least \$400,000,000 for fiscal year 2010-11. This \$400,000,000 has been accounted for in my 2011-13 recommended budget presented to the General Assembly on February 17, 2011.

The remaining sections are not necessary and interfere with the State's capacity to generate jobs and retain industry.

Therefore, I veto this bill.

S/Beverly Eaves Perdue

This bill, having been vetoed, is returned to the Clerk of the North Carolina Senate on this 22nd day of February, 2011, at 3:05 P.M. for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is referred to the **Rules and Operations of the Senate Committee**.

CALENDAR

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

S.B. 68, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON 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. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

February 23, 2011

S.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE, INCLUDING FORCE THAT IS INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM, AND TO CREATE A PRESUMPTION THAT A PERSON IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS BODILY HARM IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, February 24.

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS, upon second reading.

Senator Garrou offers Amendment No. 1 which fails of adoption (19-31).

Senator Stevens offers Amendment No. 2 which is adopted (48-2).

Senator Graham offers Amendment No. 3 which fails of adoption (19-31).

Senator Stein offers Amendment No. 4 which fails of adoption (19-31).

Senator McKissick offers Amendment No. 5 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 34, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---34.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Jenkins, Jones, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---16.

The Committee Substitute bill, as amended, remains on the calendar for Thursday, February 24, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 97, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION, with a favorable report.

S.B. 99, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS, with a favorable report.

S.B. 94, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85043, is adopted and engrossed.

S.B. 76, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CORRECTION TO THE INDUSTRIAL FACILITIES SALES TAX REFUND AND A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE 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 65010, which changes the title to read **S.B. 76** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE INDUSTRIAL FACILITIES SALES TAX REFUND, A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION, TO PROVIDE INTEREST ON OVERPAYMENT OF PROPERTY TAX, AND TO PROVIDE DELAY OF THE COLLECTION OF PROPERTY TAX PENDING APPEAL, is adopted and engrossed.

CALENDAR *(continued)*

S.J.R. 88, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, placed earlier on today's calendar.

February 23, 2011

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 sent to the House of Representatives.

ADDITIONAL SPONSOR

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

S.B. 34, 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.

Upon motion of Senator Phil Berger, seconded by Senator Jenkins, the Senate adjourns at 4:25 p.m., subject to the introduction of bills and receipt of committee reports, to meet Thursday, February 24, at 11:00 a.m.

INTRODUCTION OF BILLS

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

By Senators McKissick, Atwater (Primary Sponsors); Apodaca, Bingham, Blue, East, Forrester, Harrington, Hartsell, Hise, Jones, Kinnaird, Mansfield, Preston, Purcell, Rabon, Rucho, Stevens and Vaughan:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TRANSCRIPT OR ALTERED VOICE REPRODUCTION MAY BE MADE AVAILABLE FOR A 911 CALL SO AS NOT TO IDENTIFY THE CALLER BY THE NATURAL VOICE.

Referred to the **Judiciary II Committee**.

By Senators Atwater (Primary Sponsor); Allran, Bingham, Jones, Kinnaird, Purcell and Robinson:

S.B. 100, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT TRAINING ON INJURY PREVENTION IN NORTH CAROLINA, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

February 23, 2011

By Senators Atwater (Primary Sponsor); Allran, Bingham, Jones, Kinnaird, Purcell and Robinson:

S.B. 101, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR APPLIED RESEARCH PROJECTS TO REDUCE INFANT MORTALITY AND MORBIDITY IN NORTH CAROLINA, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Atwater (Primary Sponsor); Allran, Bingham, Jones, Kinnaird, Purcell and Robinson:

S.B. 102, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE CHILD DEATH RESEARCH AND INVESTIGATION IN NORTH CAROLINA, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senators Hunt (Primary Sponsor); Goolsby, Harrington, Stein, Stevens and Tucker:

S.B. 103, 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 Senators Dannelly (Primary Sponsor); Atwater, Graham, Mansfield, Purcell, Robinson and White:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE ARTHRITIS FOUNDATION.

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

By Senators Jones, Rouzer, Newton (Primary Sponsors); D. Berger, Bingham, Brock, Clary, Clodfelter, Goolsby, Hise, Hunt, Jackson, Meredith, Purcell, Tucker and Vaughan:

S.B. 105, 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 Senators Forrester, Tillman, Soucek (Primary Sponsors); Apodaca, Blake, Brock, Brown, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rouzer, Rucho and Tucker:

S.B. 106, 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 **Rules and Operations of the Senate Committee**.

February 23, 2011

By Senators Brunstetter and Garrou (Primary Sponsors):

S.B. 107, A BILL TO BE ENTITLED AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS.

Referred to the **Finance Committee**.

By Senators Rouzer (Primary Sponsor); Apodaca, Brown, Hise and Jackson:

S.B. 108, 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 Senators Stevens, Brunstetter, Hunt (Primary Sponsors); Allran, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Jackson, Meredith, Newton, Pate, Rabon, Rouzer and Soucek:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTEENTH DAY

Senate Chamber
Thursday, February 24, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Holy and everlasting God, it's a joy that you would admit us today into your presence. It's especially joyful because we know that we have a thousand things on our mind and a million desires within our fickle hearts and so we are thankful that your primary property is one of forgiveness. Sometimes we just need courage to accept our acceptance and frankly, Lord, we need courage to open that. Where is our hope? Where is our shelter? Lord, we need not look any further than you for our help. As the great hymn writer Isaac Watts said, 'You are our help in ages past and our hope for years to come.' You remind us in Psalm 121 that you keep watch over us. You neither slumber nor sleep. And so as we live our lives before you, Lord, we ask you to give us wisdom as a

February 24, 2011

collective body. Teach us how to live our lives at eleven o'clock on a Thursday morning. And, Lord, we implore you by the power of your Holy Spirit to come and watch over us, Jesus. A thousand ages in thy sight are like an evening gone, our shelter from a stormy past and our eternal home. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, February 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILL

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

S.B. 55, AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN MECKLENBURG COUNTY.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 17, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

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

H.B. 60, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE.

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

CALENDAR

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

S.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, upon second reading.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, March 1, upon second reading.

February 24, 2011

S.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS, as amended on second reading, upon third reading.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 33, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---33.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Garrou, Jenkins, Jones, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---17.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA, upon second reading.

Without objection, Senator Walters and Senator White 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, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker and Vaughan---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Monday, February 28, upon third reading.

February 24, 2011

S.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGULATING PROPRIETARY SCHOOLS.

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. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE, INCLUDING FORCE THAT IS INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM, AND TO CREATE A PRESUMPTION THAT A PERSON IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS BODILY HARM IN CERTAIN CIRCUMSTANCES.

Senator Newton offers Amendment No. 1 which is adopted (42-8).

The Committee Substitute bill, as amended, passes its second reading (37-13).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, February 28, upon third reading.

S.B. 58, A BILL TO BE ENTITLED AN ACT MODIFYING THE FMAP CUTS IN THE 2010-2011 STATE BUDGET AND AUTHORIZING THE GOVERNOR TO ADDRESS MEDICAID LIABILITIES INCURRED IN THE 2009-2010 FISCAL YEAR.

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.

S.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

The Committee Substitute bill passes its second reading (32-18).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, February 28, upon third reading.

S.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE INDUSTRIAL FACILITIES SALES TAX REFUND, A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION, TO PROVIDE INTEREST ON OVERPAYMENT OF PROPERTY TAX, AND TO PROVIDE DELAY OF THE COLLECTION OF PROPERTY TAX PENDING APPEAL.

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.

February 24, 2011

S.B. 97, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION.

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.

S.B. 99, A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS.

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.

ADDITIONAL SPONSORS

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

S.B. 113, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY COLLEGES TO OFFER GED TESTING PROGRAMS AND GED TESTS IN ENGLISH.

S.B. 114, A BILL TO BE ENTITLED AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT.

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

S.B. 45, A BILL TO BE ENTITLED AN ACT TO PREVENT AN INSPECTION STATION FROM DENYING AN INSPECTION AUTHORIZATION FOR THE MERE FACT THAT THE "CHECK ENGINE LIGHT" IS ON WITH NO UNDERLYING EMISSION OR SAFETY ISSUES WHICH WOULD REQUIRE A DENIAL AND TO LIMIT THE REQUIRED EMISSIONS AND SAFETY INSPECTIONS TO ONCE A YEAR REGARDLESS OF THE VEHICLE'S OWNERSHIP.

February 24, 2011

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

S.B. 34, 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.

Upon motion of Senator Phil Berger, seconded by Senator Brown, the Senate adjourns at 12:22 p.m., subject to the introduction of bills and receipt of committee reports, to meet Monday, February 28, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Brown, Goolsby, Rabon (Primary Sponsors), Preston, White; Blake, Davis, Forrester, Jenkins, Rouzer, Tillman, Tucker and Walters:

S.B. 110, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

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

By Senator Purcell:

S.B. 111, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA.

Referred to the **Health Care Committee**.

By Senator Purcell:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE A RULE ADOPTED BY THE NORTH CAROLINA BOARD OF PHARMACY.

Referred to the **Health Care Committee**.

By Senators Allran (Primary Sponsor); Davis, Hise and Meredith:

S.B. 113, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY COLLEGES TO OFFER GED TESTING PROGRAMS AND GED TESTS IN ENGLISH.

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

February 24, 2011

By Senators Allran (Primary Sponsor); Davis, Meredith and Rouzer:

S.B. 114, A BILL TO BE ENTITLED AN ACT TO REDUCE SPENDING BY ELIMINATING 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 Purcell, Garrou, Mansfield (Primary Sponsors) and Atwater:

S.B. 115, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS, INCLUDING THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, TO PROVIDE COVERAGE FOR TREATMENT OF AUTISM SPECTRUM DISORDERS.

Referred to the **Insurance Committee**.

By Senators Purcell (Primary Sponsor) and Atwater:

S.B. 116, 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 Clary:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO MODIFY THE REFUNDABILITY PROVISION OF THE EARNED INCOME TAX CREDIT.

Referred to the **Finance Committee**.

By Senator Preston:

S.B. 118, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW.

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

By Senator Preston:

S.B. 119, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF BEAUFORT TO USE PROCEEDS FROM PARKING METERS FOR THE ACQUISITION, DEVELOPMENT, AND OPERATION OF ON-STREET AND OFF-STREET PARKING FACILITIES.

Referred to the **Finance Committee**.

By Senator Preston:

S.B. 120, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM AND TO THE ELIGIBILITY OF CANDIDATES FOR ALDERMEN AND MAYOR.

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

February 24, 2011

By Senators Rouzer (Primary Sponsor); Allran, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, Forrester, Goolsby, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Preston, Tillman, Tucker and Vaughan:

S.B. 121, A BILL TO BE ENTITLED AN ACT REQUIRING APPLICANTS FOR PUBLIC ASSISTANCE TO UNDERGO DRUG TESTING BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

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

By Senator Atwater:

S.B. 122, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A MORGAN HORSE CLUB SPECIAL PLATE.

Referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

NINETEENTH DAY

Senate Chamber
Monday, February 28, 2011

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

Prayer is offered by Reverend Dr. Robert M. Thompson, Pastor, Corinth Reformed Church, Hickory, North Carolina as follows:

"Creator God, who launched trillions of stars into space like hands full of sand, humble us this night with our insignificance. Father God who invites us into your family by grace, remind us this night of the significance of every life, every action and every word. Sovereign God who rules nature, government, businesses, and families, thank you for the freedoms you entrust to those you create in your image. Forgive us when we abuse those liberties and the service itself. God I'm grateful to stand in this place with men and women committed to serve the public, especially in these challenging times. I know only one of them personally, but I'm sure Austin Allran represents a chamber full of Senators who forfeit time for self, family and church because they believe that sacrifice will make a difference in the lives of the people of North Carolina. Grant to each of them this night, and throughout this session of the General Assembly, wisdom that can come only from on high and a collective capacity to make decisions that will enable the people of this state to live peacefully and quietly and in godliness

February 28, 2011

and dignity. And, God, we would remember this night the family of Jennie Dorsett, known to many in this chamber, we pray that you would surround her family in this time of shock and loss and confusion. With the love of the Father and the grace of a Savior and the peace of the spirit. We make this prayer and all our prayers humbly and thankfully and hopefully knowing that you hear and you care. Amen."

The Chair grants leaves of absence for tonight to Senator Bingham and Senator Soucek.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, February 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. John B. Clark, Jr. from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Dr. Linda O'Boyle from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILL

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

S.B. 55, AN ACT TO INCREASE THE EFFICIENCY OF PROPERTY TAX APPEALS IN MECKLENBURG COUNTY. (Became law upon ratification, February 24, 2011 - S.L. 2011-1.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE FROM TWENTY-FIVE DOLLARS TO TWO HUNDRED FIFTY DOLLARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85046, which changes the title to read **S.B. 49** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE TO TWO HUNDRED FIFTY DOLLARS, is adopted and engrossed.

February 28, 2011

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH.

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

H.B. 123, A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE.

Referred to the **Finance Committee**.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

Without objection, Senator Walters and Senator White request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington,

February 28, 2011

Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Stein, Stevens, Tillman, Tucker and Vaughan---46.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE, INCLUDING FORCE THAT IS INTENDED OR LIKELY TO CAUSE DEATH OR SERIOUS BODILY HARM, AND TO CREATE A PRESUMPTION THAT A PERSON IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS BODILY HARM IN CERTAIN CIRCUMSTANCES.

The Committee Substitute bill, as amended on second reading, passes its third reading (35-13) and is ordered engrossed and sent to the House of Representatives.

S.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, March 1, upon third reading.

SENATE PAGES

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

Matt Averette, Lillington; Ashton Copeland, Tyner; Charles Logan, Durham; Katie Sears, Fuquay-Varina; and Steven Sorrell, Lillington.

PERSONAL PRIVILEGE

Upon motion of Senator Pate, the words of Senator Jones are spread upon the Senate Journal as follows:

Senator Jones: "This being the last day of February, which we celebrate Black History Month. I know no one has stood up in here and said anything and since I'm black I thought I would stand up and say something. I'll just give you a little bit about where I came from and how I got here. My grandmother worked at a bus station in Asheville. She was a cook there and for our vacations we would take a bus trip every two months. We would ride from Asheville to Black Mountain and we rode in the back of the bus and I never understood why. No one else talked to us about race then and on the way back from Black Mountain there wouldn't be that

February 28, 2011

many people on the bus and you would get to go to the front of the bus and you would get to sit down next to the driver. That was the highlight of that day. A little later in my life my grandmother got me a job at the bus station shining shoes and I thought it was the greatest job I ever had in my life and I learned a lot from that. I carried that skill on into the military with me. Growing up in Asheville, I remember that when I was in the seventh grade, we all were going on a field trip in my class and they decided we couldn't go because it was in Maggie Valley. We were going to an ice skating rink there and they didn't allow blacks to go ice skating there and the whole class liked to never forgive me for not going on that trip. A little later on in life I played football with Asheville High School. It was Lee Edwards at that time and a lot of schools that did not have blacks on their team would cancel and elect not to play. I have people ask me what was the stupidest thing you've ever done in your life and I'll tell you what it was. I was at Lee Edwards High School and I tried to join a square dance team where all the girls were white. Of course I didn't make it. But I left there and went on into the military and I was in a foxhole one night with a friend, Billy Dupont from Mississippi, and we were sitting in that foxhole and we were looking at the sky. You would be surprised at what people will talk about and when I was sitting there with him, he said, 'Why do black people not like white folks?' And I said, 'Well I guess because of the missed opportunities in life and so many of them have been beat and so many have been hanged and there is a lot of reasons that people don't like each other.' And he said, 'I've never done anything to a black person.' And I said, 'Sometimes we don't, but it's perception we have out here of each other.' And he told me, 'You know it might not be that you're black. People call me different names because I live in a trailer park.' And he said, 'Do you think it could be because we are poor.' And I said, 'I never thought about us being poor as the reason people look down on us.' And he said, 'Well you start looking at that.' A little later in life I went to the Sheriff's department after leaving the bank and I was on an elevator and I see police officers beating people no matter if they're black or white, but they were all poor. And so later in life I joined the Highway Patrol and did thirty years and I tried to change that perception of people and how you treat each other. And then I've been all my life. I've been looking out for poor people and God put me in a district that is one of the poorest in the state so I can continue to look out for folks and I do that proudly, but when I came up here I knew I had arrived when I got to sit up here with the other forty-nine of you. But I have always sat on the back row. I've never been on the front row. I've been on the back row ever since I've been here, but one of the nicest people I have met when I sat in seat 33 was Stan Bingham and I've met Fletcher Hartsell. I like these people because they were simple people. We go out and eat hotdogs together and so forth. We learn to live together and so forth, but when I look today, it's just like being black and white in here. We have Republicans one place and Democrats in another place. We are not showing a very good example of how we all should be getting along together sitting side by side. So I know we can't change it this year and I know we can't change it next year, but the next time we have a General Assembly election, I hope we can all sit by names, so I can learn different folks like I did with Stan Bingham. So again it sets an image for North Carolina for how we conduct ourselves here. And again, I just thank you for letting me say these few words on black history. Thank you."

February 28, 2011

Upon motion of Senator Phil Berger, seconded by Senator Nesbitt, the Senate adjourns at 7:25 p.m., subject to the introduction of bills, to meet Tuesday, March 1, at 3:00 p.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Bingham (Primary Sponsor); Brock, Dannelly, Davis, Garrou, Goolsby, Hartsell, Hise, Hunt, Jackson, Jenkins, Meredith, Pate, Preston and Stevens:

S.B. 123, 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 Senators Brown, Hartsell (Primary Sponsors); Bingham, Brunstetter, Clary, Hise and Preston:

S.B. 124, A BILL TO BE ENTITLED AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

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

By Senators Brown, Hartsell (Primary Sponsors) and Brunstetter:

S.B. 125, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR

BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION UPON THE RECOMMENDATIONS OF THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING COMMISSION.

Referred to the **Commerce Committee**.

By Senators Brown, Preston, Meredith (Primary Sponsors); Atwater, Brunstetter, Garrou, Goolsby, Hise and Mansfield:

S.B. 126, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION.

Referred to the **Finance Committee**.

By Senator Brown:

S.B. 127, 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 Senators Brown, Preston, Goolsby (Primary Sponsors); Atwater, Brunstetter and Meredith:

S.B. 128, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO NAME AND DESIGNATE ALL PORTIONS OF U.S. HIGHWAY 17 THAT PASS THROUGH THE STATE OF NORTH CAROLINA AS THE U.S. MARINE CORPS HIGHWAY.

Referred to the **Transportation Committee**.

By Senator Brown:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO MAKE GOLD (AURUM) THE STATE MINERAL.

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

By Senators Brown, Allran, Blue (Primary Sponsors); Bingham, Blake, Daniel, East, Garrou, Gunn, McKissick, Newton, Pate, Preston, Rabon, Soucek, Stevens, Tillman, Tucker and Vaughan:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR WINE IN NORTH CAROLINA, TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY, AND TO CONFIRM THAT GOOD CAUSE FOR THE TERMINATION OF A WINE FRANCHISE DOES NOT INCLUDE A SUPPLIER'S DESIRE TO CONSOLIDATE ITS FRANCHISE OR DISTRIBUTION PATTERN.

Referred to the **Commerce Committee**.

February 28, 2011

By Senator Clodfelter:

S.B. 131, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT.

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

By Senators Clodfelter (Primary Sponsor) and Jones:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND FULLY FUND INTERPRETER NEEDS IN THE COURTS.

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

By Senators Clodfelter (Primary Sponsor) and Jones:

S.B. 133, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE ADDRESS OF EACH QUALIFIED PERSON SELECTED FOR THE JURY LIST APPEAR ON THE LIST FILED WITH THE REGISTER OF DEEDS, IN ORDER TO ALLAY JUROR PRIVACY CONCERNS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor) and Jones:

S.B. 134, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR APPOINTMENT OF MAGISTRATES BY THE CHIEF DISTRICT COURT JUDGE FROM NOMINATIONS SUBMITTED BY THE CLERK OF SUPERIOR COURT, AND TO MAKE CONFORMING CHANGES TO THE GENERAL STATUTES.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor) and Jones:

S.B. 135, A BILL TO BE ENTITLED AN ACT TO ALLOW A JUVENILE RECORD TO BE CONSIDERED IN MAKING THE RISK DETERMINATION FOR ESTABLISHING A BOND UNDER THE LAWS PERTAINING TO THE JUVENILE CODE.

Referred to the **Judiciary II Committee**.

By Senators Hunt (Primary Sponsor); Atwater, Blake, Brunstetter, Daniel, Davis, Forrester, Goolsby, Harrington, Newton, Rabon and Tucker:

S.B. 136, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A UNITED SERVICES ORGANIZATION OF NORTH CAROLINA SPECIAL PLATE.

Referred to the **Finance Committee**.

February 28, 2011

By Senators Stevens, Vaughan (Primary Sponsors); Atwater and McKissick:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID.

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

By Senators Vaughan (Primary Sponsor); Atwater, Bingham, Jones and Robinson:

S.B. 138, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE GREENSBORO SYMPHONY.

Referred to the **Finance Committee**.

By Senators Apodaca, Brunstetter, Tucker (Primary Sponsors); Allran, Blake, Brown, Clary, Daniel, East, Gunn, Harrington, Hise, Meredith, Preston, Rabon, Rucho, Soucek and Tillman:

S.B. 139, A BILL TO BE ENTITLED AN ACT TO MAKE STATUTORY IMPLEMENTING CHANGES TO A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION SO AS TO PROVIDE THAT THE LIEUTENANT GUBERNATORIAL CANDIDATE SHALL BE SELECTED BY THE GUBERNATORIAL CANDIDATE.

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

By Senators Apodaca, Brunstetter, Tucker (Primary Sponsors); Allran, Blake, Brown, Clary, Daniel, Davis, East, Goolsby, Gunn, Hise, Hunt, Jackson, Meredith, Rabon, Rucho, Soucek and Tillman:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO LIMIT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO THREE CONSECUTIVE TWO-YEAR TERMS IN THOSE OFFICES, AND TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION.

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

By Senators Apodaca, Meredith (Primary Sponsors); Blake, Brock, Brown, Clary, Davis, Goolsby, Harrington, Hartsell, Hise, Hunt, Newton, Rouzer, Soucek and Tillman:

S.B. 141, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT

February 28, 2011

ATTORNEY WHO EITHER HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA OR WHO HAS BASIC LAW ENFORCEMENT TRAINING CERTIFICATION IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary II Committee**.

By Senators Mansfield (Primary Sponsor) and Meredith:

S.R. 142, A SENATE RESOLUTION HONORING THE MARQUIS DE LAFAYETTE, FOR WHOM THE CITY OF FAYETTEVILLE IS NAMED.

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

By Senator Mansfield:

S.B. 143, A BILL TO BE ENTITLED AN ACT TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY DETENTION FACILITIES.

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

By Senators Meredith (Primary Sponsor); Apodaca, Atwater, Bingham, Brock, Clary, Daniel, Davis, East, Goolsby, Graham, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, McKissick, Pate, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Vaughan:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO REQUIRE CASH CONVERTER BUSINESSES TO KEEP RECORDS OF PURCHASES AND TO MAKE THOSE RECORDS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES.

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

By Senator White:

S.B. 145, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTIETH DAY

Senate Chamber
Tuesday, March 1, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we often are faced with disappointment and we get crushed beneath our powerlessness. But Lord, I pray that you would give us patience to know that even in hard times, even in times where we struggle to see our helplessness, that this stature, this type of dependency, is actually good for our souls. Would you allow our difficulties to train our eyes on you, the author and perfecter of our faith? May we know that our ultimate satisfaction can only come from you. We are a community, so help us as a community, for the glorious appearing of the Lord. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, February 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Henry Edward Parfitt from Fayetteville, North Carolina, who is serving the Senate as Doctor of the Day, and to Kelly Wilkins from Shannon, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED RESOLUTION

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. 88, 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. 3)

March 1, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 85056, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Thursday, March 3.

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

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR, with a favorable report.

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

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE PROVIDING EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, AND BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE 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 55095, which changes the title to read **S.B. 33** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE REQUIRED BY FEDERAL LAW TO PROVIDE EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY

March 1, 2011

BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS, BY CLARIFYING THAT COMPLAINTS ALLEGING MEDICAL MALPRACTICE BY HEALTH CARE PROVIDERS MUST ASSERT THAT ALL MEDICAL RECORDS AVAILABLE TO THE PLAINTIFF HAVE BEEN REVIEWED BY AN EXPERT WITNESS, AND BY REQUIRING THAT CERTAIN INFORMATION BE PROVIDED BY EXPERT WITNESSES, is adopted and engrossed.

By Senator Allran for the **Judiciary II Committee**:

S.B. 77, A BILL TO BE ENTITLED AN ACT TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE OFFENSE OF TRAFFICKING IN MDPV, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55098, is adopted and engrossed.

CALENDAR

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

S.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, upon second reading.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, March 2.

S.B. 49 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE TO TWO HUNDRED FIFTY DOLLARS.

Senator Jones offers Amendment No. 1 which is adopted (43-6), and changes the title to read **S.B. 49** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE.

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. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

March 1, 2011

Senator Robinson offers Amendment No. 1 which fails of adoption (18-31).

Senator Garrou offers Amendment No. 2 which is adopted (41-8).

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 109, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR, placed earlier on today's calendar.

The bill passes its second reading (41-8).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, March 2, upon third reading.

ADDITIONAL SPONSOR

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

S.B. 126, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION.

Upon motion of Senator Phil Berger, seconded by Senator Jenkins, the Senate adjourns at 3:59 p.m., subject to the introduction of bills and receipt of committee reports, to meet Wednesday, March 2, at 3:00 p.m.

March 1, 2011

INTRODUCTION OF BILLS

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

By Senator Brown:

S.B. 146, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

Referred to the **Commerce Committee**.

By Senators Hartsell (Primary Sponsor) and Atwater:

S.B. 147, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MARCH OF DIMES TO CONTINUE TO PREVENT OR REDUCE NEURAL TUBE BIRTH DEFECTS THROUGH THE NORTH CAROLINA FOLIC ACID CAMPAIGN.

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

By Senator Hartsell:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird (Primary Sponsor); McKissick, Preston and Robinson:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED PLASTIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY PLASTIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER PLASTIC KNUCKLES TO A MINOR.

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

By Senators Kinnaird (Primary Sponsor) and McKissick:

S.B. 150, 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 II Committee**.

By Senator Stevens:

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

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

By Senator Blake:

S.B. 152, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

March 1, 2011

By Senators Blake (Primary Sponsor) and Hunt:

S.B. 153, 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**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-FIRST DAY

Senate Chamber
Wednesday, March 2, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, thank you for this beautiful blue sky day and the reminder of the coming of spring. We thank you for gathering us again today to do your will and be about your service. On this new day, we take comfort in the grace which leads and protects all of us. And as we walk through this session together, as a community, may you show us your signs of grace, in our midst. May you be the center, Lord, the fountain of grace of which we all draw living water. Your grace covers over a multitude of sins. Your grace reigns supreme. Lord, on this day, we recognize that you have been our dwelling place for all generations. We say thank you because before the mountains were formed, from everlasting to everlasting, you are God. We are blessed because we live in the shelter of the Most High. Would you teach us to say, along with your servant David, 'My refuge, and my fortress; my God, in whom I trust.' Amen."

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

The Chair extends privileges of the floor to Dr. William De Araujo from Goldsboro, North Carolina, who is serving the Senate as Doctor of the Day, and to Joan Levy from Wake Forest, North Carolina, who is serving the Senate as Nurse of the Day.

March 2, 2011

ENROLLED BILL

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

H.B. 18, AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Preston for the **Education/Higher Education Committee**:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987 LOCAL ACT RELATING TO THAT BOARD, with a favorable report.

H.B. 48, A BILL TO BE ENTITLED AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT, with a favorable report.

CALENDAR

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

S.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and 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. 62, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE.

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

March 2, 2011

H.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM ELECTRICAL EQUIPMENT.

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

H.B. 118, A BILL TO BE ENTITLED AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.

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

CALENDAR (*continued*)

S.B. 77 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD MDPV TO THE LIST OF CONTROLLED SUBSTANCES UNDER SCHEDULE I WHICH MAKES THE UNLAWFUL POSSESSION, MANUFACTURE, OR SALE OR DELIVERY OF MDPV CRIMINAL OFFENSES AND TO CREATE THE OFFENSE OF TRAFFICKING IN MDPV.

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. 109, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR, upon third reading.

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

The bill, as amended, passes its third reading (46-4) and is ordered engrossed and sent to the House of Representatives.

S.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE REQUIRED BY FEDERAL LAW TO PROVIDE EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, BY MODIFYING APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS, BY CLARIFYING THAT COMPLAINTS ALLEGING MEDICAL MALPRACTICE BY HEALTH CARE PROVIDERS MUST ASSERT THAT ALL MEDICAL RECORDS AVAILABLE TO THE PLAINTIFF HAVE BEEN REVIEWED BY AN EXPERT WITNESS, AND BY REQUIRING THAT CERTAIN INFORMATION BE PROVIDED BY EXPERT WITNESSES.

Without objection, Senator Allran requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

March 2, 2011

Senator Purcell offers Amendment No. 1 which fails of adoption (20-29).

Senator Stein offers Amendment No. 2 which fails of adoption (16-33).

Senator Newton offers Amendment No. 3 which is adopted (47-2).

The Committee Substitute bill, as amended, passes its second reading (36-13) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Phil Berger, seconded by Senator Nesbitt, the Senate adjourns at 4:03 p.m., in memory of Jennie Dorsett, subject to the introduction of bills, to meet Thursday, March 3, at 11:00 a.m.

INTRODUCTION OF BILLS

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

By Senators Stevens (Primary Sponsor); Preston, Soucek and Tillman:

S.B. 154, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK.

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

By Senator Stein:

S.B. 155, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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

By Senator Stein:

S.B. 156, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

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

By Senator Harrington:

S.B. 157, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senators Bingham (Primary Sponsor); Atwater, Blake, Blue, Brock, Brunstetter, Clodfelter, Daniel, Davis, Forrester, Garrou, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Mansfield, Meredith, Newton, Pate, Purcell, Rabon, Rouzer, Soucek, Stein, Stevens, Tucker, Walters and White:

S.B. 158, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE

March 2, 2011

STATE'S MOTOR FLEET MANAGEMENT PROGRAM IN THE DEPARTMENT OF ADMINISTRATION TO DEVELOP OPERATIONAL PLANS OR PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

Referred to the **Program Evaluation Committee**.

By Senator Hise:

S.B. 159, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Tillman:

S.B. 160, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senator Jackson:

S.B. 161, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

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

By Senator Jackson:

S.B. 162, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

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

By Senator Davis:

S.B. 163, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senators Stevens, Hunt, and Blue (Primary Sponsors):

S.B. 164, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS.

Referred to the **Finance Committee**.

By Senators Stevens and Blue (Primary Sponsors):

S.B. 165, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST.

Referred to the **Transportation Committee**.

March 2, 2011

By Senator Hartsell:

S.B. 166, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND THE CAPITATED 1915(B)/(C) MEDICAID WAIVER TO ADDITIONAL LOCAL MANAGEMENT ENTITY CATCHMENT AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 168, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE REED GOLD MINE FUND IN THE DIVISION OF STATE HISTORIC SITES.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 169, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell:

S.B. 170, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NUISANCE ABATEMENT LAWS.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 171, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senators Hartsell (Primary Sponsor) and Apodaca:

S.B. 172, 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**.

March 2, 2011

By Senator Daniel:

S.B. 173, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Atwater:

S.B. 174, 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 Brunstetter:

S.B. 175, A BILL TO BE ENTITLED AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT.

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

By Senator Tucker:

S.B. 176, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-SECOND DAY

Senate Chamber
Thursday, March 3, 2011

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

Prayer is offered by Rabbi Eric Solomon of Beth Meyer Synagogue of Raleigh, North Carolina as follows:

"O God, the God of our fore-mothers and our fore-fathers, the God we call by many names. We first and foremost thank you for letting us be here today to reach this moment. We thank you for giving us the opportunity to serve you and the people of our State and our Country. And we ask for your blessings on all the wonderful leaders who serve the people, the citizenry, who do their best for our wonderful State. We ask your Holy One for your wisdom to help remind us, all of us, especially our leaders, that as we grow in numbers and in size in North Carolina, may we continue to grow as we have in justice, in warmth, in compassion, and in welcome. We ask for your strength in these challenging times. Help us to stand by our core principles, our integrity, what we believe in, seeking that Promised Land. Lastly, we ask you to remember all the citizens of

March 3, 2011

North Carolina. Help us to remember those who are successful and thriving, providing opportunity, economic, and social for all and yet help us never to forget those who are on the lower end of the ladder who are struggling and suffering and who need your love and our help. Please we ask you to remember at this time as well, and help us to always remember those who serve in uniform who are far away from our State, right now physically, but spiritually and in heart know we are one always with them. May God bless us and keep us, may God's face shine upon us and be gracious to us. May God always look upon our wonderful State and grant us peace. We say together, Amen."

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

The Honorable Philip E. Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 2, 2011, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Timothy Gundlach from Waxhaw, North Carolina, who is serving the Senate as Doctor of the Day, and to Dr. Linda Comer from Asheville, North Carolina, who is serving the Senate as Nurse of the Day.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 5 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF KINSTON TO MAKE A CERTAIN ANNEXATION.

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

H.B. 37 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF LEXINGTON TO MAKE CERTAIN ANNEXATIONS.

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

H.B. 55 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RELIEF FROM A CHILD SUPPORT ORDER WHEN THE OBLIGOR IS NOT THE CHILD'S FATHER.

Referred to the **Judiciary II Committee**.

March 3, 2011

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE.

Referred to the **Finance Committee**.

CALENDAR

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

S.B. 83, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE AND TO FIX AN ERROR IN A 1987 LOCAL ACT RELATING TO THAT BOARD.

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. 27 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 38, noes 11, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Walters and White---38.

Voting in the negative: Senators Atwater, D. Berger, Blue, Dannelly, Garrou, Jenkins, Kinnaird, McKissick, Purcell, Robinson and Vaughan---11.

The Committee Substitute bill No. 2 remains on the calendar for Monday, March 7, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW, with a favorable report.

S.B. 31, A BILL TO BE ENTITLED AN ACT TO CONFORM THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

March 3, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65016, which changes the title to read **S.B. 31** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 48, A BILL TO BE ENTITLED AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT.

Senator Doug Berger offers Amendment No. 1 which fails of adoption (11-38).

The bill passes its second reading (44-5) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

Upon motion of Senator Phil Berger, seconded by Senator Vaughan, the Senate adjourns at 11:39 a.m., subject to the introduction of bills, receipt of committee reports, and reading of Senatorial Statements to meet Monday, March 7, at 7:00 p.m.

SENATORIAL STATEMENT

RECOGNIZING THE FIRST SATURDAY IN MARCH OF EACH YEAR AS ST. BALDRICK'S DAY IN HONOR OF THE VOLUNTEERS AND BENEFACTORS OF THE ST. BALDRICK'S FOUNDATION

WHEREAS, volunteerism is a driving force in the North Carolina economy that must be celebrated; and

WHEREAS, the St. Baldrick's Foundation, since March 17, 2000, has consistently and effectively raised money to become the world's largest volunteer-driven fundraising program for childhood cancer research; and

WHEREAS, in solidarity with children who lose their hair during chemotherapy, Chapel Hill held the first head-shaving event in North Carolina in 2004 to benefit children with cancer; and

WHEREAS, between 2004 and 2010 volunteers and shavees of North Carolina raised over 2.9 million dollars and consistently rank in the top 10 in the world for these events; and

WHEREAS, distribution of this money in the form of grants and fellowships has significantly impacted our childhood cancer community, funding research at North Carolina research facilities of Duke University Medical Center, Wake Forest University Health Sciences, Mission Hospitals, Carolinas Medical Center, East Carolina University, Presbyterian Hospital, and UNC Hospitals;

NOW, THEREFORE, the North Carolina Senate honors the children affected by childhood cancers, their families, shavees, barbers, event hosts, volunteers, and contributors who give tirelessly of their time and talents to cure these diseases and recognizes the first Saturday in March of each year as St. Baldrick's Day.

March 3, 2011

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 3rd day of March, 2011.

S/Janet Pruitt
Senate Principal Clerk

INTRODUCTION OF BILLS

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

By Senators Robinson (Primary Sponsor); Bingham, Jones and Vaughan:

S.B. 177, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY.

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

By Senator Forrester:

S.B. 178, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

By Senators East (Primary Sponsor); Hise, Pate and Tillman:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME OF WILLFUL FAILURE TO CARRY OR COMPLETE AN ALIEN REGISTRATION DOCUMENT.

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

By Senator East:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO INCLUDE THE STATE LODGE OF THE FRATERNAL ORDER OF POLICE IN THE MEMBERSHIP OF THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.

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

By Senator East:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NO CLEANUP WILL BE REQUIRED FOR ANY DISCHARGE OR RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK WHEN A PUBLIC WATER SYSTEM IS AVAILABLE TO THOSE AFFECTED BY THE DISCHARGE OR RELEASE AND NO SURFACE WATERS ARE LOCATED WITHIN ONE THOUSAND FEET OF THE DISCHARGE OR RELEASE.

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

March 3, 2011

By Senators Jenkins, Pate (Primary Sponsors) and Stevens:

S.B. 182, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE CITY OF GREENVILLE SHALL BE OPEN TO PUBLIC INSPECTION BUT THE CITY IS NOT REQUIRED TO PROVIDE A COPY OF THE LIST, AND PROVIDING THAT THE CITY MAY USE THE LIST ONLY FOR THE PURPOSES THAT IT WAS SUBSCRIBED TO.

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

By Senators Brown (Primary Sponsor); Jenkins, Rucho, Tillman and Walters:

S.B. 183, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM AND FOR THE ERECTION OF OUTDOOR ADVERTISING.

Referred to the **Transportation Committee**.

By Senators Meredith, Mansfield (Primary Sponsors); Jackson and Rouzer:

S.B. 184, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM BUILDING RULES STRUCTURES THAT ARE ASSOCIATED WITH AN ANIMAL HUSBANDRY PROGRAM OPERATED BY A LOCAL SCHOOL ADMINISTRATIVE UNIT AND LOCATED ON SCHOOL PROPERTY.

Referred to the **Commerce Committee**.

By Senator Hunt:

S.B. 185, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

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

By Senators Allran (Primary Sponsor); Bingham, Blake, Brown, Daniel, Davis, Forrester, Goolsby, Harrington, Hunt, Mansfield, Newton, Preston, Rabon and Tucker:

S.B. 186, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY SERVICE.

Referred to the **Transportation Committee**.

By Senators East (Primary Sponsor) and Hise:

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL.

Referred to the **Transportation Committee**.

March 3, 2011

By Senators Robinson, Vaughan, Bingham (Primary Sponsors) and Jones:

S.B. 188, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HIGH POINT MARKET.

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

By Senator Clary:

S.B. 189, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

By Senator Mansfield:

S.B. 190, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ELECTRONIC OR FACSIMILE SIGNATURES ON DEATH CERTIFICATES WITHOUT SPECIFIC APPROVAL BY THE STATE REGISTRAR.

Referred to the **Judiciary I Committee**.

By Senator Mansfield:

S.B. 191, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NURSE PRACTITIONERS UNDER THE SUPERVISION OF A PHYSICIAN TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION.

Referred to the **Judiciary I Committee**.

By Senator D. Berger:

S.B. 192, 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 Apodaca:

S.B. 193, 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, Meredith (Primary Sponsors); Blue and Mansfield:

S.B. 194, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

Referred to the **Commerce Committee**.

By Senators Apodaca (Primary Sponsor) and Hise:

S.B. 195, 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 **Insurance Committee** and upon a favorable report, re-referred to the **Finance Committee**.

March 3, 2011

By Senator Stevens:

S.B. 196, 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 Brock:

S.B. 197, A BILL TO BE ENTITLED AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-THIRD DAY

Senate Chamber
Monday, March 7, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, sometimes all I want to do is to praise you. In the midst of the turmoil, in the midst of the fire, all I want to do is to praise you. Like Daniel, thrown into the lion's den, I rejoice that you are with me. And it really is that simple. Lord, you are with us. You are Emanuel; God with us. Would you transform us today, by the renewing of our minds, in the knowledge that you not only are with us, but that you have forgiven us for our sins, that you have blotted out our transgressions, and that you are leading us down paths of righteousness. Lord Jesus Christ, have mercy on us. Lord have mercy. Amen."

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

The Chair extends privileges of the floor to Judy Rafson from New Bern, North Carolina, who is serving the Senate as Nurse of the Day.

March 7, 2011

ENROLLED BILL

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

H.B. 48, AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT.

CHAPTERED BILL

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

H.B. 18, AN ACT TO CLARIFY THE EFFECTIVE DATE FOR THE LAW REGARDING THE RESTORATION OF FIREARMS RIGHTS AND THE LAW AMENDING THE FELONY FIREARMS ACT TO ALLOW CERTAIN EXCEPTIONS THAT ARE SIMILAR TO THOSE ALLOWED UNDER FEDERAL LAW, AND TO CLARIFY THAT THE INFORMATION OBTAINED PURSUANT TO A CRIMINAL RECORD CHECK OF A PETITIONER FOR THE RESTORATION OF FIREARMS RIGHTS SHALL BE KEPT CONFIDENTIAL BUT IS NOT REQUIRED TO BE KEPT IN A SEPARATE CONFIDENTIAL FILE. (Became law upon approval of the Governor, March 5, 2011 - S.L. 2011-2.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 18, A BILL TO BE ENTITLED AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55117, 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 7, 2011

March 7, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that **H.B. 2**, AN ACT TO PROTECT THE FREEDOM TO CHOOSE HEALTH CARE AND HEALTH INSURANCE, has been returned to the House of Representatives with the attached veto message.

Respectfully,
S/Denise Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 113, A BILL TO BE ENTITLED AN ACT TO CREATE ADDITIONAL PROTECTIONS FOR MOTORCYCLISTS FROM UNSAFE MOVEMENTS BY OTHER VEHICLES.

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

H.B. 25, A BILL TO BE ENTITLED AN ACT DESIGNATING MARCH SIXTH OF EACH YEAR AS LYMPHEDEMA AWARENESS DAY.

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

Beverly Eaves Perdue
Governor

March 7, 2011

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

Dear Ms. Pruitt

I hereby officially designate Room 1039 in the Administration Building as the office to which original bills shall be delivered.

March 7, 2011

I hereby designate the following employees of the Office of the Governor as the officials to whom delivery of bills may be made:

- a. Pryor Gibson
- b. Courtney Crowder
- c. Monica Yelverton
- d. Forrest Gilliam

Sincerely,
S/ Bev Perdue

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 27 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADOPT A MORATORIUM ON INVOLUNTARY ANNEXATIONS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Walters and White---36.

Voting in the negative: Senators Atwater, D. Berger, Dannelly, Garrou, Graham, Jenkins, Kinnaird, McKissick, Nesbitt, Purcell, Robinson and Vaughan---12.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

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. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

March 7, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
March 7, 2011

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 March 7, 2011, Representative Frank McGuirt has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2011-2012 General Assembly. Representative McGuirt has been seated to fill the vacancy created by the resignation of the Honorable Pryor Gibson from the Sixty-Ninth District.

Representative McGuirt will occupy Seat 60 and has been appointed to the following committees: Banking; Commerce and Job Development; Commerce and Job Development Subcommittee on Alcoholic Beverage Control; Environment; Finance; Insurance; State Personnel.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SENATE PAGES

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

Serena Advani, Morrisville; Alston Bourne, Tarboro; Kerstin Brown, Willow Spring; Darius Evans, Wake Forest; Jasmine Gary, Raleigh; Kyshia Holloway, Zebulon; Will Klemme IV, High Point; Mollie McLean, Kenansville; Brooke Munroe, Southport; Douglas Piercy, Jr., Asheville; Casey Potter, Wilson; and Gina Such, Asheboro.

Upon motion of Senator Phil Berger, seconded by Senator Blue, the Senate adjourns at 7:18 p.m., subject to the introduction of bills, to meet Tuesday, March 8, at 3:00 p.m.

INTRODUCTION OF BILLS

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

March 7, 2011

By Senators Vaughan (Primary Sponsor) and Clodfelter:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF LOCAL GOVERNMENTS TO ENTER INTO CONTRACTS WITH THE STATE FOR THE PROVISION OF ADMINISTRATIVE ASSISTANCE AND ASSISTANCE WITH COURT PROGRAMS.

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

By Senator Kinnaird:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO CHANGE THE EFFECTIVE DATE OF S.L. 2010-131 ENTITLED "AN ACT TO INCREASE THE AGE CAP OF PERSONS RECEIVING AN EIGHT-YEAR DRIVERS LICENSE."

Referred to the **Transportation Committee**.

By Senators Gunn and Kinnaird (Primary Sponsors):

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

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

By Senators Gunn and Kinnaird (Primary Sponsors):

S.B. 201, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

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

By Senator Brown:

S.B. 202, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

March 7, 2011

By Senators McKissick, East (Primary Sponsors); Allran, Atwater, Bingham, Clary, Dannelly, Graham, Hartsell, Hise, Jones and Vaughan:

S.B. 203, 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 **Rules and Operations of the Senate Committee**.

By Senators Allran (Primary Sponsor); Apodaca, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hise, Hunt, Newton, Pate, Preston, Rabon, Soucek, Stevens and Tucker:

S.B. 204, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT COUNTIES, MUNICIPALITIES, AND PUBLIC CONTRACTORS USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

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

By Senators Allran (Primary Sponsor); Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hise, Hunt, Meredith, Pate, Preston, Soucek and Tucker:

S.B. 205, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS.

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

By Senator Soucek:

S.B. 206, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.

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

By Senators Hartsell (Primary Sponsor) and Blue:

S.B. 207, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 208, A BILL TO BE ENTITLED AN ACT TO BRING STATE LAW INTO COMPLIANCE WITH THE UNITED STATES SUPREME COURT DECISION OF LAWRENCE V. TEXAS.

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

By Senators Jenkins (Primary Sponsor) and D. Berger:

S.B. 209, A BILL TO BE ENTITLED AN ACT TO ALLOW VIDEO LOTTERY FOR THE PURPOSE OF PROFIT SHARING WITH THE STATE OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

March 7, 2011

By Senators Daniel, Hunt (Primary Sponsors); Apodaca, Blake, Brunstetter, Davis, Forrester, Harrington, Newton, Rabon, Soucek and Tucker:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT RELIGIOUS ORGANIZATIONS ARE EXEMPT FROM PROPERTY TAX.

Referred to the **Finance Committee**.

By Senators Rabon, Newton (Primary Sponsors); Atwater, Bingham, Blake, Clary, Daniel, Davis, Forrester, Harrington, Hise, Jackson, Meredith, Pate, Preston, Rouzer, Tillman, Tucker and Walters:

S.B. 211, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF CERTAIN ITEMS FROM SALES AND USE TAX WHEN USED FOR AGRICULTURAL PURPOSES.

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

By Senators Rabon (Primary Sponsor); Bingham, Blake, Brunstetter, Daniel, Davis, Forrester, Harrington, Hise, Hunt, Jackson, Jones, Newton, Pate, Preston, Rouzer, Stevens, Tillman, Tucker and Walters:

S.B. 212, A BILL TO BE ENTITLED AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.

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

By Senators Rabon (Primary Sponsor); Bingham, Blake, Davis, Forrester, Hise, Jackson, Preston, Rouzer, Tillman and Tucker:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE WACCAMAW RIVER BASIN AS AN ISOLATED RIVER BASIN FOR PURPOSES OF CERTIFICATION OF TRANSFERS OF SURFACE WATER FROM A RIVER BASIN TO AN ISOLATED RIVER BASIN.

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

By Senators Goolsby, Jenkins, Rabon (Primary Sponsors); Apodaca, Brunstetter, Daniel, Gunn, Harrington, Hise, Newton, Rouzer and Tucker:

S.B. 214, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE PROPERTY OR INITIATE CONDEMNATION PROCEEDINGS AGAINST THE PROPERTY.

Referred to the **Transportation Committee**.

By Senators Apodaca, Brunstetter, Hise (Primary Sponsors); Clary, Daniel, Harrington, Hunt, Newton and Rabon:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE.

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

March 7, 2011

By Senators Allran (Primary Sponsor); Bingham, Blake, Brown, Forrester, Hise and Rabon:

S.B. 216, A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME ELIGIBILITY LIMIT FOR THE HOMESTEAD EXCLUSION TO THIRTY-FIVE THOUSAND DOLLARS.

Referred to the **Finance Committee**.

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 217, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GOVERNOR'S CRIME COMMISSION OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY TO PROMOTE FUNDING AVAILABILITY TO CERTAIN LOCAL AND NONPROFIT GROUPS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 218, A BILL TO BE ENTITLED AN ACT TO APPOINT A STUDY COMMITTEE TO REVIEW CURRENT EXPUNCTION STATUTES, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 219, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE OFFICE OF STATE PERSONNEL TO DEVELOP PROTOCOLS AND POLICIES REGARDING THE HIRING OF EX-OFFENDERS IN STATE GOVERNMENT, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GENERAL STATUTES COMMISSION TO IDENTIFY THE COLLATERAL CONSEQUENCES FOR ALL CRIMINAL CONVICTIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 221, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF CORRECTION TO CONTINUE ITS EFFORTS TO

March 7, 2011

ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 222, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA DEPARTMENT OF CORRECTION TO UTILIZE CERTAIN DATA TO EVALUATE THE EFFECTIVENESS OF ITS PROGRAMS; AND TO REQUIRE THE SENTENCING AND POLICY ADVISORY COMMISSION TO STUDY THE BEST METHODS AND PROCEDURES FOR ENSURING THAT A DEFENDANT WHO ENTERS A GUILTY PLEA UNDERSTANDS THE COLLATERAL CONSEQUENCES OF THE PLEA, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 223, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ADMINISTRATIVE OFFICE OF THE COURTS TO STUDY ISSUES RELATED TO THE SALE OF COURT RECORDS AND TO MAKE RECOMMENDATIONS ON DEFINING THE TERM "CRIMINAL RECORD" BY STATE LAW, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Dannelly (Primary Sponsor); Allran, Atwater, D. Berger, Bingham, Clodfelter, Davis, Forrester, Garrou, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Purcell, Robinson, Vaughan, Walters and White:

S.B. 224, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON ACTING AS, FOR, OR ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR AGENT TO CONTACT ANY TEAM MEMBER, ATHLETE, COACH, OR MEMBER OF A COACHING STAFF FOR THE PURPOSES OF RECRUITING A STUDENT ATHLETE PRIOR TO THE END OF THE LAST SEASON OF THE SPORT IN WHICH THE STUDENT ATHLETE IS ELIGIBLE TO PLAY.

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

By Senators Brock and Kinnaird (Primary Sponsors):

S.B. 225, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING

THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.

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

By Senators Tucker (Primary Sponsor); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, East, Forrester, Goolsby, Gunn, Harrington, Jackson, Newton, Preston, Rabon, Rouzer, Rucho, Soucek and Stevens:

S.B. 226, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAND TRANSFER TAX.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**.

By Senators Hise (Primary Sponsor) and Davis:

S.B. 227, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-FOURTH DAY

Senate Chamber
Tuesday, March 8, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, how fortunate we are Lord. How fortunate we are to live in this land. We have freedom. We have liberty. Lord, how fortunate we are that you have gathered us into your presence here. And Lord would you take our deaf ears and open them? Would you show us the simplest blessings of all? Perhaps it's our kid that asks us to put on his shirt. Perhaps it's a dinner with a

March 8, 2011

friend. We have so many blessings, and sometimes forget that you are our greatest gift. So Lord, simply remind us today of where we have come from, and where we are going. We are blessed, most of all, to be your friends, and that in you we have a steadfast lover. Admit us into your blessed presence, and sing over us with blessings Lord, because we recognize that our strength comes from you, the maker of heaven and earth, Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Tom Bush from Hillsborough, North Carolina, who is serving the Senate as Nurse Practitioner of the Day.

ENROLLED BILLS

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

S.B. 76, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE INDUSTRIAL FACILITIES SALES TAX REFUND, A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION, TO PROVIDE INTEREST ON OVERPAYMENT OF PROPERTY TAX, AND TO PROVIDE DELAY OF THE COLLECTION OF PROPERTY TAX PENDING APPEAL.

S.B. 97, AN ACT TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION.

H.B. 3, AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 123, A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE, with a favorable report.

March 8, 2011

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, with a favorable report.

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

S.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

By Senator Walters for the **State and Local Government Committee**:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY, with a favorable report.

S.B. 82, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS, with a favorable report.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW, with a favorable report.

Upon motion of Senator Walters, the bill is re-referred to the **Finance Committee**.

S.B. 145, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 155, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES

March 8, 2011

IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

Upon motion of Senator Walters, the bill is re-referred to the **Finance Committee**.

INTRODUCTION OF A RESOLUTION

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

By Senators Preston (Primary Sponsor) and Apodaca:

S.R. 228, A SENATE RESOLUTION HONORING JULIETTE GORDON LOW, FOUNDER OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA, DURING GIRL SCOUTS WEEK.

Pursuant to Rule 40(b), the Senate Resolution is placed at the end of today's calendar.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES.

Referred to the **Insurance Committee**.

CALENDAR

A bill and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR.

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.R. 228, A SENATE RESOLUTION HONORING JULIETTE GORDON LOW, FOUNDER OF THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA, DURING GIRL SCOUTS WEEK, placed earlier on today's calendar.

The Senate Resolution is adopted (50-0).

ADDITIONAL SPONSOR

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

March 8, 2011

S.B. 147, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MARCH OF DIMES TO CONTINUE TO PREVENT OR REDUCE NEURAL TUBE BIRTH DEFECTS THROUGH THE NORTH CAROLINA FOLIC ACID CAMPAIGN.

S.B. 169, 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.

S.B. 225, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.

REMOVAL OF BILL CO-SPONSOR

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

S.B. 183, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM AND FOR THE ERECTION OF OUTDOOR ADVERTISING.

Upon motion of Senator Phil Berger, seconded by Senator Walters, the Senate adjourns at 3:16 p.m., subject to the introduction of bills and receipt of committee reports, to meet Wednesday, March 9, at 3:00 p.m.

INTRODUCTION OF BILLS

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

By Senators East, Rouzer, and Jackson (Primary Sponsors):

S.B. 229, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF

March 8, 2011

ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

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

By Senator Hartsell:

S.B. 230, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PEDORTHIST LICENSURE ACT.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Atwater:

S.B. 231, 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 Rouzer:

S.B. 232, A BILL TO BE ENTITLED AN ACT REGARDING THE DELINEATION OF PROTECTIVE RIPARIAN BUFFERS FOR COASTAL WETLANDS IN THE NEUSE RIVER AND TAR-PAMLICO RIVER BASINS.

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

By Senator Rouzer:

S.B. 233, A BILL TO BE ENTITLED AN ACT TO MODIFY THE EXEMPTION FOR PROPERTY USED FOR CHARITABLE PURPOSES.

Referred to the **Finance Committee**.

By Senator Rouzer:

S.B. 234, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

By Senators Rouzer (Primary Sponsor); Forrester, Jackson and Tucker:

S.B. 235, A BILL TO BE ENTITLED AN ACT TO SUSPEND THE MOTOR FUEL EXCISE TAX WITH AN OFFSET.

Referred to the **Finance Committee**.

By Senator Goolsby:

S.B. 236, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

March 8, 2011

By Senator Goolsby:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM.

Referred to the **Finance Committee**.

By Senator Purcell:

S.B. 238, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING WITH DOGS IN RICHMOND COUNTY.

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

By Senators Purcell (Primary Sponsor); Atwater, Garrou and Stein:

S.B. 239, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA FOOD BANKS.

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

By Senators Purcell, Bingham, Forrester (Primary Sponsors); Atwater and Garrou:

S.B. 240, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR HEART/STROKE COMMUNITY EDUCATION 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 Senators Purcell, Allran, Atwater (Primary Sponsors); Garrou and Mansfield:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DWI SENTENCING BE AT LEVEL ONE IF THE OFFENSE OCCURS WITH A CHILD LESS THAN SIXTEEN YEARS OF AGE IN THE VEHICLE.

Referred to the **Judiciary II Committee**.

By Senators Purcell, Preston, Tillman (Primary Sponsors); Atwater, Garrou and Stein:

S.B. 242, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

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

By Senators Stevens (Primary Sponsor); Apodaca, Bingham, Blake, Brunstetter, Daniel, Davis, Forrester, Harrington, Hartsell, Hunt, Newton, Rabon, Tillman and Tucker:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW ALLOWING CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS.

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

March 8, 2011

By Senators Brunstetter (Primary Sponsor); Atwater, Blake, Davis, Forrester, Harrington, Hunt, Rabon and Stevens:

S.B. 244, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY.

Referred to the **Insurance Committee**.

By Senators Hartsell (Primary Sponsor); Atwater and Mansfield:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.

Referred to the **Health Care Committee**.

By Senators Hartsell (Primary Sponsor); Atwater and Mansfield:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.

Referred to the **Health Care Committee**.

By Senators Hartsell (Primary Sponsor); Atwater and Rucho:

S.B. 247, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Atwater:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 249, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ENFORCEMENT OF THE CIGARETTE EXCISE TAX AND TO DETER THE UNLAWFUL SALE OF NON-TAX-PAID CIGARETTES BY REINSTATING THE REQUIREMENT THAT CIGARETTES BEAR A STAMP INDICATING PAYMENT OF THE TAX.

Referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 9, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, in you we live and move and have our being. Lord, could that really be possible? Could it be possible that we are not living random lives, but that you are the true fiber that connects us all? You have a plan for lives, Lord. Almighty Lord, would you impress on our hearts that you have great plans for us. You have great plans for this State. Be not dismayed, be not downcast, Lord you have plans for us. You have given us a hope and a future. To God be the glory, Amen."

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

The Chair extends privileges of the floor to Julie Lewis from Cary, 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. 76, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE INDUSTRIAL FACILITIES SALES TAX REFUND, A TECHNICAL CORRECTION TO THE MEMBERSHIP COUNT OF THE UWHARRIE COMMISSION, TO PROVIDE INTEREST ON OVERPAYMENT OF PROPERTY TAX, AND TO PROVIDE DELAY OF THE COLLECTION OF PROPERTY TAX PENDING APPEAL. (Became law upon approval of the Governor, March 9, 2011 - S.L. 2011-3.)

S.B. 97, AN ACT TO CLARIFY WHEN THE DEPARTMENT OF REVENUE IS REQUIRED TO INITIATE A REFUND OF AN OVERPAYMENT OF TAX AND TO AUTHORIZE THE ISSUANCE OF REFUNDS OF OVERPAYMENTS THAT HAVE BEEN IDENTIFIED BY THE DEPARTMENT CONSISTENT WITH THIS CLARIFICATION. (Became law upon approval of the Governor, March 9, 2011 - S.L. 2011-4.)

March 9, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS, with a favorable report.

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

S.B. 110, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN 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 35112, is adopted and engrossed.

By Senator Rabon for the **Transportation Committee**:

S.B. 165, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST, with a favorable report.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 6, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH

March 9, 2011

CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

H.B. 92, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAND TRANSFER TAX.

Referred to the **Finance Committee**.

H.B. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM.

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

H.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS OF THE CITY COUNCIL.

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

WITHDRAWAL FROM COMMITTEE

S.B. 238, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING WITH DOGS IN RICHMOND COUNTY, referred to the **State and Local Government Committee** on March 8.

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

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

CALENDAR

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

S.B. 74, (Committee Substitute) A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

March 9, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 13, AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011, referred to the **Rules and Operations of the Senate Committee** on February 23.

Upon motion of Senator Apodaca and with a three-fifths majority (31-19), the rules are suspended and the bill is withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's calendar.

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

CALENDAR (*continued*)

S.B. 81, A BILL TO BE ENTITLED AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY.

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. 82, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

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. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, upon second reading.

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

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, March 10, upon third reading.

March 9, 2011

H.B. 123, A BILL TO BE ENTITLED AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE.

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.

S.B. 13, AN ACT TO ENACT THE BALANCED BUDGET ACT OF 2011, placed earlier on today's calendar.

Senator Stevens offers a motion that S.B. 13 become law notwithstanding the objections of the Governor. The motion prevails (31-19) by a three-fifths majority of members present and voting, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---31.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Garrou, Graham, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---19.

Pursuant to Article II, Section 22 of the North Carolina Constitution, the bill and the veto message are ordered sent to the House of Representatives by special message.

ADDITIONAL SPONSOR

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

S.B. 130, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR WINE IN NORTH CAROLINA, TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY, AND TO CONFIRM THAT GOOD CAUSE FOR THE TERMINATION OF A WINE FRANCHISE DOES NOT INCLUDE A SUPPLIER'S DESIRE TO CONSOLIDATE ITS FRANCHISE OR DISTRIBUTION PATTERN.

Upon motion of Senator Phil Berger, seconded by Senator Jenkins, the Senate adjourns at 3:58 p.m., subject to the introduction of bills and receipt of committee reports, to meet Thursday, March 10, at 10:00 a.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Preston:

S.B. 250, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

March 9, 2011

By Senator Hartsell:

S.B. 251, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 252, A BILL TO BE ENTITLED AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVESEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO ALLOW NONATTORNEY OWNERSHIP OF PROFESSIONAL CORPORATION LAW FIRMS, SUBJECT TO CERTAIN REQUIREMENTS.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO MODIFY THE UNIVERSITY OF NORTH CAROLINA ENROLLMENT CHANGE FUNDING FORMULA AND TO MAKE ENROLLMENT CHANGE FUNDING FOR EACH CONSTITUENT INSTITUTION CONTINGENT ON THE INSTITUTION'S PERFORMANCE IN ACHIEVING TARGETS

March 9, 2011

ESTABLISHED BY THE BOARD OF GOVERNORS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senators Hunt (Primary Sponsor); D. Berger and Blue:

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.

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

By Senator Jenkins:

S.R. 257, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY.

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

By Senator Jenkins:

S.B. 258, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senator Brunstetter:

S.B. 259, 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 Pate:

S.B. 260, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT.

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

By Senator Jones:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.

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

By Senator Clodfelter:

S.B. 262, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF CHARLOTTE.

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

March 9, 2011

By Senators Blue and Hunt (Primary Sponsors):

S.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.

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

By Senators Garrou, Clodfelter, Mansfield (Primary Sponsors) and Atwater:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO PROHIBIT LOBBYISTS FROM SERVING ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Apodaca, Brunstetter, Hartsell (Primary Sponsors) and Hise:

S.B. 265, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE DEPARTMENT OF STATE TREASURER.

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

By Senator Clodfelter:

S.B. 266, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE PROCESS FOR FILLING OF VACANCIES IN LOCAL OFFICES.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter, Hartsell (Primary Sponsors); Jenkins, Stein and Tillman:

S.B. 267, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Referred to the **Finance Committee**.

By Senators McKissick, Stevens (Primary Sponsors); Allran, Apodaca, Atwater, D. Berger, Brown, Mansfield, Purcell, Robinson, Tillman, Vaughan and Hise:

S.B. 268, A BILL TO BE ENTITLED AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS.

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

By Senator Kinnaird:

S.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX.

Referred to the **Finance Committee**.

March 9, 2011

By Senator Graham:

S.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

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

By Senators Brunstetter and Jenkins (Primary Sponsors):

S.B. 271, A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSE PLATE COVER REQUIREMENTS, TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO CREATE A VEHICLE SEIZURE PROCESS FOR VEHICLES USED IN FELONY SPEEDING TO ELUDE LAW ENFORCEMENT OFFICER CASES, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE HIGHWAY PATROL.

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

By Senator Brunstetter:

S.B. 272, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF DEPENDENT FOR THE PURPOSES OF CRIME VICTIMS' COMPENSATION, TO CLARIFY CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION OF THE PAYMENT OF BENEFITS UPON REQUEST OF THE ATTORNEY GENERAL, AND TO CLARIFY THE HANDLING OF WRITE-OFFS FOR CLAIMS HANDLED BY THE CRIME VICTIMS COMPENSATION COMMISSION.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

March 9, 2011

TWENTY-SIXTH DAY

Senate Chamber
Thursday, March 10, 2011

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

Prayer is offered by The Reverend John McCall of Westminster Presbyterian Church of Greensboro, North Carolina as follows:

"Gracious God, we begin this session and this day with hearts of gratitude. We are grateful for your promise to be with us in the good days and the more challenging days. We are grateful for spring rain which waters our earth and brings forth new growth and new hope. We thank you, Lord, for the beauty of this State. For mountains, for rivers and oceans. We are grateful for the people of North Carolina. For our unity and our diversity. We are even thankful for the gift of basketball, which brings joy to our hearts. We are grateful for your public servants who seek to serve you and us in this chamber. God, what happens in this session, may it be pleasing in your sight. Guide each Senator that they may be led by your spirit. Transcend our differences that this Senate may together seek the welfare of your people in this State. In these days of challenging economy and limited funds, give your servants wisdom to know how to use those funds in ways which allows us to thrive. May the decisions made here reflect your justice and your love for all people. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to John Groeneveid from Goldsboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

H.B. 123, AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE.

INTRODUCTION OF A RESOLUTION

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

March 10, 2011

By Senator Apodaca:

S.R. 286, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE PUBLIC BILL REQUEST AND FILING DEADLINE.

Pursuant to Rule 40(b) and upon motion of Senator Apodaca, the Senate Resolution is placed at the end of today's calendar.

CALENDAR

Bills and a Resolution on today's calendar are taken up and disposed of, as follows:

H.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 51, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS.

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.

S.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

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 (35-13).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, March 14, upon third reading.

S.B. 165, A BILL TO BE ENTITLED AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED

March 10, 2011

CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST.

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 by special message.

H.B. 6, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

The bill fails its second reading vote (16-34).

S.R. 286, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE PUBLIC BILL REQUEST AND FILING DEADLINE, placed earlier on today's calendar.

The Senate Resolution is adopted (49-1).

WITHDRAWAL FROM COMMITTEE

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND THE CAPITATED 1915(B)/(C) MEDICAID WAIVER TO ADDITIONAL LOCAL MANAGEMENT ENTITY CATCHMENT AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, referred to the **Health Care Committee** on March 2.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill 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 bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Mental Health & Youth Services Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Dannelly, the Senate adjourns, subject to the introduction of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Monday, March 14, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Stein, Stevens, and Hunt (Primary Sponsors):

S.B. 273, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS,

March 10, 2011

KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

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

By Senator Jenkins:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO LEVY A TAX ON THE SALE OF ALCOHOLIC BEVERAGES TO OFFSET THE RESULTING INCREASED NEED FOR LAW ENFORCEMENT PERSONNEL.

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

By Senator Jenkins:

S.B. 275, A BILL TO BE ENTITLED AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

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

By Senator Jenkins:

S.B. 276, A BILL TO BE ENTITLED AN ACT TO ALLOW SPIRITUOUS LIQUOR TASTING AT LOCAL ABC STORES.

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

By Senator Jenkins:

S.B. 277, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL ABC BOARDS TO OPERATE ON SUNDAYS.

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

By Senator Jenkins:

S.B. 278, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF PUBLIC-PRIVATE PARTNERSHIPS BY A LEGISLATIVE STUDY COMMISSION.

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

By Senator Jenkins:

S.B. 279, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE" THAT PERTAINS TO THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) TO CLARIFY THAT WOOD IS A RENEWABLE ENERGY RESOURCE AND THAT WOOD NEED NOT BE A WASTE PRODUCT TO QUALIFY AS A RENEWABLE ENERGY RESOURCE.

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

March 10, 2011

By Senator Jenkins:

S.B. 280, A BILL TO BE ENTITLED AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

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

By Senator Stein:

S.B. 281, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES.

Referred to the **Finance Committee**.

By Senator Stein:

S.B. 282, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Referred to the **Insurance Committee**.

By Senators Hise (Primary Sponsor); Allran, Bingham, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Hartsell, Meredith, Newton, Pate, Rabon, Soucek, Stevens, Tillman and Tucker:

S.B. 283, A BILL TO BE ENTITLED AN ACT TO ADDRESS SCHOOL DAYS MISSED BY MOUNTAIN COUNTIES DUE TO INCLEMENT WEATHER.

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

By Senator Apodaca:

S.B. 284, A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURES ACT TO GIVE THE STATE BOARD OF COMMUNITY COLLEGES THE SAME EXEMPTION AS THE UNIVERSITY OF NORTH CAROLINA.

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

By Senator Apodaca:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO APPOINT MEMBERS TO THE STATE HEALTH PLAN ADMINISTRATIVE COMMISSION UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to the **Insurance Committee**.

By Senator Apodaca:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO EXTEND THE PERIOD OF TIME FOR WHICH

March 10, 2011

COMMUNITY COLLEGE SMALL BUSINESS INCUBATORS CAN OFFER SERVICES TO NEW BUSINESS VENTURES.

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

By Senator Preston:

S.B. 288, A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING FACILITIES ARE USED.

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

By Senator Preston:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET.

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

By Senator Preston:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF PELETIER.

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

By Senator Allran:

S.B. 291, A BILL TO BE ENTITLED AN ACT AUTHORIZING CATAWBA COUNTY TO GIVE PREFERENCE TO A LOCAL BIDDER WHEN PURCHASING GOODS OR SERVICES OR ENTERING INTO CONTRACTS FOR THE CONSTRUCTION OR REPAIR OF BUILDINGS.

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

By Senator Allran:

S.B. 292, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senator Allran:

S.B. 293, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ECOCOMPLEX RENEWABLE ENERGY DEMONSTRATION PARKS IN CATAWBA COUNTY.

Referred to the **Commerce Committee**.

March 10, 2011

By Senator Tucker:

S.B. 294, A BILL TO BE ENTITLED AN ACT TO AMEND THE TREE ORDINANCE AUTHORITY OF THE TOWN OF MATTHEWS TO CLARIFY THAT THE GENERAL LAW ON MUNICIPAL AUTHORITY OVER FORESTRY ACTIVITY APPLIES.

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

By Senator Tucker:

S.B. 295, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE.

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

By Senators Atwater and McKissick (Primary Sponsors):

S.B. 296, A BILL TO BE ENTITLED AN ACT TO BROADEN THE DEFINITION OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS.

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

By Senators McKissick and Atwater (Primary Sponsors):

S.B. 297, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS.

Referred to the **Commerce Committee**.

By Senators McKissick and Atwater (Primary Sponsors):

S.B. 298, A BILL TO BE ENTITLED AN ACT TO IMPOSE AN APPLICATION FEE OF TEN DOLLARS FOR A PERMIT OR LICENSE TO PURCHASE A PISTOL IN DURHAM COUNTY.

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

By Senators McKissick and Atwater (Primary Sponsors):

S.B. 299, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CITY AND COUNTY RETAIL BEER AND WINE LICENSE TAXES FOR THE CITY AND COUNTY OF DURHAM TO TWO HUNDRED FIFTY DOLLARS AND TO INCREASE THE CITY WHOLESALER LICENSE FEE TO TWO HUNDRED FIFTY DOLLARS.

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

By Senator Hartsell:

S.B. 300, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-

DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senators Hartsell, Dannelly, and Jones (Primary Sponsors):

S.B. 301, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

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

By Senators Hartsell and McKissick (Primary Sponsors):

S.B. 302, A BILL TO BE ENTITLED AN ACT IMPOSING A SERVICE CHARGE OF ONE AND TWO-TENTHS PERCENT ON THE PURCHASE OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATION SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE.

Referred to the **Finance Committee**.

By Senators Allran (Primary Sponsor); Brock, Brown, Davis, East, Hise, Jackson, Pate, Rabon, Rouzer and Tillman:

S.B. 303, A BILL TO BE ENTITLED AN ACT TO REQUIRE A RED BORDER OR BACKGROUND ON LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005.

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

By Senator Kinnaird:

S.B. 304, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

March 10, 2011

By Senator Kinnaird:

S.B. 305, 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 SEXUAL ORIENTATION, GENDER IDENTIFICATION, AND GENDER EXPRESSION.

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

By Senator Hartsell:

S.B. 306, A BILL TO BE ENTITLED AN ACT TO REPEAL THE DISCOUNT TO TOBACCO VENDORS WHO FILE A TIMELY REPORT.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Mansfield:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD.

Referred to the **Health Care Committee**.

By Senators Jackson, East, Tucker (Primary Sponsors); Apodaca, Bingham, Blake, Brock, Clary, Daniel, Davis, Forrester, Goolsby, Hunt, Meredith, Newton, Pate, Preston, Rabon, Rouzer and Stevens:

S.B. 308, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE'S REGULATION OF GREENHOUSE GAS EMISSIONS SHALL BE NO MORE STRINGENT THAN ANY FEDERAL REGULATION AND NO MORE STRINGENT THAN ANY FEDERAL LAW.

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

By Senators Jackson (Primary Sponsor); Apodaca, Bingham, Blake, Brunstetter, Daniel, Davis, Forrester, Hunt, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Stevens and Tucker:

S.B. 309, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNING BOARD OF ANY SOIL AND WATER CONSERVATION DISTRICT TO ESTABLISH A SPECIAL RESERVE FUND TO BE USED FOR MAINTAINING CONSERVATION EASEMENTS.

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

By Senator East:

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

By Senator East:

S.B. 311, A BILL TO BE ENTITLED AN ACT TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS WHEN THE VIOLATION OCCURS OUTSIDE THE PRESENCE OF THE OFFICER.

Referred to the **Judiciary II Committee**.

March 10, 2011

By Senator Jones:

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS.

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

By Senator Jones:

S.B. 313, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION.

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

By Senators Rouzer and Pate (Primary Sponsors):

S.B. 314, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF GOLDSBORO.

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. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL FLEXIBILITY FOR VANCE-GRANVILLE COMMUNITY COLLEGE BOND FUNDS.

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

H.B. 146 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MARCH OF EACH YEAR AS KIDNEY MONTH IN NORTH CAROLINA.

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

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS.

Referred to the **Transportation Committee**.

H.B. 162, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES RELATED TO SMALL-SCALE PROCESSING OF AGRICULTURAL PRODUCTS FROM WASTEWATER PERMIT REQUIREMENTS.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate adjourns at 3:18 p.m.

March 10, 2011

TWENTY-SEVENTH DAY

Senate Chamber
Monday, March 14, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord Jesus, we come before you tonight with grateful hearts. Our collective lives are filled to overflowing. And Lord, as the people of Japan watch thousands of bodies wash onto the shores, may they be comforted as only you can comfort. We do truly live in a global community, Lord, and while it may be hard to watch images stream by, it is also helpful to us because now we know how to pray. We can pray because we know that even in pain and in death, there is a God above that embraces suffering, and in fact, died to redeem its horror. Lord, your love towards us is strong, and your faithfulness endures forever. Your love for us is like a newlywed bride who looks at her new lover with incredible admiration, love, and trust. So Lord, as we come before you in this new week, fill us up with hope and love and give us renewed confidence to serve you with the same love. Amen."

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

The Chair extends privileges of the floor to Dr. Linda O'Boyle from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

H.B. 124, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 7 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND

March 14, 2011

SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar for Tuesday, March 15, for concurrence.

S.B. 22 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT IN SUBSTANTIAL ADDITIONAL COSTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, March 15, for concurrence.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

H.B. 219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT.

Referred to the **Judiciary II Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 244, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY, referred to the **Insurance Committee** on March 8.

March 14, 2011

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Insurance Committee** and re-referred to the **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Insurance Committee** and re-refers the measure to the **Pensions & Retirement and Aging Committee**.

S.B. 265, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE DEPARTMENT OF STATE TREASURER, referred to the **Pensions & Retirement and Aging Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Pensions & Retirement and Aging Committee** and re-referred to the **Insurance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Pensions & Retirement and Aging Committee** and re-refers the measure to the **Insurance Committee**.

RECONSIDERATION

H.B. 6, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

Having voted with the majority, Senator Apodaca offers a motion that the vote by which the bill passed its second reading on March 10 be reconsidered, which motion prevails (36-13).

The question before the body is the passage of H.B. 6 on its second reading.

The bill passes its second reading (31-18) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

CALENDAR

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

S.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

Senator Brown offers Amendment No. 1 which is adopted (48-0).

Without objection, Senator Garrou and Senator McKissick request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill, as amended, passes its third reading (41-6) and is ordered engrossed and sent to the House of Representatives.

March 14, 2011

SENATE PAGES

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

Kathryn Bridgers, Elizabethtown; Ian Grace, Wilmington; Jessica Lee, Pineville; Cameron Miller, Willow Spring; Cole Nye, Elizabethtown; Whitney Roberts, Wilmington; Elizabeth Rowe, Dudley; John Scott, Holly Springs; Zack Tharrington, Elm City; and Kristina Karpovich, Lexington (Special Foreign Observer).

REMOVAL OF BILL CO-SPONSOR

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

S.B. 123, 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.

Upon motion of Senator Phil Berger, seconded by Senator Blue, the Senate adjourns, subject to the introduction of bills, to meet Tuesday, March 15, at 3:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Daniel, D. Berger, Brock (Primary Sponsors); Apodaca, Brown, Goolsby, Harrington, Hise, Jackson, Kinnaird, Newton, Pate and Rabon:

S.B. 315, 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 **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

March 14, 2011

By Senators Hartsell (Primary Sponsor) and Pate:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND THIRD-PARTY BILLING FOR STATE FACILITIES.

Referred to the **Health Care Committee**.

By Senators Brunstetter (Primary Sponsor) and Pate:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY SERVICES.

Referred to the **Judiciary I Committee**.

By Senators Goolsby, Newton (Primary Sponsors); Bingham, Blake, Brock, Daniel, Forrester, Harrington, Hartsell, Preston, Rabon and Rucho:

S.B. 318, A BILL TO BE ENTITLED AN ACT TO REPEAL THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS.

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

By Senators Goolsby (Primary Sponsor) and Apodaca:

S.B. 319, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON AS IT RELATES TO THE CITY'S CIVIL SERVICE COMMISSION.

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

By Senator Jenkins:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

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

By Senator Apodaca:

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, AND TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE.

Referred to the **Insurance Committee**.

By Senators Apodaca, Tillman, and Nesbitt (Primary Sponsors):

S.B. 322, A BILL TO BE ENTITLED AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA.

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

By Senator Apodaca:

S.B. 323, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, ENSURE

ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

Referred to the **Insurance Committee**.

By Senators Apodaca, Davis (Primary Sponsors) and Hise:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR AND FORTIFIED WINES FROM THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL.

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

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IDENTIFY AND REPORT ON FUNDING AVAILABLE FOR THE ESTABLISHMENT OF A STEP-DOWN UNIT FOR THE BEHAVIORALLY ADVANCED RESIDENTIAL TREATMENT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 326, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EVALUATE AND REPORT ON RESIDENTIAL PLACEMENT OPTIONS FOR YOUNG CHILDREN WITH DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

March 14, 2011

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 327, A BILL TO BE ENTITLED AN ACT TO MODIFY DEPARTMENT OF HEALTH AND HUMAN SERVICES REPORTING REQUIREMENTS PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 328, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE IMPLEMENTATION OF UTILIZATION REVIEW BY DESIGNATED LOCAL MANAGEMENT ENTITIES FOR SERVICES PROVIDED UNDER THE COMMUNITY ALTERNATIVES PROGRAM FOR PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 329, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE PROGRESS TOWARD IMPLEMENTING AND UTILIZING UNIFORM EVIDENCE-BASED PRACTICES ACROSS ALL STATE PSYCHIATRIC HOSPITALS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell and White:

S.B. 330, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE UTILIZATION OF HOSPITAL EMERGENCY DEPARTMENTS BY INDIVIDUALS DIAGNOSED WITH MENTAL ILLNESS AND TO DEVELOP A COMPREHENSIVE PLAN FOR REDUCING THE LENGTH OF STAYS FOR INDIVIDUALS WITH MENTAL ILLNESS ADMITTED TO

HOSPITAL EMERGENCY DEPARTMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 331, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EVALUATE AND REPORT SEMIANNUALLY ON THE EFFICACY OF THE CRITICAL ACCESS BEHAVIORAL HEALTH AGENCY MODEL, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Dannelly, Forrester, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 332, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE SERVICES PROVIDED BY CLUBHOUSE PROGRAMS IN THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Jenkins, Jones, Mansfield, Purcell, Robinson and White:

S.B. 333, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY AND REPORT ON A REVISED PROCESS FOR COLLECTING DATA TO DEVELOP A WAITING LIST OF PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Dannelly, Forrester, Garrou, Jenkins, Jones, Purcell and White:

S.B. 334, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE EXPANSION OF LOCAL INPATIENT PSYCHIATRIC BEDS OR BED DAYS, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

March 14, 2011

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Jenkins, Jones, Mansfield, Purcell and White:

S.B. 335, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPLY FOR A TRAUMATIC BRAIN INJURY MEDICAID WAIVER, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, D. Berger, Blue, Dannelly, Forrester, Garrou, Jenkins, Jones, Mansfield, Purcell and White:

S.B. 336, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DEVELOP A COMPREHENSIVE STATEWIDE PLAN FOR THE FAIR AND EQUITABLE ALLOCATION OF RESOURCES FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; TO REPORT ON IMPLEMENTATION OF THE PLAN; AND TO APPLY FOR RENEWAL OF THE CAP-MR/DD WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Nesbitt (Primary Sponsor); Allran, Atwater, Blue, Dannelly, Forrester, Jenkins, Jones, Purcell, Robinson and White:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO EXPAND THE CAPITATED 1915(B)/(C) MEDICAID WAIVER TO ADDITIONAL LOCAL MANAGEMENT ENTITY CATCHMENT AREAS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to the **Mental Health & Youth Services Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate adjourns at 7:56 p.m.

TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, March 15, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, in times such as these we cling to the words of your servant, David. 'God is for us a refuge and strength, a helper close at hand in time of distress, so we should not fear though the earth should rock, though the mountains fall into the depths of the sea; even though its waters rage and foam, even though the mountains be shaken by its waves. The Lord of hosts is with us, the God of Jacob is our stronghold. The waters of a river give joy to God's city, the holy place where the Most High dwells. God is within it, it cannot be shaken; God will help it at the dawning of the day. Be still and know that I am God, supreme among the nations, supreme on the earth.' Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Karen Pentek from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 133, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE ADDRESS OF EACH QUALIFIED PERSON SELECTED FOR THE JURY LIST APPEAR ON THE LIST FILED WITH THE REGISTER OF DEEDS, IN ORDER TO ALLAY JUROR PRIVACY CONCERNS, with a favorable report.

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

S.B. 308, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE'S REGULATION OF GREENHOUSE GAS EMISSIONS SHALL BE

March 15, 2011

NO MORE STRINGENT THAN ANY FEDERAL REGULATION AND NO MORE STRINGENT THAN ANY FEDERAL LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85094, which changes the title to read **S.B. 308** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM ADOPTING, IMPLEMENTING, OR ENFORCING A RULE THAT REGULATES GREENHOUSE GAS EMISSIONS OR LIMITS HUMAN ACTIVITY FOR THE PURPOSE OF REDUCING GREENHOUSE GAS EMISSIONS IF THE RULE IS NOT REQUIRED BY A FEDERAL LAW OR REGULATION OR IS MORE STRINGENT THAN A CORRESPONDING FEDERAL REGULATION OR LAW, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 49 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS.

Referred to the **Judiciary II Committee**.

CALENDAR

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

S.B. 7 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Brown, 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. 22 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT IN SUBSTANTIAL ADDITIONAL COSTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rouzer, the Senate concurs in the House Committee Substitute bill (48-1) and the bill is ordered enrolled and sent to the Governor.

March 15, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 80, A BILL TO BE ENTITLED AN ACT TO RESTATE THAT THE TOWN OF LEWISVILLE HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, referred to the **State and Local Government Committee** on February 17.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

ADDITIONAL SPONSORS

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

S.B. 318, A BILL TO BE ENTITLED AN ACT TO REPEAL THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS.

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

S.B. 91, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET ACCESS IN RURAL AND URBAN AREAS.

S.B. 146, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

S.B. 194, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

Upon motion of Senator Phil Berger, seconded by Senator Allran, the Senate adjourns at 3:12 p.m., subject to the introduction of bills and receipt of committee reports, to meet Wednesday, March 16, at 3:00 p.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

March 15, 2011

S.B. 118, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW, with a favorable report.

S.B. 155, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

S.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX, with a favorable report.

By Senator Davis for the **State and Local Government Committee**:

S.B. 182, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE CITY OF GREENVILLE SHALL BE OPEN TO PUBLIC INSPECTION BUT THE CITY IS NOT REQUIRED TO PROVIDE A COPY OF THE LIST, AND PROVIDING THAT THE CITY MAY USE THE LIST ONLY FOR THE PURPOSES THAT IT WAS SUBSCRIBED TO, with a favorable report.

S.B. 212, A BILL TO BE ENTITLED AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

S.B. 261, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY, with a favorable report.

S.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION, with a favorable report.

S.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO, with a favorable report.

March 15, 2011

INTRODUCTION OF BILLS

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

By Senator Purcell:

S.B. 338, A BILL TO BE ENTITLED AN ACT TO PROTECT HEALTH AND TO PREVENT DEATH, DISABILITY, AND DISEASE AMONG NORTH CAROLINA RESIDENTS BY INCREASING THE TAX ON TOBACCO PRODUCTS.

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

By Senators Hartsell (Primary Sponsor) and Bingham:

S.B. 339, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senator Hartsell:

S.B. 340, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE STATE HISTORIC SITES FUND IN THE DIVISION OF STATE HISTORIC SITES.

Referred to the **Finance Committee**.

By Senators McKissick (Primary Sponsor); Blue, Dannelly, Jones and Mansfield:

S.B. 341, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE AFRICAN-AMERICAN HERITAGE COMMISSION.

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

By Senator Hunt:

S.B. 342, 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 Brown (Primary Sponsor); Apodaca and Goolsby:

S.B. 343, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

Referred to the **Finance Committee**.

March 15, 2011

By Senators Clary, Tucker, Goolsby (Primary Sponsors); Brock, Davis, Forrester, Harrington, Hunt, Newton and Rabon:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, PERFORMANCE RECORDS, AND OTHER GOVERNMENTAL RECORDS AND MEETINGS.

Referred to the **Judiciary I Committee**.

By Senators Garrou and Allran (Primary Sponsors):

S.B. 345, A BILL TO BE ENTITLED AN ACT TO RETAIN AND ENCOURAGE INVESTMENT IN ECONOMICALLY DISTRESSED TIMES TO REMAIN ELIGIBLE TO TAKE AN INSTALLMENT OF A CREDIT EARNED UNDER THE BILL LEE ACT.

Referred to the **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 146, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL, with a favorable report.

S.B. 75, 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 75065, is adopted and engrossed.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON HIGH SPEED INTERNET ACCESS IN RURAL AND URBAN 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 75066, which changes the title to read **S.B. 91** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, is adopted and engrossed.

Upon motion of Senator Brown, the Committee Substitute bill is re-referred to the **Finance Committee**.

March 15, 2011

S.B. 194, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85095, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

TWENTY-NINTH DAY

Senate Chamber
Wednesday, March 16, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Let me pray for us, Lord. You do move in mysterious ways. Sometimes it's humorous and sometimes it's very, very painful. Lord, I pray for us now that we would see your face, a face not of disappointment, but a face of acceptance and the face of a deeply involved and loving parent. In Christ we pray, Amen."

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

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

The Chair extends privileges of the floor to Karen Moore from Pembroke, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 7, AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES.

March 16, 2011

S.B. 22, AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT IN SUBSTANTIAL ADDITIONAL COSTS.

S.B. 109, AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR.

H.B. 6, AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 154, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK, with a favorable report.

By Senator Davis for the **State and Local Government Committee**:

S.B. 227, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75069, which changes the title to read **S.B. 227** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, is adopted and engrossed.

March 16, 2011

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

H.B. 92, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAND TRANSFER TAX, with a favorable report.

Upon motion of Senator Rucho, the bill is placed on the calendar for Monday, March 21.

By Senator Bingham for the **Health Care Committee**:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 60, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 58 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES CUTS IN THE 2010-2011 STATE BUDGET, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, March 17, for concurrence.

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

Referred to the **Judiciary I Committee**.

H.B. 45 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES.

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

March 16, 2011

CALENDAR

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

S.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 7, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Garrou, Goolsby, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Pate, Preston, Purcell, Rabon, Robinson, Rucho, Soucek, Stein, Stevens, Tucker, Vaughan, Walters and White---42.

Voting in the negative: Senators Daniel, East, Forrester, Harrington, Newton, Rouzer and Tillman---7.

The bill remains on the calendar for Thursday, March 17, upon third reading.

S.B. 155, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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. 182, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A LIST OF E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE CITY OF GREENVILLE SHALL BE OPEN TO PUBLIC INSPECTION BUT THE CITY IS NOT REQUIRED TO PROVIDE A COPY OF THE LIST, AND PROVIDING THAT THE CITY MAY USE THE LIST ONLY FOR THE PURPOSES THAT IT WAS SUBSCRIBED TO.

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. 261, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN 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. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.

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.

March 16, 2011

S.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO E-MAIL LISTS KEPT BY THE TOWN OF HUNTERSVILLE ARE OPEN TO PUBLIC INSPECTION BUT ARE NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

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. 118, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The bill remains on the calendar for Thursday, March 17, upon third reading.

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO STANDARDS.

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. 133, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT THE ADDRESS OF EACH QUALIFIED PERSON SELECTED FOR THE JURY LIST APPEAR ON THE LIST FILED WITH THE REGISTER OF DEEDS, IN ORDER TO ALLAY JUROR PRIVACY CONCERNS.

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. 146, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

The bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

March 16, 2011

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

The Committee Substitute bill passes its second reading (46-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 212, A BILL TO BE ENTITLED AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.

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. 308 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES FROM ADOPTING, IMPLEMENTING, OR ENFORCING A RULE THAT REGULATES GREENHOUSE GAS EMISSIONS OR LIMITS HUMAN ACTIVITY FOR THE PURPOSE OF REDUCING GREENHOUSE GAS EMISSIONS IF THE RULE IS NOT REQUIRED BY A FEDERAL LAW OR REGULATION OR IS MORE STRINGENT THAN A CORRESPONDING FEDERAL REGULATION OR LAW.

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.

WITHDRAWAL FROM COMMITTEE

S.R. 65, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on February 15.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Thursday, March 17, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Thursday, March 17.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

March 16, 2011

S.B. 99 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on the calendar for immediate consideration.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

ADDITIONAL SPONSORS

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

S.B. 343, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

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

S.B. 343, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

Upon motion of Senator Phil Berger, seconded by Senator Robinson, the Senate adjourns at 3:32 p.m. in memory of Master Sergeant John L. Wright, subject to the introduction of bills, to meet Thursday, March 17, at 11:00 a.m.

INTRODUCTION OF BILLS

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

By Senators Kinnaird (Primary Sponsor); Graham and McKissick:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO EXEMPT BONA FIDE COOKING SCHOOLS FROM REGULATIONS GOVERNING THE SANITATION OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC.

Referred to the **Health Care Committee**.

March 16, 2011

By Senators Purcell, Bingham, and Mansfield (Primary Sponsors):

S.B. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM.

Referred to the **Health Care Committee**.

By Senators Atwater and Brown (Primary Sponsors):

S.B. 348, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN-STATE TUITION AT COMMUNITY COLLEGES FOR ONE YEAR TO DEPENDENTS OF MEMBERS OF THE ARMED SERVICES DEPLOYED OVERSEAS.

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

By Senators Purcell and Pate (Primary Sponsors):

S.B. 349, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 350, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SPECIAL SEPARATION ALLOWANCE FOR CAREER FIREFIGHTERS AND CAREER RESCUE SQUAD WORKERS.

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

By Senator Hartsell:

S.B. 351, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNUAL TRANSACTION REPORTS.

Referred to the **Finance Committee**.

By Senators Meredith, Hise (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hunt, Jackson, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker:

S.B. 352, A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY (1) REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING; (2) REQUIRING CANDIDATES AND TREASURERS TO TAKE IMMEDIATE ACTION TO CORRECT CAMPAIGN FINANCE VIOLATIONS AND REQUIRING LIABILITY OF CANDIDATES FOR CIVIL PENALTIES FOR CAMPAIGN FINANCE VIOLATIONS OF CANDIDATE CAMPAIGN COMMITTEES; (3) LIMITING THE CHAIR OF THE STATE BOARD OF ELECTIONS TO TWO

TWO-YEAR TERMS IN THAT OFFICE; (4) PROHIBITING PIECE-WORK PAYMENT FOR VOTER REGISTRATION DRIVES; (5) PREVENTING CONFLICT OF INTEREST AND ITS APPEARANCE INVOLVING POLITICAL CONTRIBUTIONS BY STATE CONTRACTORS; AND (6) ALLOWING VOTERS MORE FLEXIBILITY IN APPLYING FOR ABSENTEE BALLOTS.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTIETH DAY

Senate Chamber
Thursday, March 17, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we are thankful that you have placed us in this place, in this Assembly, to do your work and your will. In these times we ask you, Lord, to give us wisdom. Like Solomon, we come to you like children. And as we come, we ask you for wisdom. We need your wisdom, Lord. We pray in the name of Jesus, Amen."

The Chair grants leaves of absence for today to Senator Clary, Senator Robinson, and Senator Rucho.

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

The Chair extends privileges of the floor to Dr. Christopher Snyder from Concord, North Carolina, who is serving the Senate as Doctor of the Day, and to Rachel Brinkley from Wilson, North Carolina, and Libby Pearsall from Winston-Salem, North Carolina, who are serving the Senate as Nurses of the Day.

March 17, 2011

ENROLLED BILLS

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

S.B. 32, AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA.

S.B. 99, AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85097, which changes the title to read **S.B. 245** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX, upon third reading.

March 17, 2011

The bill passes its third reading, by roll-call vote, ayes 39, noes 6, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, Bingham, Blake, Blue, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Garrou, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Pate, Preston, Purcell, Rabon, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---39.

Voting in the negative: Senators Brock, Daniel, East, Forrester, Goolsby and Newton---6.

The bill is ordered sent to the House of Representatives.

S.B. 227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF HAYWOOD COMMUNITY COLLEGE TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

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. 118, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF DOWNTOWN REVITALIZATION IN THE MUNICIPAL SERVICE DISTRICT LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative are: Senators Allran, Apodaca, Atwater, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Rouzer, Soucek, Stein, Stevens, Tillman, Vaughan, Walters and White---45.

Voting in the negative: Senator Tucker---1.

The bill is ordered sent to the House of Representatives.

S.B. 154, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK.

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. 248, A BILL TO BE ENTITLED AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Senator Hartsell 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 engrossed and sent to the House of Representatives.

March 17, 2011

H.B. 60, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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.

S.B. 58 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT MODIFYING THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES CUTS IN THE 2010-2011 STATE BUDGET, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.R. 65, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN ALLEN GARWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

SENATOR APODACA:

“Thank you, Mr. President. I was just speaking to Senator Berger here and we were looking at these beautiful children in the chamber and watching them walk out orderly. I know John is smiling in heaven because there’s nothing he loved more than the children of North Carolina, I guess as much as anybody I’ve met here. That was his focus, the education of the children of North Carolina. He had a wife that is a former school teacher, and has a daughter that’s a school teacher, I believe, so I think he would really appreciate what was here and probably wished they could have stayed, but understood they needed to go to other things. It’s a bittersweet moment for me because John Garwood and I were very close and his funeral was one of the, if you can say, one of the nicest celebrations of life I’ve ever attended. Senator Hartsell and Senator Garrou were there and, I think, we all walked away from it inspired. I think it brought out the essence of John Garwood because it was multi-dimensional in many, many ways. His love of jazz music comes to mind, his love of a good adult beverage on occasion, not to be abused, but John enjoyed that. John enjoyed life and I think John was happy with the way he lived his life when he left us. He was a savior to me when I came down here and, Lord knows, Senator Mansfield, as you’ve already mentioned, I needed guidance from many people; John Garwood was there along with Senator East and former Senator Scott Thomas. They had a full day keeping me straight, but John did the best job. I enjoyed John’s company as much as anybody’s company I’ve ever enjoyed in my life because of a good sense of humor. If you can’t laugh in life, you’re not going to have a very good time and John Garwood had a good time. But, there was a serious

March 17, 2011

side to John and I saw that often. A lot of people didn't, but I did. And it was mainly around education, Senator Tillman, it was mainly around our children and making a better future for them. I think if John leaves a legacy that will be what it is. I think that's how he'd like to have it and I think that's how it should be. So I highly recommend the resolution on the life of John Garwood and for those of you who didn't get to meet him, you truly missed something. When you serve in this chamber you'll find some people enter your life that you'll never forget. I always have three people jump to mind every time, and the first one is John Garwood, Jeanne Lucas, and Ham Horton. Those are people I'll go to my grave thinking about and respecting for what they brought to this body so I recommend this to you."

SENATOR EAST:

"Ladies and gentlemen of the Senate, I am proud to have called John Garwood my friend. John Garwood and I go back a long ways. John was from Wilkes County and I'm from next door, in Surry County. I was a member of the Surry County Board of Commissioners and John belonged to the Wilkes County Board of Commissioners so we had many like issues and we had many conversations together. When John came to Raleigh we brought our friendship. I and John, along with Senator Apodaca and so many other folks, had many meals together and many memories together. John Garwood was a wonderful friend. I visited John and his wife, Wanda, probably about 30 days before John passed away and I left the hospital so impressed because John and Wanda both said John is here to die. John Garwood knew he was dying and he handled death just like he handled life, in a gentlemanly fashion. John Garwood was a wonderful individual. He told me many, many stories about his Sunday School lessons that he taught on the previous day. Wanda and family, thank you all for letting us have John Garwood for a while. He will certainly be missed forever. Thank you all for being here today."

SENATOR ALLRAN:

"I had the pleasure, the privilege, and the honor of serving with John Garwood in the Senate also. In addition to being a great public servant and elected official, personality wise, he was simply one of those people you never forget. As has been mentioned, John had a great sense of humor. He had a booming voice and imposing appearance. It was always a pleasure just to see this individual, particularly in caucuses. He always had something funny to say and one of the main things I remember about him is that he used to laugh and make fun of me when I ate popcorn in the caucuses. I guess I ate more than my fair share! But at any rate, besides the fact that he served in the Senate district next to me, part of his family lives in Hickory. His daughter, Susan, lives there with her fine family and it's great to see her up in the gallery. John is a man we'll never forget. We'll always cherish our fond memories of him and also it is always a pleasure being around Wanda as well. But John's unique personality, enthusiasm for life, and outstanding contributions to his fellow man will always be with us and I urge the Senate's support of this resolution. Thank you."

March 17, 2011

SENATOR BINGHAM:

“Thank you, Mr. President, John and I were good friends, but I didn’t know John before I came here and I also, as Senator East mentioned, went to the hospital to see John. John and I were seatmates and myself, being in the lumber business for many years, knew a lot of people and bought a lot of lumber from Wilkes County as well as some brandy from up that way. I don’t know that it had a legal tax stamp on it, but at any rate I bought some of that here in the legislative building and had it in my office and shared it with some of the LA’s and I found out later that I shouldn’t be doing those things! But I did get a lot of information in doing that but it was very beneficial but John, I must say, was one of the most pleasurable men that I have been around. He had a wonderful sense of humor and he loved jokes. We would tell jokes, share jokes, I would hear one at home when I’d come back and, Mr. President, I’d be happy to tell one of those but I know you’d stop me midstream, so I’d better not! But one that he truly loved, you and all the family and he spoke of you often and he certainly missed you while he was down here. We truly appreciate you and as I have mentioned before, this body is about relationships and I don’t know of anyone here that I’ve felt closer to than John Garwood. He was a wonderful, splendid man and brought a lot to this body. Thank you so much for sharing him with us. Thank you, Mr. President.”

SENATOR GARROU:

“Thank you. Ladies and gentlemen of the Senate, I loved John Garwood. My first day of a committee meeting I sat on one side of John Garwood and our now U.S. Senator Kay Hagan sat on the other side of John Garwood. It was a real learning experience for us. We loved him. Both of us had defeated Republicans and we didn’t know how this Republican who was sandwiched in between the two talkative women would respond to us and being with us. But we had a great time. We learned a lot from him. We were impressed with his passion for education, his passion for the University and certainly we learned as we worked through the Senate all these years how important our University system is. John Garwood loved his wife and he loved his daughter, Susan. He used to talk to me about Susan and the important things that she brought to his family and his wife. I think he valued the role of women and families and in service to our state and service to our communities. He was such a wonderful gentleman and he is certainly missed and family, we thank you so much for sharing him with us. Thank you.”

SENATOR KINNAIRD:

Thank you. I’m going to be very short. I met this wonderful man as many of us did when I came here and I just want to say two words that come to mind. He was the sweetest person I think I’ve ever met and one of the kindest people I’ve ever met.”

March 17, 2011

SENATOR P. BERGER:

Thank you, Mr. President. I was first elected to the General Assembly in 2000 and I knew John Garwood before I came to the General Assembly. The thing is that the John Garwood I knew was the one that's sitting up in the gallery. John's son, John, actually lived in Eden and was my banker. I didn't know his Dad and didn't know anything about the political background. When I got down here I met, forgive me, John, the 'real' John Garwood, and it was a pleasure. I mean a real pleasure. Now, Senator Bingham, sometimes things get said on this floor and someone will come up to you later and say, "I don't think you ought to have told that," but there are probably a lot of John Garwood stories that are in that vein! Good natured, good friendship, the sort of folks that you hope to have an opportunity to get to know as you're going through life and I think every member of this body was blessed by their association with John and continues to be blessed with the memories that we have. I know that, as has been indicated by others, that education, kids, the future, were things that were front and center on his mind. And he didn't do anything, so far as I know, in this General Assembly, where it was not a priority for him to make sure that things were better for the folks that came after him. That was something that was important to him and I think it's something that is, and ought to be, important to every one of us. Wanda, we miss him. We know that you miss him, we know that his children miss him and he often talked about and thought about those grandchildren of his and so I know they miss him as well. A great North Carolinian, a great American and certainly someone that we have been blessed to be associated with. I certainly commend the resolution to you."

The Senate Resolution is adopted (47-0).

LT. GOVERNOR:

Members of the Senate, I will tell you that John Garwood was a great man and a great Senator and a great friend. We came into the Senate the same year, in 1997. He was a great family man and as Senator Garrou said, he was absolutely passionate about education. In fact, he was so passionate that there were times he would get emotional about it. But that's all right, it just meant that John Garwood cared. And when John spoke, you listened to him because of that caring attitude, because he was always knowledgeable. He did his homework. He had been a member of the Board of Governors and he believed in this university system and believed it was one of our greatest assets. And he fought for our universities, he fought for all of education because he believed he was fighting for our future; indeed he was. While that was one of our greatest assets, I will tell you that John himself was one of the greatest assets of this Senate and one of the greatest advocates for educational opportunities.

March 17, 2011

He certainly will be missed and we want to thank his family for sharing him with us. We are pleased to honor him today and in our gallery is the family of Senator John Garwood. I would ask that you would stand as I call your name. His wife, Wanda; his sons, John and David; his daughter, Susan Robertson, and his grandchildren, Madeline and Liza Grace Robertson. Thank you so much and I will now ask that the family of the Senate stand and show our appreciation to the family.”

WITHDRAWAL FROM COMMITTEE

S.B. 316, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND THIRD-PARTY BILLING FOR STATE FACILITIES, referred to the **Health Care Committee** on March 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill 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 bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Mental Health & Youth Services Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Garrou, the Senate adjourns at 11:46 a.m., subject to the introduction of bills and ratification of bills, to meet Monday, March 21, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Daniel, Harrington, Gunn (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Davis, Forrester, Goolsby, Hise, Hunt, Jackson, Jenkins, Newton, Preston, Rabon, Soucek, Stevens and Tucker:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT."

Referred to the **Judiciary II Committee**.

March 17, 2011

By Senators Bingham (Primary Sponsor); Forrester, Hartsell, Rabon and Stevens:

S.B. 354, A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

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

By Senators East (Primary Sponsor) and Brock:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A MOTORCYCLE PLATE FOR CIVIC CLUBS SUCH AS THE JAYCEES, MASONS, KIWANIS, OPTIMIST, ROTARY, RURITAN, AND SHRINE.

Referred to the **Finance Committee**.

By Senators Robinson (Primary Sponsor); Garrou, Jones, Kinnaird, Mansfield and Walters:

S.B. 356, A BILL TO BE ENTITLED AN ACT TO LIMIT A PARTY NOMINEE FROM FILING AS AN UNAFFILIATED CANDIDATE FOR ANOTHER OFFICE EXCEPT IN CERTAIN CIRCUMSTANCES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird (Primary Sponsor); Graham and Robinson:

S.B. 357, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SIGNATURE OF AN INCAPACITATED PATIENT'S GUARDIAN, REPRESENTATIVE, OR FAMILY MEMBER ON A "DO NOT RESUSCITATE" ORDER FORM IN ORDER TO WITHHOLD OR DISCONTINUE LIFE-PROLONGING MEASURES IN THE ABSENCE OF A VALID DECLARATION BY THE PATIENT.

Referred to the **Judiciary II Committee**.

By Senators Jenkins (Primary Sponsor) and East:

S.B. 358, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.

Referred to the **Judiciary II Committee**.

By Senator Jenkins:

S.B. 359, A BILL TO BE ENTITLED AN ACT TO MODIFY SPECIAL REGISTRATION PLATE DESIGN REQUIREMENTS.

Referred to the **Finance Committee**.

March 17, 2011

By Senator Jenkins:

S.B. 360, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE HOURS OF SALES OF ALCOHOLIC BEVERAGES.

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

By Senators Tillman, Hise (Primary Sponsors); Blake, Brock, Brown, Daniel, East, Forrester, Harrington, Hartsell, Hunt, Pate, Preston and Rabon:

S.B. 361, 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 Tillman, Tucker (Primary Sponsors); Apodaca, Brock, Brown, Newton, Pate, Preston, Rabon and Stevens:

S.B. 362, 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 **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Clodfelter (Primary Sponsor); Brown and Jenkins:

S.B. 363, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES.

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

By Senator Clodfelter:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.

Referred to the **Insurance Committee**.

By Senators Brown (Primary Sponsor); Hise, Apodaca, Gunn, Harrington, Rabon and Tillman:

S.B. 365, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE LAW.

Referred to the **Commerce Committee**.

By Senators Goolsby, Newton, Daniel (Primary Sponsors); Blake, Brown, Brunstetter, Davis, Forrester, Hunt, Rabon and Tucker:

March 17, 2011

S.B. 366, A BILL TO BE ENTITLED AN ACT TO PROVIDE CLARIFICATION FOR THE RETITLING OF A MANUFACTURED HOME THAT IS REMOVED FROM REAL PROPERTY AFTER THE ORIGINAL TITLE HAS BEEN CANCELLED.

Referred to the **Commerce Committee**.

ENROLLED BILL

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

S.B. 165, AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-FIRST DAY

Senate Chamber
Monday, March 21, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, not only do you move in mysterious ways, but you move in our hearts by showing us the canvas of your creation. To look at a cherry blossom tree as a thing of majesty. Glory be to God for dappled things. And Lord, sometimes we fear that our lives do not have traction, and that our lives lack meaning. But then Lord, you do something new, and you bring forth the blossoms of springtime. Lord, I pray for us now that we would trust you, and that in you, there is an eternal heart of spring. In Christ, Amen."

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

March 21, 2011

The Chair extends privileges of the floor to Karen Austin from Whiteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 58, AN ACT MODIFYING THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES CUTS IN THE 2010-2011 STATE BUDGET.

H.B. 60, AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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. 124, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE. (Became law upon approval of the Governor, March 17, 2011 - S.L. 2011-5.)

H.B. 3, AN ACT TO PROVIDE FOR THE ADOPTION OF THE GOOD FAITH EXCEPTION TO THE EXCLUSIONARY RULE INTO STATE LAW. (Became law upon approval of the Governor, March 18, 2011 - S.L. 2011-6.)

S.B. 165, AN ACT TO RESTRICT THE NORTH CAROLINA TURNPIKE AUTHORITY'S SELECTION OF TRANSPORTATION CORRIDORS TO EXISTING PROTECTED CORRIDORS OR CORRIDORS SOUTH OF AN EXISTING PROTECTED CORRIDOR EXCEPT IN THE AREA OF INTERSTATE 40 EAST. (Became law upon approval of the Governor, March 18, 2011 - S.L. 2011-7.)

H.B. 48, AN ACT TO REDUCE SPENDING BY ELIMINATING STATEWIDE STANDARDIZED TESTING IN THE PUBLIC SCHOOLS, EXCEPT AS REQUIRED BY FEDERAL LAW OR AS A CONDITION OF A FEDERAL GRANT. (Became law without the approval of the Governor, March 19, 2011 - S.L. 2011-8.)

March 21, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION 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 55149, is adopted and engrossed.

S.B. 191, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NURSE PRACTITIONERS UNDER THE SUPERVISION OF A PHYSICIAN TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85101, which changes the title to read **S.B. 191** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION AND TO ALLOW ELECTRONIC OR FACSIMILE SIGNATURES ON DEATH CERTIFICATES WITHOUT SPECIFIC APPROVAL BY THE STATE REGISTRAR, is adopted and engrossed.

H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011", with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

March 21, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70098, is adopted and engrossed.

By Senator Allran for the **Judiciary II Committee**:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT PERFORM A BLOOD TEST ON ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15092, which changes the title to read **S.B. 16** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED, is adopted and engrossed.

By Senator Daniel for the **Judiciary II Committee**:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TRANSCRIPT OR ALTERED VOICE REPRODUCTION MAY BE MADE AVAILABLE FOR A 911 CALL SO AS NOT TO IDENTIFY THE CALLER BY THE NATURAL VOICE, with a favorable report.

By Senator Stevens for the **Select Committee on UNC Board of Governors**:

**NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
16W. Jones Street
Raleigh, North Carolina 27601-1030**

Senate Select Committee on UNC Board of Governors
2011-2012 Biennium
Senator Tom Apodaca, Co-Chairman
Senator Richard Stevens, Co-Chairman

MEMORANDUM

TO: Members of the Senate

FROM: Senator Tom Apodaca, Co-Chair, Senate Select Committee on UNC Board of Governors
Senator Richard Stevens, Co-Chair, Senate Select Committee on UNC Board of Governors

March 21, 2011

RE: The University of North Carolina Board of Governors
Nominees

DATE: March 17, 2011

Pursuant to Senate Resolution 52, the Senate Select Committee on UNC Board of Governors 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.

NOMINEE

W. Louis Bissette, Jr.
James E. (Ed) Broyhill
Fred Eshelman
John C. Fennebresque
Ann B. Goodnight
H. Frank Grainger
Peter D. Hans
Thomas J. Harrelson
Luther H. Hodges, Jr.
Michael V. Lee

Henry E. McKoy

Ralph W. (Bill) Mullins, Jr.
Robert F. Orr
Phillip D. Walker
Steven F. Warren
Weston A. Willis

SPONSORS(S)

Senator Tom Apodaca
Senator Peter Brunstetter
Senator Fletcher Hartsell
Senator Robert Rucho
Senator Fletcher Hartsell
Senator David Rouzer
Senator Tom Apodaca
Senator Bill Rabon
Senator Neal Hunt
Senator Thom Goolsby
Senator Warren Daniel
Senator Don East
Senator Gladys Robinson
Senator Neal Hunt
Senator Ralph Hise
Senator Austin Allran
Senator Stan Bingham
Senator Harry Brown

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

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

March 21, 2011

H.B. 173, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

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

H.B. 181, A BILL TO BE ENTITLED AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

Referred to the **Commerce Committee**.

H.B. 187, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA.

Referred to the **Commerce Committee**.

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

Referred to the **Judiciary II Committee**.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.

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. 92, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAND TRANSFER TAX.

The bill passes its second reading (40-8) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

March 21, 2011

SENATE PAGES

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

Mickayla Bender, Aberdeen; Mercedes Bright, Pembroke; Sarah Heard, Greenville; Henna Patel, Cary; and Shane Polletta, Leland.

WITHDRAWAL FROM COMMITTEE

S.B. 361, 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** on March 17.

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

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 283, A BILL TO BE ENTITLED AN ACT TO ADDRESS SCHOOL DAYS MISSED BY MOUNTAIN COUNTIES DUE TO INCLEMENT WEATHER, referred to the **Education/Higher Education Committee** on March 10.

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

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 254, A BILL TO BE ENTITLED AN ACT TO ALLOW NONATTORNEY OWNERSHIP OF PROFESSIONAL CORPORATION LAW FIRMS, SUBJECT TO CERTAIN REQUIREMENTS, referred to the **Judiciary I Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

March 21, 2011

S.B. 149, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED PLASTIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY PLASTIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER PLASTIC KNUCKLES TO A MINOR, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca 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, March 22, which motion prevails with unanimous consent.

The Chair orders the Joint Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Tuesday, March 22.

ADDITIONAL SPONSOR

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

S.B. 353, A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT."

Upon motion of Senator Phil Berger, seconded by Senator Atwater, the Senate adjourns at 7:27 p.m., subject to the introduction of bills and receipt and reading of committee reports, to meet Tuesday, March 22, at 3:00 p.m.

March 21, 2011

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 Kinnaird (Primary Sponsor) and Atwater:

S.B. 367, A BILL TO BE ENTITLED AN ACT (1) TO REQUIRE THE NORTH CAROLINA UTILITIES COMMISSION TO ESTABLISH TIERED ELECTRICITY RATES FOR RESIDENTIAL, COMMERCIAL, PUBLIC, AND INDUSTRIAL CUSTOMERS TO ENCOURAGE ENERGY CONSERVATION AND ENERGY EFFICIENCY; (2) TO CREATE THE ENERGY EFFICIENCY PUBLIC BENEFIT LOAN FUND TO BE USED FOR LOANS TO CUSTOMERS FOR THE COSTS OF CERTAIN ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS; AND (3) TO CREATE AN INCENTIVE FOR CONSUMERS TO PURCHASE ENERGY STAR QUALIFIED HOUSEHOLD PRODUCTS.

Referred to the **Commerce Committee**.

By Senators Tucker, Rouzer (Primary Sponsors); Allran, Bingham, Brock, Daniel, Goolsby, Gunn, Hise, Pate, Soucek and Tillman:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS FOR PUBLIC SWIMMING POOLS.

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

By Senator Brown:

S.J.R. 369, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS.

Referred to the **Commerce Committee**.

By Senators Tillman, Soucek (Primary Sponsors); Bingham, Blake, Brock, Brown, East, Forrester, Harrington, Hise, Hunt, Jackson, Jones, Newton, Preston, Rabon and Walters:

S.B. 370, A BILL TO BE ENTITLED AN ACT TO INCREASE THE DISABLED VETERAN PROPERTY TAX HOMESTEAD EXCLUSION.

Referred to the **Finance Committee**.

By Senator Apodaca:

S.R. 371, A SENATE RESOLUTION RECOGNIZING DIABETES ALERT DAY IN NORTH CAROLINA.

The Senate Resolution is placed on the calendar for Tuesday, March 22.

By Senator Apodaca:

S.B. 372, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR THE GREEN INDUSTRY COUNCIL.

Referred to the **Finance Committee**.

March 21, 2011

By Senator Apodaca:

S.B. 373, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT.

Referred to the **Commerce Committee**.

By Senators Apodaca, Walters, Tucker (Primary Sponsors) and Hise:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE AND BY PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE.

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

By Senators Stein and Brunstetter (Primary Sponsors):

S.B. 375, A BILL TO BE ENTITLED AN ACT TO FACILITATE AND REGULATE THE DISCLOSURE OF PROTECTED HEALTH INFORMATION THROUGH A VOLUNTARY, STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK.

Referred to the **Health Care Committee**.

By Senator Stein:

S.B. 376, A BILL TO BE ENTITLED AN ACT TO TAX CIGARS THAT ARE DESIGNED TO LOOK LIKE CIGARETTES THE SAME AS CIGARETTES.

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

By Senators Tucker, Hise (Primary Sponsors); Atwater, Bingham, Davis, Goolsby, Gunn, Harrington, Newton, Rabon, Stevens, Walters and White:

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY AND TO ALLOW TASTINGS AT BREWERIES.

Referred to the **Commerce Committee**.

By Senators Goolsby, Rouzer, Jackson (Primary Sponsors) and Meredith:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.

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

By Senators Goolsby (Primary Sponsor); Daniel, Davis, Gunn, Hise, Newton, Rabon, Soucek and Tucker:

S.B. 379, A BILL TO BE ENTITLED AN ACT TO REVISE THE MANNER IN WHICH RESTITUTION DAMAGES ARE CALCULATED SO THAT VICTIMS IN PERSONAL INJURY CASES MAY RECEIVE FULL COMPENSATION FOR THEIR DAMAGES.

Referred to the **Judiciary I Committee**.

March 21, 2011

By Senators Jackson (Primary Sponsor); Atwater, Brock, Brown, East, Goolsby, Harrington, Meredith, Pate, Rouzer, Soucek, Tucker and Walters:

S.B. 380, A BILL TO BE ENTITLED AN ACT TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES, TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 22, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, you remind us throughout scripture that you are very much like a city. You are great Lord, and greatly to be praised in the city. Your holy mountain, beautiful in elevation, is the joy of all the earth. Mount Zion, in the far north, the city of the great King. Within her citadels, God has made himself known as a fortress. We are grateful to you, Father, that we, your children, are in the streets of your fortress. And I am thankful that you have put our feet on this hallowed ground, and that you have called us to go out and be the 'repairers of the breach.' You call us to go around her, to number her towers, consider well her ramparts, go through her citadels. Lord, may we tell the next generation that this is God, our God forever and ever. He will guide us forever. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Jennifer Dougherty from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

March 22, 2011

ENROLLED BILL

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

H.B. 92, AN ACT TO REPEAL THE LAND TRANSFER TAX.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.J.R. 369, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar.

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

S.B. 145, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS, with a favorable report.

S.B. 137, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

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

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH, with a favorable report.

H.B. 62, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE, with a favorable report.

March 22, 2011

S.B. 368, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS FOR PUBLIC SWIMMING POOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15096, is adopted and engrossed.

By Senator Meredith for the **Insurance Committee**:

S.B. 265, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE DEPARTMENT OF STATE TREASURER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35127, which changes the title to read **S.B. 265** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, is adopted and engrossed.

Upon motion of Senator Meredith, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Daniel for the **Judiciary II Committee**:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1 FELONY, with a favorable report.

By Senator Walters for the **State and Local Government Committee**:

S.B. 120, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM AND TO THE ELIGIBILITY OF CANDIDATES FOR ALDERMEN AND MAYOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85108, which changes the title to read **S.B. 120** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM, is adopted and engrossed.

S.B. 177, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES

March 22, 2011

OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY, with a favorable report.

S.B. 275, A BILL TO BE ENTITLED AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 288, A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING FACILITIES ARE USED, with a favorable report.

CALENDAR

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

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.

Upon motion of Senator Apodaca, the Joint Resolution is withdrawn from today's calendar and is placed on the calendar for Wednesday, March 23.

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED.

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. 26 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION 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.

March 22, 2011

S.B. 98, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TRANSCRIPT OR ALTERED VOICE REPRODUCTION MAY BE MADE AVAILABLE FOR A 911 CALL SO AS NOT TO IDENTIFY THE CALLER BY THE NATURAL VOICE.

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.

S.B. 191 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION AND TO ALLOW ELECTRONIC OR FACSIMILE SIGNATURES ON DEATH CERTIFICATES WITHOUT SPECIFIC APPROVAL BY THE STATE REGISTRAR.

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.

H.B. 27 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."

Upon motion of Senator Hartsell, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, March 23.

S.R. 371, A SENATE RESOLUTION RECOGNIZING DIABETES ALERT DAY IN NORTH CAROLINA.

The Senate Resolution is adopted (50-0).

March 22, 2011

S.J.R. 369, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS, placed earlier on today's calendar.

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 sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 143, A BILL TO BE ENTITLED AN ACT TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY DETENTION FACILITIES, referred to the **Rules and Operations of the Senate Committee** on February 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Clodfelter, the Senate adjourns at 3:31 p.m., subject to the introduction of bills and receipt of committee reports, to meet Wednesday, March 23, at 3:00 p.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Stevens (Primary Sponsor); Preston and Purcell:

S.R. 381, A SENATE RESOLUTION HONORING NORTH CAROLINA FAMILY AND CONSUMER SCIENCES ON THE 100TH ANNIVERSARY OF ITS FOUNDING.

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

By Senators Apodaca (Primary Sponsor) and Hise:

S.B. 382, A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS.

Referred to the **Finance Committee**.

By Senators Apodaca (Primary Sponsor); Atwater, Blue, Davis, Rouzer and Tillman:

S.B. 383, 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**.

March 22, 2011

By Senator Hartsell:

S.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA).

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 385, A BILL TO BE ENTITLED AN ACT CONCERNING THE CONFIDENTIALITY OF SMALL BUSINESS COUNSELING INFORMATION.

Referred to the **Commerce Committee**.

By Senators Kinnaird (Primary Sponsor); D. Berger and McKissick:

S.B. 386, 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 **Rules and Operations of the Senate Committee**.

By Senators Jackson and Blake (Primary Sponsors):

S.B. 387, 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 East, Rouzer, Jackson (Primary Sponsors); Allran, Bingham, Blake, Brock, Brown, Daniel, Forrester, Hartsell, Hise, Hunt, Pate, Preston, Rucho, Soucek, Tillman, Tucker and Walters:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISION OF FOREST RESOURCES AND THE FORESTRY COUNCIL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

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

By Senators East, Rouzer, Apodaca (Primary Sponsors); Brown, Brunstetter, Daniel, Davis, Hartsell, Pate, Rabon, Soucek and Tillman:

S.B. 389, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CHILD NUTRITION PROGRAM AND CHILD NUTRITION SERVICES OF THE DIVISION OF SCHOOL SUPPORT OF THE DEPARTMENT OF PUBLIC INSTRUCTION TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

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

March 22, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 107, A BILL TO BE ENTITLED AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35137, is adopted and engrossed.

S.B. 91 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY, 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, 15098, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 23, 2011

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

Prayer is offered by the Reverend Dr. Pierre J. Crawford, Senior Pastor of Center Baptist Church of Gastonia, North Carolina as follows:

"Heavenly Father, we come to you today to first say thank you. We thank you for our life, our health and a reasonable portion of strength about the body. We thank you, Lord, for giving us the various assignments that are set before us in this Senate Chamber. We pray that you will grant us the wisdom to remember that in 2011 as it was in 1776 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men

March 23, 2011

deriving their just powers from the consent of the governed.' Lead us therefore as men and women to be guided by these principles as we remember who sent us here to serve this present age. In whatever name you may call and for my freedom of religion in Jesus' name, Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, March 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. John Burkard from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Ann-Marie Somerville from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, 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, 15101, is adopted and engrossed.

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO EXTEND THE PERIOD OF TIME FOR WHICH COMMUNITY COLLEGE SMALL BUSINESS INCUBATORS CAN OFFER SERVICES TO NEW BUSINESS VENTURES, with a favorable report.

H.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL FLEXIBILITY FOR VANCE-GRANVILLE COMMUNITY COLLEGE BOND FUNDS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

March 23, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

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

H.B. 90 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

Referred to the **Commerce Committee**.

H.B. 192, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY.

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

H.B. 205, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MAY AS MOTORCYCLE AWARENESS MONTH.

Referred to the **Judiciary I Committee**.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.

Referred to the **Judiciary I Committee**.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.

Upon motion of Senator Apodaca, the Joint Resolution is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

March 23, 2011

S.B. 120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

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. 145, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS.

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. 177, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO PROVIDE THAT THE CITY SHALL COLLECT PAST-DUE CHARGES FOR UTILITY SERVICES OWED BY A TENANT WHO IS LIABLE FOR THE CHARGES IN THE MANNER PROVIDED BY GENERAL LAW INSTEAD OF PLACING A LIEN UPON THE RENTAL PROPERTY.

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. 288, A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, AND AUTHORIZING THE TOWNS TO USE CERTAIN CIVIL PENALTIES COLLECTED FOR VIOLATING PARKING ORDINANCES IN THE SAME MANNER IN WHICH PROCEEDS FROM ON-STREET AND OFF-STREET PARKING FACILITIES ARE USED.

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. 91 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET PROVISION PERTAINING TO THE E-NC AUTHORITY.

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 sent to the House of Representatives.

S.B. 105, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1 FELONY.

The bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

March 23, 2011

S.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS.

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. 137, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE FUNDED STUDENT FINANCIAL AID.

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.

S.B. 275, A BILL TO BE ENTITLED AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

The bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS FOR PUBLIC SWIMMING POOLS.

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 by special message.

H.B. 27 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC

AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."

The Senate 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 for concurrence in the Senate Committee Substitute bill.

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH.

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. 62, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE.

The bill passes its second reading (45-5) 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. 49 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS, referred to the **Judiciary II Committee** on March 15.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Judiciary I Committee**.

ADDITIONAL SPONSOR

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

S.B. 281, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF

March 23, 2011

CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES.

Upon motion of Senator Phil Berger, seconded by Senator White, the Senate adjourns at 3:46 p.m., subject to the introduction of bills and receipt of committee reports, to meet Thursday, March 24, at 11:00 a.m.

INTRODUCTION OF BILLS

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

By Senators Vaughan and Robinson (Primary Sponsors):

S.B. 390, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO PROVIDE ADDITIONAL RESOURCES FOR THE JOINT SCHOOL OF NANOSCIENCE AND NANOENGINEERING ON THE CAMPUS OF THE GATEWAY UNIVERSITY RESEARCH PARK OF THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO AND NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.

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

By Senators Brunstetter (Primary Sponsor) and Hise:

S.B. 391, A BILL TO BE ENTITLED AN ACT REPEALING THE PRIORITY CONSIDERATION IN HIRING GIVEN UNDER THE STATE PERSONNEL ACT TO COVERED EMPLOYEES SUBJECT TO REDUCTIONS IN FORCE.

Referred to the **Judiciary I Committee**.

By Senator Jenkins:

S.B. 392, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR FORMER LEGISLATORS.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO APPROPRIATELY INCREASE THE PENALTIES FOR FELONY DEATH BY VEHICLE AND AGGRAVATED FELONY DEATH BY VEHICLE SO THAT THE PUNISHMENT FOR CAUSING A DEATH WHILE DRIVING IMPAIRED IS ONE CLASS HIGHER THAN CAUSING SERIOUS BODILY INJURY WHILE DRIVING IMPAIRED, AND TO MAINTAIN THE PENALTY FOR AGGRAVATED FELONY DEATH BY VEHICLE AT ONE CLASS HIGHER THAN FELONY DEATH BY VEHICLE.

Referred to the **Judiciary II Committee**.

March 23, 2011

By Senators Newton, Tillman, Preston (Primary Sponsors); Allran, D. Berger, Bingham, Brown, Clary, Daniel, Davis, Forrester, Harrington, Hise, Rabon, Rouzer, Soucek, Stevens and Tucker:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); Brown, Clary, Daniel, Davis, Forrester, Hise, Jackson, Preston, Rabon, Tucker and White:

S.B. 395, A BILL TO BE ENTITLED AN ACT TO CREATE A CITIZENS' PROPERTY INSURANCE BOARD TO PROTECT THE INTERESTS OF NORTH CAROLINA CITIZENS IN THE PROPERTY INSURANCE RATESETTING PROCESS.

Referred to the **Insurance Committee**.

By Senators Gunn (Primary Sponsor); Blake, Brown, Clary, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hise, Preston, Rabon, Soucek and Tucker:

S.B. 396, A BILL TO BE ENTITLED AN ACT TO REPAY THE FUNDS OWED TO LOCAL SCHOOL ADMINISTRATIVE UNITS IN ACCORDANCE WITH THE REQUIREMENTS OF THE JUDGMENT IN THE CIVIL PENALTIES CASE.

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

By Senators D. Berger, McKissick, Daniel (Primary Sponsors); Atwater, Bingham, Blue, Dannelly, Forrester, Garrou, Goolsby, Graham, Hartsell, Jenkins, Jones, Kinnaird, Mansfield, Newton, Purcell, Robinson, Soucek, Vaughan, Walters and White:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES BUT TO ALLOW THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION ACCESS TO THE RECORDS OF EXPUNCTION.

Referred to the **Judiciary II Committee**.

By Senators Goolsby, Clodfelter, Brunstetter (Primary Sponsors); Allran, Bingham, Blake, Brown, Clary, Daniel, Forrester, Hunt, Newton, Preston and Stevens:

S.B. 398, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO CLARIFY THAT THE PROHIBITION AGAINST PERPETUITIES DOES NOT APPLY TO CHARITIES AND TRUSTS.

Referred to the **Judiciary I Committee**.

March 23, 2011

By Senators Clary (Primary Sponsor); Apodaca, Brock, Daniel, Gunn, Jackson, Jones, Meredith, Newton, Preston, Soucek and Vaughan:

S.B. 399, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR AN APPEAL OF A DECISION OF THE COUNTY BOARD OF ELECTIONS TO THE STATE BOARD OF ELECTIONS BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS.

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

By Senator Purcell:

S.B. 400, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-FOURTH DAY

Senate Chamber
Thursday, March 24, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Father, as we gather again today underneath the veil of your presence, we first want to say thank you for another day. We thank you because you are the author of our salvation. You have written us into your script, and for that, we are most thankful. Today, as we prepare for the election of a new Board of Governors at the University of North Carolina, we ask you to come down and bless us. Help us to trust in you for guidance, and that, Lord, you would impart wisdom on these future leaders, and also give increase to the various bodies of higher education throughout our blessed State. In this State, we value education. We value the process of learning. Would you be our teacher Lord, and would you give these newly elected officials the patience to carry out the high calling that has been given them. Amen."

The Chair grants leaves of absence for today to Senator Garrou and Senator Jenkins.

March 24, 2011

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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 Kristina Roberson from High Point, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 20, AN ACT TO AMEND THE LAW REGULATING PROPRIETARY SCHOOLS.

H.B. 29, AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH.

H.B. 62, AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Meredith for the **Insurance Committee**:

S.B. 323, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE ASSOCIATION AGGREGATE SECURITY SYSTEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

March 24, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15102, which changes the title to read **S.B. 323** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, March 29.

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 252, A BILL TO BE ENTITLED AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Tuesday, March 29.

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND THIRD-PARTY BILLING FOR STATE 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 85113, which changes the title to read **S.B. 316** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR

March 24, 2011

PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, March 29.

The Senate recesses at 11:10 a.m. to reconvene at 11:30 a.m.

RECESS

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS.

Referred to the **Judiciary II Committee**.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION.

Referred to the **Judiciary I Committee**.

H.B. 334, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT.

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

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE.

Referred to the **Judiciary II Committee**.

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 52**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA,

March 24, 2011

and pursuant to the report received on March 21 from the Senate Committee on UNC Board of Governors, today, with the slate of candidates to be submitted to the Senate, the President recognizes Senator Stevens, Co-Chair of the Senate Committee on UNC Board of Governors, who explains the voting procedures.

Senator Stevens announces that Senator Apodaca, Senator Tillman, Senator Hartsell, and Senator Stevens 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 subject to the introduction of bills at 11:40 a.m. to allow the appointed members to canvas the ballots for the UNC Board of Governors' election.

RECESS

INTRODUCTION OF BILLS

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

By Senators Bingham (Primary Sponsor); Allran, Atwater, Blake, Clary, Daniel, Preston, Rabon, Stevens and Tucker:

S.B. 401, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COORDINATE A PILOT PROGRAM TO EVALUATE THE EFFECTIVENESS OF CRISIS INTERVENTION TRAINING IN A LIMITED NUMBER OF ADULT CARE HOMES, BASED ON RECOMMENDATION 5.2 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Bingham (Primary Sponsor); Allran, Atwater, Brunstetter, Clary, Davis, Preston, Rabon, Stevens and Tucker:

S.B. 402, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

March 24, 2011

By Senators Jenkins and Pate (Primary Sponsors):

S.B. 403, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE SCHOOL OF DENTAL MEDICINE AT EAST CAROLINA UNIVERSITY.

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

By Senator Brock:

S.B. 404, A BILL TO BE ENTITLED AN ACT TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

Referred to the **Program Evaluation Committee**.

By Senators Hartsell, Brown (Primary Sponsors) and Vaughan:

S.B. 405, 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 **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Brock, East, and Newton (Primary Sponsors):

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.

Referred to the **Judiciary II Committee**.

By Senator Hartsell:

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING TRUSTS, ESTATE PLANNING, AND TRUST COMPANIES.

Referred to the **Judiciary I Committee**.

By Senators Hartsell, Clary, and Clodfelter (Primary Sponsors):

S.B. 408, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL STUDY EFFICIENT AND EFFECTIVE COMMUNITY COLLEGE ADMINISTRATION.

Referred to the **Program Evaluation Committee**.

By Senators Hartsell, Clary, and Clodfelter (Primary Sponsors):

S.B. 409, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA

March 24, 2011

GENERAL ASSEMBLY SHALL CONDUCT A COMPREHENSIVE PROGRAM AND FINANCIAL REVIEW OF THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY.

Referred to the **Program Evaluation Committee**.

By Senators Hartsell, Clary, and Clodfelter (Primary Sponsors):

S.B. 410, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL STUDY THE CONSOLIDATION OF ADMINISTRATIVE FUNCTIONS AMONG COUNTY DEPARTMENTS OF SOCIAL SERVICES.

Referred to the **Program Evaluation Committee**.

By Senators Newton, Meredith, Brown (Primary Sponsors); Bingham, Blake, Clary, Davis, Forrester, Goolsby, Gunn, Hise, Hunt, Jackson, Pate, Preston, Rabon, Rucho, Soucek, Stevens and Tucker:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

Referred to the **Judiciary I Committee**.

By Senators Goolsby, Clary, Tucker (Primary Sponsors); Apodaca, Brown, Daniel, Forrester, Newton, Rouzer and Soucek:

S.B. 412, A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF THE PUBLIC RECORDS AND OPEN MEETINGS LAWS A CLASS 3 MISDEMEANOR.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor) and Hartsell:

S.B. 413, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND GOVERNING BOARDS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor) and Hartsell:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Referred to the **Judiciary I Committee**.

By Senator Purcell:

S.B. 415, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE COST OF REDUCED PRICE LUNCHEES FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED PRICE MEALS.

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

March 24, 2011

By Senators Harrington, Rabon, Forrester (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Mansfield, McKissick, Meredith, Pate, Preston, Soucek, Stevens, Tillman and Tucker:

S.B. 416, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY.

Referred to the **Transportation Committee**.

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 Tillman.

**ANNOUNCEMENT OF MEMBERS
ELECTED TO THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA**

Pursuant to **S.R. 52**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, Senator Stevens, Co-Chair of the Senate Committee on UNC Board of Governors, announces the results of the election of members to the Board of Governors of the University of North Carolina, as follows:

W. Louis Bissette, Jr.
Fred Eshelman
John C. Fennebresque
Ann B. Goodnight
H. Frank Grainger
Peter D. Hans
Thomas J. Harrelson
Phillip D. Walker

The motion for conformation passes its second reading (45-1) and, without objection, is read a third time and passes its third reading.

The President declares W. Louis Bissette, Jr., Fred Eshelman, John C. Fennebresque, Ann B. Goodnight, H. Frank Grainger, Peter D. Hans, Thomas J. Harrelson and Phillip D. Walker duly elected to the Board of Governors of the University of North Carolina, and he further orders a special message be sent to

March 24, 2011

the House of Representatives informing that honorable body of such action. The President directs Senator Stevens, Co-Chairman of the Senate Committee on UNC Board of Governors, 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.

CALENDAR

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

S.B. 265 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

The Committee Substitute bill No. 2 passes its second reading (30-17).

Senator Nesbitt objects to third reading of the measure. Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is placed on the calendar for Tuesday, March 29.

S.B. 287, A BILL TO BE ENTITLED AN ACT TO AMEND THE UMSTEAD ACT TO EXTEND THE PERIOD OF TIME FOR WHICH COMMUNITY COLLEGE SMALL BUSINESS INCUBATORS CAN OFFER SERVICES TO NEW BUSINESS VENTURES.

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.

WITHDRAWAL FROM COMMITTEE

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY AND TO ALLOW TASTINGS AT BREWERIES, referred to the **Commerce Committee** on March 21.

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

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

March 24, 2011

ADDITIONAL SPONSOR

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

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 1:00 p.m. to meet Monday, March 28, at 7:00 p.m.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 28, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, thank you for the weekend. Thanks for its restorative power. And this reminds us of what Jeremiah says about the restoration of Israel. 'Cursed is the one who trusts in man and makes flesh his strength, whose heart turns away from the Lord. He is like a shrub in the desert, and shall not see any good come. He shall dwell in the parched places of the wilderness in an uninhabited salt land.' 'Blessed is the one who trusts in the Lord, whose trust is the Lord. He is like a tree planted by water, that sends out its roots by the stream, and does not fear when heat comes, for its leaves remain green, and is not anxious in the year of drought, for it does not cease to bear fruit.' Our hope comes from you Lord, and we turn to you, the Lord of all creation, as we come to a new week. Amen."

The Chair grants leaves of absence for tonight to Senator Brown, Senator Clary, Senator Jenkins, and Senator Purcell.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, March 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Jessica Scott from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Candi Newsome from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

March 28, 2011

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. 123, AN ACT TO REVISE THE BUSINESS ENTITY OWNERSHIP REQUIREMENTS OF LAND AT PRESENT-USE VALUE. (Became law upon approval of the Governor, March 24, 2011 - S.L. 2011-9.)

S.B. 99, AN ACT TO EXPEDITE THE ANALYSIS OF THE TAX STRUCTURE FOR UNEMPLOYMENT INSURANCE IN NORTH CAROLINA GIVEN THE SUBSTANTIAL NEGATIVE BALANCE IN THE STATE'S UNEMPLOYMENT INSURANCE TRUST FUND AND THE SUBSTANTIAL FEDERAL LOAN BALANCE OWED BY THE STATE FOR PAYMENT OF UNEMPLOYMENT INSURANCE BENEFITS. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-10.)

S.B. 32, AN ACT TO PROVIDE FOR HOSPITAL ASSESSMENTS TO BE USED TO OBTAIN MATCHING FEDERAL MEDICAID FUNDS TO REDUCE THE LOSSES HOSPITALS SUSTAIN WHEN TREATING MEDICAID AND UNINSURED PATIENTS, TO REDUCE THE INEQUITY IN MEDICAID PAYMENTS BETWEEN PUBLIC AND NONPUBLIC HOSPITALS, AND TO PROVIDE FORTY-THREE MILLION DOLLARS IN ADDITIONAL FUNDING FOR THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-11.)

S.B. 7, AN ACT TO ADD MEPHEDRONE, METHYENEDIOXYPROVALERONE AND CERTAIN DERIVATIVES OF 2-AMINO-1-PHENYL-1-PROPANONE, AND SYNTHETIC CANNABINOIDS TO THE LIST OF CONTROLLED SUBSTANCES. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-12.)

S.B. 22, AN ACT TO LIMIT NEW AGENCY REGULATORY REQUIREMENTS THAT RESULT IN SUBSTANTIAL ADDITIONAL COSTS. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-13.)

H.B. 6, AN ACT TO ALLOW THE STATUTORY DUTIES OF THE HOUSE COMMITTEE ON PENSIONS AND RETIREMENT TO BE CARRIED OUT BY THE HOUSE COMMITTEE ON STATE PERSONNEL. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-14.)

S.B. 109, AN ACT TO REQUIRE THE GOVERNOR TO CUT SPENDING FOR THE CURRENT FISCAL YEAR. (Became law upon approval of the Governor, March 25, 2011 - S.L. 2011-15.)

March 28, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary II Committee**:

S.B. 42, A BILL TO BE ENTITLED AN ACT RELATING TO THE REMOTE TESTIMONY OF CHILD WITNESSES IN CRIMINAL PROCEEDINGS RELATING TO SEXUAL OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55173, which changes the title to read **S.B. 42** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A COURT MAY RELY SOLELY ON LAY TESTIMONY WHEN MAKING A DETERMINATION THAT A CHILD WITNESS IN A CRIMINAL CASE WOULD SUFFER SERIOUS EMOTIONAL DISTRESS AND THE CHILD'S ABILITY TO COMMUNICATE WITH THE TRIER OF FACT WOULD BE IMPAIRED BY TESTIFYING IN THE DEFENDANT'S PRESENCE, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 215 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW."

Referred to the **Judiciary II Committee**.

H.B. 262, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

EXECUTIVE ORDERS

Executive Order No. 82, Proclamation of a State of Disaster for the Town of Windsor.

Executive Order No. 83, Governor's Task Force to Determine the Method of Compensation for Victims of North Carolina's Eugenics Board.

March 28, 2011

Executive Order No. 84, Establishing the North Carolina Early Childhood Advisory Council.

Executive Order No. 85, Consolidation and Reorganization of Executive Branch Agencies to Improve the Efficiency of State Government. (*See Appendix*)

SENATE PAGES

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

Jamie Ammons, Fayetteville; R.C. Brunstetter, Jr., Mocksville; Helen Hubacher, Chapel Hill; Cameron Jernigan, Ahoskie; Jordan Laughinghouse, Mooresville; Katherine Leak, Winston-Salem; Drew Lehner, Greensboro; Lauren Poythress, Morrisville; and Christine Sauer, Chapel Hill.

CALENDAR

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

S.B. 265 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

Senator Doug Berger offers Amendment No. 1 which fails of adoption (17-28).

The Committee Substitute bill No. 2 passes its third reading (29-16) and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS, referred to the **Rules and Operations of the Senate Committee** on March 10.

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

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Hunt, the Senate adjourns at 7:32 p.m., subject to the introduction of bills, to meet Tuesday, March 29, at 3:00 p.m.

March 28, 2011

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Purcell:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PREVENT BLINDNESS NORTH CAROLINA.

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

By Senators McKissick, Purcell (Primary Sponsors); Atwater, D. Berger, Dannelly, Graham, Kinnaird, Robinson and Vaughan:

S.B. 418, A BILL TO BE ENTITLED AN ACT TO PRESERVE STATE-BASED AUTHORITY TO REGULATE THE NORTH CAROLINA HEALTH INSURANCE MARKET AND TO PREVENT FEDERAL ENCROACHMENT ON STATE AUTHORITY BY ESTABLISHING THE NORTH CAROLINA HEALTH BENEFIT EXCHANGE.

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

By Senators Davis (Primary Sponsor) and Rabon:

S.B. 419, A BILL TO BE ENTITLED AN ACT TO REPEAL THE AUTHORITY TO PROVIDE FOR PUBLIC FUNDING OF CAMPAIGNS IN NORTH CAROLINA AND TO MAKE OTHER CAMPAIGN FINANCE REFORMS.

Referred to the **Judiciary I Committee**.

By Senator Vaughan:

S.B. 420, A BILL TO BE ENTITLED AN ACT REQUIRING CITIES AND COUNTIES TO GIVE INTERNET NOTICE OF MEETINGS AND POST THEIR MINUTES ON THE INTERNET.

Referred to the **Judiciary I Committee**.

By Senators Bingham (Primary Sponsor); Allran, Atwater, D. Berger, Brown, Clary, Daniel, Dannelly, Forrester, Kinnaird, Mansfield, McKissick, Preston, Rabon, Stevens, Tucker, Vaughan, Walters and White:

S.B. 421, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ESTABLISH A PILOT TRAINING PROGRAM USING GERIATRIC/ADULT MENTAL HEALTH SPECIALTY TEAMS TO CONDUCT TRAINING IN ADULT CARE HOMES ON PREVENTING THE ESCALATION OF BEHAVIORS LEADING TO CRISIS, BASED ON RECOMMENDATION 5.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Mental Health & Youth Services Committee**.

March 28, 2011

By Senators Bingham (Primary Sponsor); Allran, Atwater, D. Berger, Brown, Clary, Daniel, Dannelly, Forrester, Harrington, Kinnaird, Mansfield, McKissick, Preston, Rabon, Robinson, Stevens, Tillman, Tucker, Vaughan, Walters and White:

S.B. 422, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY RECOMMENDATION 3.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES TO ASSESS THE FEASIBILITY AND IMPLEMENTATION TIME LINE OF A PILOT PROGRAM AIMED AT TRANSITIONING ADULT CARE HOME RESIDENTS TO INDEPENDENT COMMUNITY-BASED HOUSING, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Tillman, Hartsell, Hise (Primary Sponsors); Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Davis, East, Forrester, Goolsby, Harrington, Hunt, Jackson, Meredith, Pate, Rouzer, Soucek, Stevens and Tucker:

S.B. 423, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE TEACHER TENURE LAW.

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

By Senator Robinson:

S.B. 424, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SMALL BREWERY BREWING LIMIT FROM TWENTY-FIVE THOUSAND BARRELS TO ONE HUNDRED THOUSAND BARRELS BEFORE THE BREWERY MUST USE A WHOLESALE DISTRIBUTOR TO DISTRIBUTE ITS PRODUCTS.

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

By Senators Hunt (Primary Sponsor); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Daniel, East, Forrester, Goolsby, Gunn, Hartsell, Hise, Jackson, Pate, Preston, Rouzer, Rucho, Tillman and Tucker:

S.B. 425, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REORGANIZE THE ECOSYSTEM ENHANCEMENT PROGRAM TO IMPROVE OPERATIONAL EFFICIENCY, AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION AND THE CLEAN WATER MANAGEMENT TRUST FUND.

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

By Senators Clodfelter (Primary Sponsor) and Hartsell:

S.B. 426, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE

STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES.

Referred to the **Finance Committee**.

By Senators Clodfelter (Primary Sponsor); Hartsell and Jones:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SECURITY OF NORTH CAROLINA'S WATER RESOURCES.

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

By Senators Clodfelter (Primary Sponsor); Hartsell and Rouzer:

S.B. 428, 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 **Program Evaluation Committee**.

By Senators Jackson (Primary Sponsor); Allran, Atwater, Bingham, Blake, Brock, Brown, Clary, Daniel, Davis, East, Forrester, Harrington, Hise, Newton, Pate, Preston, Rabon, Rouzer, Tillman and Tucker:

S.B. 429, A BILL TO BE ENTITLED AN ACT TO REGULATE TRESPASSING TO HUNT IN ORDER TO PROTECT RESPONSIBLE HUNTERS.

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

By Senators D. Berger and Jones (Primary Sponsors):

S.J.R. 430, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEAR- AND LONG-TERM IMPACTS ON NORTH CAROLINA'S ECONOMY, ENVIRONMENT, AND AGRICULTURAL ACTIVITIES AND ON THE HEALTH AND WELL-BEING OF ITS CITIZENS, ESPECIALLY THE IMPACTS ON THAT PORTION OF NORTH CAROLINA THAT IS LOCATED IN OR NEAR THE LOWER ROANOKE RIVER BASIN, WHICH SPANS THE VIRGINIA/NORTH CAROLINA BORDER AND EXTENDS TO THE ALBEMARLE SOUND, WERE THE PROPOSAL TO PROCEED FOR A CANADIAN COMPANY OR ANY OTHER COMPANY TO CONDUCT URANIUM MINING IN VIRGINIA IN THE CENTER OF THE ROANOKE RIVER BASIN.

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

By Senators Davis (Primary Sponsor); Apodaca and Rabon:

S.B. 431, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.

Referred to the **Finance Committee**.

March 28, 2011

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-SIXTH DAY

Senate Chamber
Tuesday, March 29, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"'Comfort, comfort, my people comfort, relief from pain Lord,' You champion the needs of those who are broken hearted, to ultimately bring liberty for the captives. And it's hard for us to hear that when we see hardship and captivity in our midst. The prophet Isaiah says: 'How beautiful upon the mountains are the feet of him who brings good news, who publishes peace, who brings good news of happiness, who publishes salvation, who says to Zion, Your God reigns. The voice of your watchmen – they lift up their voice; together they sing for joy; For eye to eye they see the return of the Lord to Zion. Break forth together into singing, you waste places of Jerusalem. The Lord has bared his holy arm before the eyes of all the nations, and to the ends of the earth shall see the salvation of our God.'"

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

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Monday, March 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILL

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

H.B. 27, AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC

March 29, 2011

EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011."

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

Referred to the **Commerce Committee**.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

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

March 29, 2011

H.B. 194, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE.

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

H.B. 415, A BILL TO BE ENTITLED AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWN OF TOPSAIL BEACH AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

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

CALENDAR

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

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A COURT MAY RELY SOLELY ON LAY TESTIMONY WHEN MAKING A DETERMINATION THAT A CHILD WITNESS IN A CRIMINAL CASE WOULD SUFFER SERIOUS EMOTIONAL DISTRESS AND THE CHILD'S ABILITY TO COMMUNICATE WITH THE TRIER OF FACT WOULD BE IMPAIRED BY TESTIFYING IN THE DEFENDANT'S PRESENCE.

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. 252, A BILL TO BE ENTITLED AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, 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. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

March 29, 2011

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, March 31.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 281, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35153, is adopted and engrossed.

S.B. 340, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE STATE HISTORIC SITES FUND IN THE DIVISION OF STATE HISTORIC SITES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15106, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

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.

March 29, 2011

WITHDRAWAL FROM COMMITTEE

H.B. 22, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL FLEXIBILITY FOR VANCE-GRANVILLE COMMUNITY COLLEGE BOND FUNDS, referred to the **Finance Committee** on March 23.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.R. 257, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES DOUGLAS "CHARLIE" BROWN, JR., FALLEN MARTIN COUNTY SHERIFF'S DEPUTY, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed before the Senate for immediate consideration, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it before the Senate for immediate consideration.

The Senate Resolution is adopted (48-0).

S.J.R. 5, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN MCNEILL SMITH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on January 27.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Joint Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Wednesday, March 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 Wednesday, March 30.

REMOVAL OF BILL CO-SPONSOR

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

March 29, 2011

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

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

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

Upon motion of Senator Phil Berger, seconded by Senator Stevens, the Senate adjourns at 3:38 p.m., subject to the introduction of bills and receipt of committee reports, to meet Wednesday, March 30, at 2:00 p.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator Hartsell:

S.B. 432, A BILL TO BE ENTITLED AN ACT TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 433, A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 434, A BILL TO BE ENTITLED AN ACT GOVERNING THE LIABILITY OF DIRECTED TRUSTEES.

Referred to the **Judiciary I Committee**.

March 29, 2011

By Senator Hartsell:

S.B. 435, A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 437, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

Referred to the **Health Care Committee**.

By Senators Apodaca (Primary Sponsor); Allran, Atwater, Brock, East, Jenkins, Tillman and Vaughan:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW.

Referred to the **Commerce Committee**.

By Senators Brock (Primary Sponsor) and Pate:

S.B. 439, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE.

Referred to the **Commerce Committee**.

By Senators Brock (Primary Sponsor) and Jackson:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO MOVE THE PRESIDENTIAL PREFERENCE PRIMARY TO MARCH.

Referred to the **Judiciary I Committee**.

March 29, 2011

By Senators Gunn, Vaughan (Primary Sponsors); Brock, Harrington, Hise, Jackson, Rouzer, Soucek and Tucker:

S.B. 441, A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET.

Referred to the **Transportation Committee**.

By Senator Graham:

S.R. 442, A SENATE RESOLUTION RECOGNIZING THE MONTH OF MARCH AS IRISH HERITAGE MONTH.

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

By Senators Stevens, Harrington, Newton (Primary Sponsors); Apodaca, Bingham, Blake, Brown, Brunstetter, Daniel, Davis, Forrester, Goolsby, Hise, Hunt, Jackson, Pate, Rabon, Rouzer, Rucho, Tillman and Tucker:

S.B. 443, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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 Hartsell (Primary Sponsor) and Rucho:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PLANNING, 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.

Referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Davis for the **State and Local Government Committee**:

S.B. 295, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE, with a favorable report.

S.B. 399, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR AN APPEAL OF A DECISION OF THE COUNTY BOARD OF ELECTIONS TO THE STATE BOARD OF ELECTIONS BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS, with a favorable report.

March 29, 2011

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

H.B. 90 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME, with a favorable report.

H.B. 187, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA, with a favorable report.

S.B. 130, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR WINE IN NORTH CAROLINA, TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY, AND TO CONFIRM THAT GOOD CAUSE FOR THE TERMINATION OF A WINE FRANCHISE DOES NOT INCLUDE A SUPPLIER'S DESIRE TO CONSOLIDATE ITS FRANCHISE OR DISTRIBUTION PATTERN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35154, which changes the title to read **S.B. 130** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

March 29, 2011

THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, March 30, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"You have searched me, Lord, and you know me. You know when I sit and when I rise; you perceive my thoughts from afar. You discern my going out and my lying down; you are familiar with all my ways. Before a word is on my tongue you, Lord, know it completely. You hem me in behind and before and you lay your hand upon me. Such knowledge is too wonderful for me, too lofty for me to attain. Where can I go from your Spirit? Where can I flee from your presence? If I go up to the heavens, you are there; if I make my bed in the depths, you are there. If I rise on the wings of the dawn, if I settle on the far side of the sea, even there your hand will guide me, your right hand will hold me fast. If I say, 'Surely the darkness will hide me and the light become night around me,' even the darkness will not be dark to you; the night will shine like the day, for darkness is as light to you. We pray in Christ's name, Amen."

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

The Chair extends privileges of the floor to Mary A. 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 Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 162, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES RELATED TO SMALL-SCALE PROCESSING OF AGRICULTURAL PRODUCTS FROM WASTEWATER PERMIT 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 30200, is adopted and engrossed.

Upon motion of Senator Rouzer, the Senate Committee Substitute bill is placed on the calendar for Thursday, April 7.

March 30, 2011

By Senator Forrester for the **Transportation Committee**:

S.B. 416, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY, with a favorable report.

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS, with a favorable report.

By Senator Pate for the **Health Care Committee**:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO EXEMPT BONA FIDE COOKING SCHOOLS FROM REGULATIONS GOVERNING THE SANITATION OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC, with a favorable report.

S.B. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM, with a favorable report.

S.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA), 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
March 29, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to, **H.R. 314**, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING

March 30, 2011

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:

Brent D. Barringer
G. Leroy Lail
Mary Ann Maxwell
Ed McMahan
Hari H. Nath
David Murphy Powers
Richard F. (Dick) Taylor
Raiford Trask, III

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. 212, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CRAMERTON TO REGULATE UTILITY VEHICLES.

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

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

H.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE METHODS FOR RECORDING SATISFACTION OF A SECURITY INSTRUMENT WITH THE REGISTER OF DEEDS, CLARIFYING THE REQUIREMENTS FOR ELECTRONICALLY REGISTERING PLATS WITH THE REGISTER OF DEEDS, AND AMENDING RESTRICTIONS ON ACCESS TO MILITARY DISCHARGE DOCUMENTS RECORDED WITH THE REGISTER OF DEEDS.

Referred to the **Judiciary II Committee**.

March 30, 2011

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 295, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill remains on the calendar for Thursday, March 31, upon third reading.

S.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: Senator Brown---1.

The Committee Substitute bill remains on the calendar for Thursday, March 31, upon third reading.

S.J.R. 5, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOHN MCNEILL SMITH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is read in its entirety and is debatable.

Upon motion of Senator Stevens, the remarks by the members are spread upon the Senate Journal as follows:

March 30, 2011

Senator Vaughan:

"Mr. President, this body has been the home to many great leaders and orators in North Carolina history. McNeill Smith is certainly no exception. He served three terms in this body taking the place by appointment of Hargrove "Skipper" Bowles. He helped lead the effort to consolidate the University of North Carolina system, he helped create the Department of Transportation as we know it today. He was an advocate for 18 year olds having the right to vote and many other things. He was known in Greensboro as the lawyer that mediated the dispute in 1960 in the Civil Rights Movement between Woolworth's and the students at North Carolina A & T State University. He was not known for taking the popular cause. In 1963, he represented those that thought their rights had been infringed upon with the Speaker Ban put on by the North Carolina General Assembly which, fortunately, the court upheld his ability as a great lawyer. He was listed as one of the top 100 lawyers in America by the National Law Journal. The News and Observer, several weeks ago, ran his obituary and they ran a quote from one of the editorials back in those days that said that debating McNeill Smith was like going one-on-one in basketball with David Thompson, the North Carolina State great. A very interesting gentleman, who rode his bicycle to work every day, rode his bicycle from the Velvet Cloak here to the North Carolina General Assembly every day and his legislative assistant, Charlotte Johnston, is still with us today as our floor clerk doing the minutes of this body. Charlotte, come out. She worked for him, and she's still here today with us. He was an absolutely outstanding individual. The North Carolina Bar Association Constitutional Award that's given every year was named the McNeill Smith Award. I commend the resolution to you. His family is with us today."

Senator Robinson:

"Thank you, Mr. President, and to members of the audience. In the late 60's I was a newcomer to Greensboro and had the opportunity to witness from that point on McNeill Smith's activism in the community. McNeill Smith fought for the rights of everybody. He was not concerned about the rights of one side as opposed to the other but he was concerned about what is right and we saw that throughout our community and because of his involvement, Greensboro became a richer place. It became more community oriented and a place that people could expect support in all facets of the community. And you can see by the resolution he was involved in the church community and the faith community. He was involved in organizations in the community such as the YMCA that really had an impact on the lives of people in the community. So I commend this resolution to you and we really thank his family. I also knew his wife who was very involved in the community as well. So we thank you for your support of this resolution."

Senator Kinnaird:

"Thank you. McNeill Smith was a giant at a time when there were giants in North Carolina. He led so many causes that were unpopular and it takes a giant to do that, to gather people around so that he can do that with other like-minded people who might not step out, who might not speak out. He and my late

March 30, 2011

husband, Dan Pollitt, actually went to the Supreme Court upon the Speaker Ban law and that was, of course, a great stride forward and an unpopular one. We need more giants like McNeill Smith and we are so grateful that he was here, that he led the way in so many areas that people were afraid to step out, but he was not. He knew what was right, he knew what should be done. He loved the Constitution more than anything and he lived by that and I hope that we all will support this wholeheartedly. Thank you."

Senator Phil Berger:

"Thank you, Mr. President. Members of the Senate, I echo the words of Senator Kinnaird because McNeill Smith was a giant. And he was one of us. He was a member of this body and he was someone who served here with distinction. He also served with distinction as a lawyer, served with distinction in his church, but most of all he served with distinction in his community, doing things that were not necessarily the easy things to do. An example for all of us, someone that we can all look to if we're looking for models for our behavior. I commend the resolution to you as well."

The Joint Resolution passes its second reading (50-0) and, without objection, is read a third time. The resolution passes its third reading with members standing and is ordered sent to the House of Representatives.

S.B. 130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP.

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. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE STATE HISTORIC SITES FUND IN THE DIVISION OF STATE HISTORIC SITES.

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. 399, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR AN APPEAL OF A DECISION OF THE COUNTY BOARD OF ELECTIONS TO THE STATE BOARD OF ELECTIONS BY A MEMBER OF THE COUNTY BOARD OF ELECTIONS.

The 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.

March 30, 2011

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.

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.B. 90 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

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. 187, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA.

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.

RECOGNITION OF STATUTORY OFFICER

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096

March 30, 2011

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 Republican Caucus met on March 30, 2011, with 31 members present and nominated the following officer for the remainder of the 2011 Session.

Principal Clerk - Ms. Sarah Clapp

Sincerely,
S/Senator Fletcher L. Hartsell, Jr.
Secretary – Republican Caucus

FLH, Jr.:gjf

cc: The Honorable Philip Berger
Senate Principal Clerk

March 30, 2011

REMOVAL OF BILL CO-SPONSOR

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

S.B. 362, A BILL TO BE ENTITLED AN ACT TO REALLOCATE LOTTERY FUNDING FROM CLASS SIZE REDUCTION AND PRE-K PROGRAMS TO SCHOOL CONSTRUCTION.

ADDITIONAL SPONSOR

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

S.B. 443, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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.

Upon motion of Senator Phil Berger, seconded by Senator Purcell, the Senate adjourns at 2:49 p.m., subject to the introduction of bills and receipt of committee reports, to meet Thursday, March 31, at 11:00 a.m.

INTRODUCTION OF BILLS

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

By Senators Rabon, Newton (Primary Sponsors); Allran, Daniel, Davis, Forrester, Harrington, Hise, Jackson, Pate, Preston, Soucek and Tucker:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF CERTAIN ITEMS FROM SALES AND USE TAX WHEN USED FOR AGRICULTURAL PURPOSES.

Referred to the **Finance Committee**.

By Senators Meredith, Preston, Brown (Primary Sponsors); Allran, Atwater, D. Berger, Brock, Clodfelter, Dannelly, Davis, East, Garrou, Graham, Gunn, Harrington, Hise, Jackson, Jones, McKissick, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, Stein, Tillman and Vaughan:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

Referred to the **Finance Committee**.

March 30, 2011

By Senators Apodaca, Brown (Primary Sponsors); Bingham, Blake, Blue, Clodfelter, East and Vaughan:

S.B. 447, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES.

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

By Senator Mansfield:

S.B. 448, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CUMBERLAND INTERNATIONAL EARLY COLLEGE HIGH SCHOOL.

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

By Senators Bingham (Primary Sponsor); Allran, Atwater, Blake, Brunstetter, Forrester, Newton, Preston, Rabon and Stevens:

S.B. 449, A BILL TO BE ENTITLED AN ACT TO DIRECT THE CONSUMER PROTECTION DIVISION, DEPARTMENT OF JUSTICE, TO COORDINATE A TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Bingham (Primary Sponsor); Allran, Atwater, Blake, Brunstetter, Forrester, Preston, Rabon and Stevens:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO DIRECT A STUDY OF DIRECT CARE WORKER WAGES AND BENEFITS TO EXAMINE WAYS TO REDUCE TURNOVER AND ADDRESS THE ANTICIPATED DIRECT CARE WORKER SHORTAGE RESULTING FROM INCREASED DEMAND FROM AGING BABY BOOMERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

Referred to the **Health Care Committee**.

By Senators Bingham (Primary Sponsor); Allran, Atwater, Blake, Brunstetter, Forrester, Hunt, Preston, Rabon, Stevens and Tucker:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT THAT DIRECTED THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROVIDE LEADERSHIP 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**.

March 30, 2011

By Senator Stein:

S.B. 452, A BILL TO BE ENTITLED AN ACT AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.

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

By Senators Rucho, Brock, Brown (Primary Sponsors); Apodaca, Brunstetter, Clary, Dannelly, Forrester, Hise, Hunt, Jones, McKissick, Rabon and Walters:

S.B. 453, A BILL TO BE ENTITLED AN ACT TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.

Referred to the **Redistricting Committee**.

By Senators Rucho, Brock, Brown (Primary Sponsors); Apodaca, Brunstetter, Clary, Dannelly, Forrester, Hise, Hunt, Jones, McKissick, Rabon and Walters:

S.B. 454, A BILL TO BE ENTITLED AN ACT TO REALIGN NORTH CAROLINA HOUSE OF REPRESENTATIVES DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.

Referred to the **Redistricting Committee**.

By Senators Rucho, Brock, Brown (Primary Sponsors); Apodaca, Brunstetter, Clary, Dannelly, Forrester, Hise, Hunt, Jones, McKissick, Rabon and Walters:

S.B. 455, A BILL TO BE ENTITLED AN ACT TO REALIGN THE NORTH CAROLINA SENATORIAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.

Referred to the **Redistricting Committee**.

By Senators Goolsby (Primary Sponsor); Bingham, Blake, Brown, Daniel, Davis, Forrester, Gunn, Hartsell, Hise, Hunt, Jackson, Newton, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens and Tillman:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor) and Hartsell:

S.B. 457, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION ACT.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter and Hartsell (Primary Sponsors):

S.B. 458, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REPLACE THE PRESENT PRACTICE OF SELECTING JUSTICES AND JUDGES OF THE APPELLATE DIVISION AND JUDGES OF THE SUPERIOR COURT GENERALLY BY GUBERNATORIAL APPOINTMENT, FOLLOWED BY ELECTIONS, WITH A METHOD BY WHICH (1) TWO CANDIDATES FOR JUSTICE AND JUDGE WILL BE NOMINATED BY A JUDICIAL NOMINATING COMMISSION, THE GOVERNOR WILL APPOINT ONE OF THEM, AND AT THE NEXT ELECTION THE VOTERS WILL CHOOSE IN A NONPARTISAN ELECTION BETWEEN THE TWO PERSONS, (2) AT THE END OF THE TERM OF A JUSTICE OR JUDGE WHO HAS SUCCESSFULLY WON AN ELECTION, THE QUESTION OF THE JUSTICE'S OR JUDGE'S RETENTION IN OFFICE IS SUBMITTED FOR APPROVAL OR DISAPPROVAL BY NONPARTISAN VOTE OF THE PEOPLE, (3) PROVISION IS MADE FOR THE CASE OF WITHDRAWAL OF A CANDIDATE BEFORE THE ELECTION, AND (4) PROVISION IS MADE FOR APPOINTMENT OF THE CHIEF JUSTICE FROM AMONG THE ASSOCIATE JUSTICES.

Referred to the **Judiciary I Committee**.

By Senator Brock:

S.B. 459, 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 Senator Brock:

S.B. 460, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NONPROFIT CORPORATION IS ELIGIBLE TO RECEIVE A STATE-FUNDED GRANT ONLY IF IT MEETS CERTAIN CRITERIA.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

March 30, 2011

THIRTY-EIGHTH DAY

Senate Chamber
Thursday, March 31, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, when we come before you, we come before royalty. And we are humbled by your holiness, your hallowedness. Father, you accept and receive us 'as we are,' not as 'we should be.' It's a divine mystery why you, a Holy Lord, would accept us fickle folks into your presence. And for that we are eternally grateful. In the face of all we need and all we bring before you, we affirm that your resources are far greater than our needs. Lord, you remind us through James, the brother of Jesus, that 'you are the giver of every good and perfect gift,' streaming down from heaven above. Your gifts are sufficient in our weaknesses. And so we thank you, that we do not serve a God of stone and wood, but that we serve alongside a personal Lord that calls us and empowers us to be a light to the nation, a hope in times of distress. And because you have rescued us from sin and death, you mobilize us to go out into this world to be the hope for the hopeless, and rest for those in trauma. For your namesake, to the praise of your glorious grace. Amen."

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

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

The Chair extends privileges of the floor to Dr. John Williford from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Christina Gallimore from Thomasville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 51, AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS.

March 31, 2011

H.B. 90, AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME.

H.B. 187, AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA.

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

S.B. 68, AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY.

S.B. 81, AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

S.B. 215, A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95045, which changes the title to read **S.B. 215** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER'S INVESTMENT STATUTE, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 244, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF 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 55196, is adopted and engrossed.

March 31, 2011

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS, with a favorable report.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY, with a favorable report.

By Senator Preston for the **Education/Higher Education Committee**:

H.B. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, with a favorable report.

S.B. 296, A BILL TO BE ENTITLED AN ACT TO BROADEN THE DEFINITION OF COOPERATIVE INNOVATIVE HIGH SCHOOL PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55191, which changes the title to read **S.B. 296** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COURSES FOR STUDENTS ENROLLED IN THE GATEWAY TO COLLEGE PROGRAM TO GENERATE BUDGET FTE AND TO DEVELOP AN APPROVAL PROCESS FOR DROPOUT RECOVERY PROGRAM PARTNERSHIPS BETWEEN LOCAL COMMUNITY COLLEGES AND LOCAL SCHOOL ADMINISTRATIVE UNITS, is adopted and engrossed.

Upon motion of Senator Preston, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 339, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55197, is adopted and engrossed.

March 31, 2011

By Senator Pate for the **Health Care Committee**:

S.B. 375, A BILL TO BE ENTITLED AN ACT TO FACILITATE AND REGULATE THE DISCLOSURE OF PROTECTED HEALTH INFORMATION THROUGH A VOLUNTARY, STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55195, is adopted and engrossed.

CALENDAR

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

S.B. 295, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Blake, Blue, Brock, Brown, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Blake, Blue, Brock, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---47.

Voting in the negative: Senator Brown---1.

The Committee Substitute bill is ordered sent to the House of Representatives.

March 31, 2011

WITHDRAWAL FROM COMMITTEE

S.R. 442, A SENATE RESOLUTION RECOGNIZING THE MONTH OF MARCH AS IRISH HERITAGE MONTH, referred to the **Rules and Operations of the Senate Committee** on March 29.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's calendar.

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

CALENDAR (*continued*)

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 5.

S.B. 346, A BILL TO BE ENTITLED AN ACT TO EXEMPT BONA FIDE COOKING SCHOOLS FROM REGULATIONS GOVERNING THE SANITATION OF ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR DRINK TO THE PUBLIC.

Senator Kinnaird offers Amendment No. 1 which is adopted (48-0).

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. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING 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 sent to the House of Representatives.

S.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA).

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.

March 31, 2011

S.B. 416, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE STATE AND LOCAL BOARDS OF EDUCATION SHALL USE THE MOST COST-EFFICIENT TIRE RETREADS ON AND PRESERVE CRITICAL TIRE INFORMATION FOR STATE VEHICLES AND SCHOOL BUSES, RESPECTIVELY.

Senator Newton offers Amendment No. 1 which is adopted (48-0).

The 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.

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS.

The Committee Substitute bill passes its second reading (48-0).

Senator Allran objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, April 4, upon third reading.

S.R. 442, A SENATE RESOLUTION RECOGNIZING THE MONTH OF MARCH AS IRISH HERITAGE MONTH, placed earlier on today's calendar.

The Senate Resolution is adopted (48-0).

SENATE ORGANIZATION

Upon motion of Senator Apodaca, Rule 59.2 is suspended and Philip King, the Senate Sergeant-At-Arm, is designated as the Senate Officer to receive bills vetoed by the Governor through Monday, April 4, 2011.

ADDITIONAL SPONSORS

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

S.B. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM.

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

S.B. 447, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES.

March 31, 2011

REMOVAL OF BILL CO-SPONSOR

Senator Harrington requests that she be removed as a sponsor of previously introduced legislation:

S.B. 361, 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 Phil Berger, seconded by Senator Hartsell, the Senate adjourns in honor of Janet Pruitt's service to the State at 11:38 a.m., subject to the introduction of bills, to meet Monday, April 4, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Tucker (Primary Sponsor); Blake, Davis, Forrester, Gunn, Hise, Jackson, Jones, Newton, Pate, Rabon and Tillman:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

Referred to the **Transportation Committee**.

By Senators Mansfield, Gunn, Clary (Primary Sponsors); Apodaca, Hartsell, Jenkins, Kinnaird, McKissick, Rabon and Walters:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO BOLSTER AFFORDABLE HOUSING THROUGH EQUITABLE DISTRIBUTION OF THE EXCISE TAX.

Referred to the **Finance Committee**.

By Senators Mansfield (Primary Sponsor); Daniel, Rabon and Tucker:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES.

Referred to the **Program Evaluation Committee**.

March 31, 2011

By Senators Hunt, Brunstetter, and Stevens (Primary Sponsors):

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA AUTHORITIES ORGANIZED UNDER CHAPTER 122C OF THE GENERAL STATUTES THAT ARE OPERATING UNDER MEDICAID MANAGED CARE WAIVERS TO ORGANIZE UNDER CHAPTER 131E OF THE GENERAL STATUTES, THE HOSPITAL AUTHORITIES ACT.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Hartsell and Tillman (Primary Sponsors):

S.B. 466, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.

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

By Senators Hartsell and Apodaca (Primary Sponsors):

S.B. 467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS LICENSURE ACT.

Referred to the **Health Care Committee**.

By Senator Clodfelter:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.

Referred to the **Judiciary I Committee**.

By Senators East (Primary Sponsor); Brown and Jackson:

S.B. 469, A BILL TO BE ENTITLED AN ACT TO EXEMPT AGE-RESTRICTED VENUES FROM THE SMOKING BAN.

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

By Senators Tillman, Hartsell (Primary Sponsors); Allran, Apodaca, D. Berger, Bingham, Blue, Brock, Clary, Graham, Harrington, Jackson, McKissick, Meredith, Newton, Preston, Rouzer, Rucho, Stevens and Vaughan:

S.B. 470, A BILL TO BE ENTITLED AN ACT RELATING TO CAPITAL IMPROVEMENTS AT COMMUNITY COLLEGES.

Referred to the **Finance Committee**.

By Senators Purcell, Mansfield, Forrester (Primary Sponsors) and Walters:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO RAISE THE AGE FOR WHICH USE OF TANNING EQUIPMENT REQUIRES A WRITTEN PRESCRIPTION.

Referred to the **Health Care Committee**.

March 31, 2011

By Senator Purcell:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.

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

By Senators Apodaca, Stein, Brunstetter (Primary Sponsors); Hise, Pate and Tillman:

S.B. 473, A BILL TO BE ENTITLED AN ACT (1) TO REDUCE THE AMOUNT OF PURCHASED RENEWABLE ENERGY CERTIFICATES DERIVED FROM OUT-OF-STATE NEW SOLAR FACILITIES THAT MAY BE USED TO COMPLY WITH THE REPS REQUIREMENT THROUGH THE USE OF SOLAR ENERGY RESOURCES AND (2) TO DOUBLE THE REPS REQUIREMENT FOR THE USE OF SOLAR ENERGY RESOURCES AND EXPAND THE COMPLIANCE SCHEDULE.

Referred to the **Commerce Committee**.

By Senators Apodaca, Hise (Primary Sponsors); Jackson and Rouzer:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING SCHEDULE II CONTROLLED SUBSTANCES.

Referred to the **Judiciary I Committee**.

By Senators Apodaca (Primary Sponsor); Hise and Pate:

S.B. 475, 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 **Rules and Operations of the Senate Committee**.

By Senators Apodaca (Primary Sponsor); Allran, D. Berger, Brock, Brown, East, Goolsby, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Mansfield, Pate, Preston, Rabon, Rouzer, Soucek, Tillman, Tucker, Vaughan, Walters and White:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO STIMULATE NEW HOME PURCHASES.

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

By Senators Apodaca (Primary Sponsor) and Jackson:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO REDUCE THE EXCESSIVE NUMBER OF NORTH CAROLINA DRIVERS INSURED BY THE NORTH CAROLINA REINSURANCE FACILITY BY PROVIDING FOR FILE AND USE RATE DEVIATIONS FOR AUTOMOBILE LIABILITY INSURANCE AND BY PROVIDING A FIVE-YEAR PHASEOUT OF THE "CLEAN RISK" SUBCLASSIFICATION WITHIN THE REINSURANCE FACILITY.

Referred to the **Insurance Committee**.

March 31, 2011

By Senators Bingham (Primary Sponsor); Allran, Brown, Forrester, Preston and Tillman:

S.B. 478, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN OFFICE OF PROSECUTION SERVICES TO PROVIDE OVERSIGHT OF THE VARIOUS DISTRICT ATTORNEY OFFICES.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-NINTH DAY

Senate Chamber
Monday, April 4, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, You say to us in your Holy Scriptures: 'Do not be anxious about your life, what you will eat or what you will drink, nor about your body and what you will put on.' You speak and we must listen. We are more precious to you than silver or gold, than the lilies of the field. Thank you, Lord Jesus, for giving us the much needed re-assurance that through you, all things are being ordered rightly, and will be put right. For Christ's sake, Amen."

The Chair grants a leave of absence for tonight to Senator Graham.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, March 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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.

ENROLLED BILLS

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

S.B. 18, AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR.

April 4, 2011

S.B. 248, AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

CHAPTERED BILLS

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

S.B. 68, AN ACT TO PROHIBIT HUNTING AND FISHING ON THE PROPERTY OF ANOTHER WITHOUT WRITTEN PERMISSION IN ROBESON COUNTY. (Became law upon ratification, March 31, 2011 - S.L. 2011-16.)

S.B. 81, AN ACT TO REPEAL A LOCAL ACT CONCERNING FINANCIAL DISCLOSURE BY MEMBERS OF THE BOARD OF COMMISSIONERS OF ORANGE COUNTY SINCE A GENERAL LAW NOW PROVIDES FOR AN ETHICS POLICY. (Became law upon ratification, March 31, 2011 - S.L. 2011-17.)

H.B. 92, AN ACT TO REPEAL THE LAND TRANSFER TAX. (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-18.)

H.B. 27, AN ACT TO (1) CREATE THE NORTH CAROLINA FORENSIC SCIENCE ADVISORY BOARD, (2) ENCOURAGE EFFORTS TO ELIMINATE SOURCES OF HUMAN ERROR IN FORENSIC EXAMINATIONS, (3) REQUIRE CERTIFICATION OF FORENSIC SCIENCE PROFESSIONALS, (4) RENAME THE STATE BUREAU OF INVESTIGATION LABORATORY AS THE NORTH CAROLINA STATE CRIME LABORATORY, (5) CREATE THE POSITION OF OMBUDSMAN TO ENSURE THAT THE BEST FORENSIC PROCESSES AND PROCEDURES ARE UTILIZED IN THE STATE CRIME LABORATORY, (6) CLARIFY STATUTES THAT ALLOW FOR THE ADMISSIBILITY OF FORENSIC ANALYSES INTO EVIDENCE, (7) CLARIFY THE STATE'S OBLIGATION TO DISCLOSE TO THE DEFENDANT ALL INFORMATION RELATING TO THE TESTING OR EXAMINATION OF EVIDENCE AND TO PENALIZE OMISSION OR MISREPRESENTATION RELATING TO DISCLOSURE, AND (8) CLARIFY THAT STATE CRIME LABORATORY PERSONNEL SERVE THE PUBLIC AND THE CRIMINAL JUSTICE SYSTEM, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON THE PRESERVATION OF BIOLOGICAL EVIDENCE, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE FORENSIC SCIENCES ACT OF 2011." (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-19.)

April 4, 2011

H.B. 60, AN ACT TO EXTEND THE TASK FORCE DEVELOPING GUIDELINES FOR CONSUMERS TO USE WHEN PURCHASING A HEARING AID, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING. (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-20.)

S.B. 20, AN ACT TO AMEND THE LAW REGULATING PROPRIETARY SCHOOLS. (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-21.)

H.B. 29, AN ACT TO AUTHORIZE THE RETRIEVAL OF KILLED OR WOUNDED BIG GAME USING A SINGLE DOG ON A LEASH. (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-22.)

S.B. 58, AN ACT MODIFYING THE FEDERAL MEDICAL ASSISTANCE PERCENTAGES CUTS IN THE 2010-2011 STATE BUDGET. (Became law upon approval of the Governor, March 31, 2011 - S.L. 2011-23.)

ELECTION OF A STATUTORY OFFICER

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 Brown who offers the following nomination and remarks:

"Ladies and gentleman of the Senate, I rise to nominate Sarah Clapp to be the Principal Clerk of the Senate. We all know Sarah and we know she will do a great job."

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

"Mr. President I rise to second the nomination of Sarah Clapp to be Principal Clerk. Ladies and gentleman of the Senate, Sarah Clapp, we all know her abilities. We feel certain she will do a great job for us and I also move that nominations be closed if there are no further nominations and Sarah Clapp be nominated by acclamation."

The motion by Senator Apodaca that the nominations be closed and that Sarah Clapp be elected Principal Clerk for the remainder of the 2011 Senate Session by acclamation prevails. The President declares Sarah Clapp duly elected. The Honorable Walter Dalton, President of the Senate, administers the prescribed Oath of Office and the President directs the Principal Clerk to assume her seat.

April 4, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Newton for the **Judiciary II Committee**:

S.B. 241, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DWI SENTENCING BE AT LEVEL ONE IF THE OFFENSE OCCURS WITH A CHILD LESS THAN SIXTEEN YEARS OF AGE IN THE VEHICLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85136, which changes the title to read **S.B. 241** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DWI SENTENCING BE AT LEVEL ONE IF THE OFFENSE OCCURS WITH A CHILD LESS THAN EIGHTEEN YEARS OF AGE IN THE VEHICLE, is adopted and engrossed.

By Senator Allran for the **Judiciary II Committee**:

H.B. 59 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70132, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 265 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on tonight's calendar.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 244 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY.

April 4, 2011

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. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, April 5, upon third reading.

S.B. 375 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE AND REGULATE THE DISCLOSURE OF PROTECTED HEALTH INFORMATION THROUGH A VOLUNTARY, STATEWIDE HEALTH INFORMATION EXCHANGE NETWORK.

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. 7 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Senator Garrou offers Amendment No. 1 which fails of adoption (18-31).

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

Senator Stein offers Amendment No. 3 which fails of adoption (18-31).

Senator Robinson offers Amendment No. 4 which fails of adoption (18-31).

The Committee Substitute bill passes its second reading (31-18) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 21 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

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. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.

April 4, 2011

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 5.

H.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS.

The Committee Substitute bill passes its third reading (49-0) and is ordered enrolled and sent to the Governor.

S.B. 265 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, placed earlier on tonight's calendar for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (31-18) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 2, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING CRUELTY TO ANIMALS, referred to the **Judiciary II Committee** on January 27.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION, referred to the **Judiciary II Committee** on March 21.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

April 4, 2011

SENATE PAGES

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

Julius Blue, Gastonia; Michael Horton, Fayetteville; Emily Jones, Mocksville; Olivia Lanier, Jacksonville; Jon Mancini, Emerald Isle; Caroline McMurry, Statesville; Harrison Preddy, Franklinton; Bre'Ana Smith, Wendell; and Lydia Stonehouse, Clemmons.

Upon motion of Senator Phil Berger, seconded by Senator McKissick, the Senate adjourns in memory of Dr. Martin Luther King, Jr. at 7:55 p.m., subject to the introduction of bills and receipt of messages from the House of Representatives, to meet Tuesday, April 5, at 3:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Tillman, Preston, Soucek (Primary Sponsors); Blake, Brock, Brown, Daniel, Forrester, Gunn, Hise, Hunt, Jones, Meredith, Pate, Rabon, Rucho, Stein and Stevens:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; A PILOT STUDY OF A NEW ASSESSMENT OF U.S. HISTORY BASED ON THE REVISED CURRICULUM AND THAT ASSESSES CRITICAL THINKING AND WRITING SKILLS; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.

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

By Senators Harrington (Primary Sponsor); Davis, Newton and Rabon:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO REQUIRE ONLY THOSE WHO ARE LESS THAN EIGHTEEN YEARS OLD TO WEAR A HELMET WHILE OPERATING A MOTORCYCLE.

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

By Senator Jones:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO ENACT THE MENTAL HEALTH WORKERS' BILL OF RIGHTS.

Referred to the **Mental Health & Youth Services Committee**.

April 4, 2011

By Senators Hartsell (Primary Sponsor); East and Rouzer:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADMINISTRATIVE LAW JUDGES TO MAKE FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES COMMENCED UNDER ARTICLE 3 OF THE ADMINISTRATIVE PROCEDURE ACT.

Referred to the **Judiciary I Committee**.

By Senators McKissick, Kinnaird (Primary Sponsors) and Atwater:

S.B. 483, A BILL TO BE ENTITLED AN ACT TO CREATE AN INDEPENDENT STATE FORENSICS LABORATORY TO PROVIDE FORENSIC SERVICES TO PROSECUTORS AND THE COURTS BY ANALYZING SUBMITTED EVIDENCE AND PROVIDING INDEPENDENT AND IMPARTIAL REPORTS BASED ON GENERALLY ACCEPTED SCIENTIFIC PRINCIPLES AND TO MAKE CORRESPONDING CHANGES TO GENERAL STATUTES AFFECTED BY THE CREATION OF AN INDEPENDENT STATE FORENSICS LABORATORY.

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

By Senators Jackson (Primary Sponsor); Apodaca, Brock, Brown, East, Meredith, Newton, Pate, Rabon, Rouzer, Tillman and Walters:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT, WHEN THE NORTH CAROLINA UTILITY COMMISSION ASSIGNS TRIPLE CREDIT TO ANY ELECTRIC POWER OR RENEWABLE ENERGY CERTIFICATES GENERATED FROM RENEWABLE ENERGY RESOURCES AT A BIOMASS RENEWABLE ENERGY FACILITY LOCATED IN A CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PARK, THE ADDITIONAL CREDITS ARE ELIGIBLE TO MEET THE REQUIREMENTS FOR PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, AND MUNICIPALITIES UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS (REPS) RATHER THAN REQUIRING THAT THESE ADDITIONAL CREDITS MUST FIRST BE USED TO MEET ALL THE REPS REQUIREMENTS THROUGH THE USE OF POULTRY WASTE RESOURCES.

Referred to the **Commerce Committee**.

By Senators Jackson (Primary Sponsor); Daniel, Allran, Atwater, Bingham, Blake, Brock, Brown, Brunstetter, Clary, East, Forrester, Goolsby, Harrington, Meredith, Newton, Preston, Rabon, Rouzer, Tillman, Tucker and Walters:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE FOR FARMLAND PRESERVATION.

Referred to the **Finance Committee**.

April 4, 2011

By Senators Stein, Vaughan, and Newton (Primary Sponsors):

S.B. 486, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RELEASE OF A SUBDIVIDED TRACT OF LAND FROM A TAX LIEN UPON PAYMENT OF TAXES DUE ON THAT TRACT.

Referred to the **Judiciary I Committee**.

By Senators Stein, Vaughan, and Newton (Primary Sponsors):

S.B. 487, A BILL TO BE ENTITLED AN ACT AUTHORIZING ATTORNEYS LICENSED IN THIS STATE TO DEPOSIT DISPUTED EARNEST MONEY WITH THE CLERK OF SUPERIOR COURT.

Referred to the **Judiciary I Committee**.

By Senators Stein, Vaughan, and Newton (Primary Sponsors):

S.B. 488, A BILL TO BE ENTITLED AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

Referred to the **Judiciary I Committee**.

By Senators Rucho (Primary Sponsor); Apodaca, Brock, Brown, Clary, Hartsell, Rouzer and Hise:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN AN ONLINE PUBLIC DATABASE AND TO POST INFORMATION ON THE INTERNET MEASURING JOB CREATION, RETENTION, AND WAGE ATTAINMENT IN NORTH CAROLINA RESULTING FROM STATE AND LOCAL GOVERNMENT ECONOMIC DEVELOPMENT INCENTIVES.

Referred to the **Finance Committee**.

By Senators Rucho (Primary Sponsor); Rouzer and Brock:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NONFLEET PRIVATE PASSENGER AUTOMOBILE AND MOTORCYCLE INSURANCE REGULATORY ENVIRONMENT.

Referred to the **Insurance Committee**.

By Senators Rouzer (Primary Sponsor); East and Jackson:

S.B. 491, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM.

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

April 4, 2011

By Senators Rouzer, Jackson, East (Primary Sponsors); Daniel, Brock and Hise:

S.B. 492, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY ACT.

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

By Senators Daniel, Jackson (Primary Sponsors); Atwater, Blake, Brunstetter, Davis, Forrester, Hunt, Newton, Rabon, Rouzer, Stevens and Tucker:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO CODIFY THE NORTH CAROLINA CENTURY FARMS PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

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

By Senators Daniel (Primary Sponsor); Atwater, Blake, Davis, Forrester, Goolsby, Hunt, Newton, Rabon and Rouzer:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO PROVIDE A REFUND FROM THE MOTOR FUEL EXCISE TAX FOR VOLUNTEER ORGANIZATIONS THAT PROVIDE COMMUNICATIONS SUPPORT DURING EMERGENCIES.

Referred to the **Finance Committee**.

By Senator Daniel:

S.B. 495, A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF THE DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 25.

Referred to the **Judiciary II Committee**.

By Senator Pate:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO PROVIDE FRAUD AND ABUSE PROVISIONS REQUIRED BY THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.

Referred to the **Health Care Committee**.

By Senators Pate, Jenkins, Vaughan (Primary Sponsors); Graham and Hise:

S.B. 497, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENTS ACCEPTED FOR ADMISSION IN THE SCHOOL OF DENTISTRY AT EAST CAROLINA UNIVERSITY ARE ELIGIBLE FOR THE BOARD OF GOVERNORS' DENTAL SCHOLARSHIP PROGRAM.

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

By Senators Pate and Purcell (Primary Sponsors):

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

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

April 4, 2011

By Senators Rabon, Rouzer (Primary Sponsors); Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, Forrester, Gunn, Hise, Hunt, Jackson, Newton, Pate, Preston, Soucek, Stevens, Tucker and Walters:

S.B. 499, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS THE DUTY OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADMINISTER AND SUPERVISE THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY, for concurrence in the House Amendment No. 1.

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

S.B. 49 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, April 5.

S.B. 368 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS TO PUBLIC SWIMMING POOLS; (2) PROVIDE THAT REQUIREMENTS RELATED TO DRESSING AND SANITARY FACILITIES DO NOT APPLY TO INTERACTIVE PLAY ATTRACTIONS; (3) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY ISSUES RELATED TO FENCING REQUIREMENTS FOR WADING POOLS; AND (4) TEMPORARILY PROHIBIT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ENFORCING CERTAIN REQUIREMENTS RELATED TO FENCING FOR WADING POOLS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, April 5.

H.B. 33 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN CONSULATE OR EMBASSY DOCUMENTS MAY NOT BE USED TO DETERMINE A PERSON'S IDENTIFICATION OR RESIDENCE FOR GOVERNMENTAL AND LAW ENFORCEMENT PURPOSES.

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

April 4, 2011

H.B. 111 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO PROTECT THEMSELVES AND THEIR FAMILIES IN RESTAURANTS AND TO ALLOW A CONCEALED HANDGUN PERMITTEE TO CARRY A HANDGUN IN A PARK.

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

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

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

H.B. 201, A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE SEASONS FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN BLADEN COUNTY.

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

H.B. 218, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

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

H.B. 261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED.

Referred to the **Transportation Committee**.

H.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WHO REMARRIED PRIOR TO THE EFFECTIVE DATE OF A TECHNICAL CORRECTION TO THE RETIREMENT LAWS TO NOMINATE THEIR NEW SPOUSES TO RECEIVE THE SURVIVOR BENEFITS IN ACCORDANCE WITH THAT TECHNICAL CORRECTION.

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

H.B. 265, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.

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

H.B. 336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET.

Referred to the **Transportation Committee**.

April 4, 2011

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTIETH DAY

Senate Chamber
Tuesday, April 5, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, we come before you today, Lord, to confess that we have sinned against you, in thought, in word, and in deed. We do not always 'Love our neighbors as ourselves.' We are often like the priests that went to the other side of the road as their Samaritan friend was alone and withering. And so, Lord, we first pray for your mercy to flow abundantly, that you would renew us as we fail and turn our backs not only on you, but on our neighbors. And, Lord, reassure us by your pardon today, that in You, we have received reconciliation and are loved, despite our failings. Give us the heart to love this city and this State with the love that you have displayed for her. We plead that you would show us the way forward, that You would direct our paths. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Kathy Glenn from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND A RESOLUTION

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

S.B. 107, AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS.

April 5, 2011

S.B. 265, AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

H.B. 7, AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

H.B. 21, AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

H.B. 159, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS.

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. 369, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S REAPPOINTMENT OF JOSEPH A. SMITH TO THE OFFICE OF COMMISSIONER OF BANKS. (Res. 4)

CHAPTERED BILL

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. 62, AN ACT TO PROHIBIT THE RULE TO CHANGE THE WATER QUALITY CLASSIFICATION OF BOYLSTON CREEK FROM BECOMING EFFECTIVE. (Become law without the approval of the Governor, April 5, 2011 - S.L. 2011-24.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 413, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND GOVERNING BOARDS, with a favorable report.

April 5, 2011

CALENDAR

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

S.B. 241 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DWI SENTENCING BE AT LEVEL ONE IF THE OFFENSE OCCURS WITH A CHILD LESS THAN EIGHTEEN YEARS OF AGE IN THE VEHICLE.

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. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 6.

H.B. 59 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

The Senate 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 for concurrence.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.

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

The Committee Substitute 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 sent to the House of Representatives for concurrence in the Senate Amendment No. 1.

S.B. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO PROVIDE ADDITIONAL FISCAL AND TECHNICAL OVERSIGHT OF THE DRIVER EDUCATION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

The Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives.

April 5, 2011

S.B. 49 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, for concurrence in House Committee Substitute bill.

Upon motion of Senator Allran, the House Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 6.

S.B. 368 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS TO PUBLIC SWIMMING POOLS; (2) PROVIDE THAT REQUIREMENTS RELATED TO DRESSING AND SANITARY FACILITIES DO NOT APPLY TO INTERACTIVE PLAY ATTRACTIONS; (3) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY ISSUES RELATED TO FENCING REQUIREMENTS FOR WADING POOLS; AND (4) TEMPORARILY PROHIBIT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ENFORCING CERTAIN REQUIREMENTS RELATED TO FENCING FOR WADING POOLS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rouzer, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Phil Berger, President *Pro Tempore* announces the appointment of Senator Graham to the **Redistricting Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS, referred to the **Commerce Committee** on March 29.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Finance Committee**.

ADDITIONAL SPONSORS

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

S.B. 471, A BILL TO BE ENTITLED AN ACT TO RAISE THE AGE FOR WHICH USE OF TANNING EQUIPMENT REQUIRES A WRITTEN PRESCRIPTION.

April 5, 2011

Senator Berger, D. requests to be added as a sponsor of previously introduced legislation:

S.B. 429, A BILL TO BE ENTITLED AN ACT TO REGULATE TRESPASSING TO HUNT IN ORDER TO PROTECT RESPONSIBLE HUNTERS.

S.B. 452, A BILL TO BE ENTITLED AN ACT AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.

Senator Gunn and Senator Hise request to be added as sponsors of previously introduced legislation:

S.B. 463, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES.

Upon motion of Senator Phil Berger, seconded by Senator Stein, the Senate adjourns in honor of Delta Sigma Theta Sorority at 3:29 p.m., subject to the introduction of bills, receipt of committee reports and reading of messages from the House of Representatives, to meet Wednesday, April 6, at 3:00 p.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Brunstetter, Hunt, and Stevens (Primary Sponsors):

S.B. 500, 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 Rouzer and Jackson (Primary Sponsors):

S.B. 501, A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS.

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

April 5, 2011

By Senator Brock:

S.B. 502, 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 Davis (Primary Sponsor); Apodaca, Blue, Brock, Hise, Rabon and Tillman:

S.B. 503, A BILL TO BE ENTITLED AN ACT TO ELIMINATE SECOND PRIMARIES.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 504, 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 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 RURAL 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.

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

By Senators Hartsell (Primary Sponsor); Brock and Tillman:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO ENSURE EQUAL TREATMENT OF HEALTH SERVICE APPLICANTS UNDER THE STATE MEDICAL FACILITIES PLAN.

Referred to the **Health Care Committee**.

By Senators Hartsell, Bingham, McKissick (Primary Sponsors); D. Berger and Blue:

S.B. 506, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND

SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

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

By Senators Hunt (Primary Sponsor); Blake, Brunstetter, Clary, Daniel, Forrester and Preston:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EMPLOYEE OF A PERSON OR BUSINESS ENTITY WHO PERFORMS REAL ESTATE BROKER ACTS AS RELATED TO PROPERTY OWNED OR LEASED BY THE PERSON OR BUSINESS ENTITY TO BE EXEMPT FROM THE REQUIREMENTS OF LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS.

Referred to the **Commerce Committee**.

By Senator Kinnaird:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF MEDICAL AND RELIGIOUS VACCINE EXEMPTIONS TO THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT.

Referred to the **Health Care Committee**.

By Senators D. Berger, McKissick (Primary Sponsors); Garrou, Jones and Kinnaird:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PUBLIC EMPLOYER FROM INQUIRING INTO OR CONSIDERING THE CRIMINAL RECORD OF A JOB APPLICANT UNTIL THE APPLICANT HAS BEEN SELECTED FOR AN INTERVIEW BY THE EMPLOYER.

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

By Senators Kinnaird, Blue (Primary Sponsors); Gunn and Nesbitt:

S.R. 510, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF BERTHA "B" MERRILL HOLT.

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

By Senators Hartsell, Newton, Meredith (Primary Sponsors); Atwater and Bingham:

S.B. 511, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT BY PROVIDING NEW AND ENHANCED COMMUNICATIONS SERVICES TO THE PUBLIC AND ENCOURAGING THE USE OF PUBLIC-PRIVATE PARTNERSHIPS IN PROVIDING COMMUNICATIONS SERVICES.

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

April 5, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 56, A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ROCKY MOUNT TO MAKE CERTAIN ANNEXATIONS.

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

H.B. 180, A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY SUSPENDING THE DELEGATION OF AUTHORITY TO THE CITY OF WILMINGTON TO MAKE A CERTAIN ANNEXATION.

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

H.B. 236, A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ASHEVILLE TO MAKE A CERTAIN ANNEXATION.

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

H.B. 310 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON.

Referred to the **Judiciary I Committee**.

H.B. 322, A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAYWOOD COUNTY BOARD OF ELECTIONS TO EXTEND THE FILING PERIOD IF NO PERSON FILES FOR A SEAT ON THE HAYWOOD COUNTY BOARD OF EDUCATION.

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

H.B. 328, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A VACANCY IN THE OFFICE OF SHERIFF IN WAYNE COUNTY IS FILLED BY RECOMMENDATION OF THE EXECUTIVE COMMITTEE OF THE POLITICAL PARTY OF THE VACATING SHERIFF.

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

April 5, 2011

H.B. 338, A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF MEMBERS OF THE BURKE COUNTY BOARD OF EDUCATION.

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

H.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED OR NO ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT.

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

H.B. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM ELECTRICAL EQUIPMENT, with a favorable report.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS 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 55207, which changes the title to read **S.B. 378** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE INTERAGENCY GROUP TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES, is adopted and engrossed.

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

S.B. 343, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 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 75109, is adopted and engrossed.

April 5, 2011

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-FIRST DAY

Senate Chamber
Wednesday, April 6, 2011

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

Prayer is offered by Senator Eric Mansfield as follows:

"Dear God, in Isaiah it says the government shall rest upon your shoulder. Thank you for the privilege to serve you, our country, and this state. We ask that you will guide us that when we debate our principles, we are principled in our debate. Give us courage so that when we stand for our rights, right will stand in us. Give us the wisdom to know that the greatest question we face is not whether our legislation is right or left, but it is right or wrong. In your name, Amen."

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

The Chair extends privileges of the floor to Kim Turnage from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

S.B. 368, AN ACT TO (1) MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS TO PUBLIC SWIMMING POOLS; (2) PROVIDE THAT REQUIREMENTS RELATED TO DRESSING AND SANITARY FACILITIES DO NOT APPLY TO INTERACTIVE PLAY ATTRACTIONS; (3) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY ISSUES RELATED TO FENCING REQUIREMENTS FOR WADING POOLS; AND (4) TEMPORARILY PROHIBIT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ENFORCING CERTAIN REQUIREMENTS RELATED TO FENCING FOR WADING POOLS.

April 6, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 423, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE TEACHER TENURE LAW, with a favorable report.

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

H.B. 45 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES, 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 30250, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Rabon for the **Transportation Committee**:

H.B. 113, A BILL TO BE ENTITLED AN ACT TO CREATE ADDITIONAL PROTECTIONS FOR MOTORCYCLISTS FROM UNSAFE MOVEMENTS BY OTHER VEHICLES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85146, is adopted and engrossed.

April 6, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN INVOLUNTARY ANNEXATION INTO CHATHAM COUNTY.

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

H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

Referred to the **Finance Committee**.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 688, A JOINT RESOLUTION PROVIDING THAT THE 2011 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's calendar.

H.B. 321, A BILL TO BE ENTITLED AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

Upon motion of Senator Apodaca, the bill is placed on today's calendar.

CALENDAR

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

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

The Committee Substitute bill passes its second reading (41-9).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, April 7, upon third reading.

April 6, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY, referred to the **State and Local Government Committee** on April 6.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and placed on today's calendar for concurrence in the House Amendment No. 1.

The Chair orders the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and places it on today's calendar.

CALENDAR (*continued*)

S.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

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. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE INTERAGENCY GROUP TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.

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 by special message.

S.B. 413, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND GOVERNING BOARDS.

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.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM ELECTRICAL EQUIPMENT.

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.

April 6, 2011

S.B. 49 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, April 7, for concurrence in the House Committee Substitute bill.

H.B. 321, A BILL TO BE ENTITLED AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA, placed earlier on today's calendar.

The bill passes its second reading (48-2) 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Blake for the **Health Care Committee**:

S.B. 433, A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55215, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 46 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY, placed earlier on today's calendar for concurrence in the House Amendment No. 1.

Upon motion of Senator East, the Senate concurs in the House Amendment No. 1 (50-0) and the bill is ordered enrolled.

H.J.R. 688, A JOINT RESOLUTION PROVIDING THAT THE 2011 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL, placed earlier on today's calendar.

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.

April 6, 2011

CHANGE TO 2011 SENATE COMMITTEES

Pursuant to Rule 31, Senator Phil Berger, President *Pro Tempore* announces the following committee change:

Senator Dannelly is removed from the **Redistricting Committee**.

ADDITIONAL SPONSORS

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

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

S.B. 475, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE FUNDS FOR ONLY ONE LOCAL SCHOOL ADMINISTRATIVE UNIT PER COUNTY.

S.B. 476, A BILL TO BE ENTITLED AN ACT TO STIMULATE NEW HOME PURCHASES.

S.B. 491, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM.

S.B. 502, A BILL TO BE ENTITLED AN ACT TO RESTRICT VOTER REGISTRATION FORMS AND BALLOTS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW.

S.B. 506, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

April 6, 2011

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

S.B. 467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS LICENSURE ACT.

Upon motion of Senator Phil Berger, seconded by Senator Garrou, the Senate adjourns at 3:59 p.m., subject to the introduction of bills, receipt of committee reports and reading of messages from the House of Representatives, to meet Thursday, April 7, at 11:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE ONSLOW COUNTY SCHOOLS BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST IN CERTAIN SCHOOLS DUE TO A DECLARED STATE OF EMERGENCY.

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

H.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.

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

INTRODUCTION OF BILLS

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

By Senators Clary (Primary Sponsor) and Pate:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS.

Referred to the **Health Care Committee**.

By Senators Gunn, Clary (Primary Sponsors); Brock, Daniel, Davis, Forrester, Hise, Mansfield, Pate, Preston, Rabon, Tillman and Tucker:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES.

Referred to the **Commerce Committee**.

April 6, 2011

By Senator Brunstetter:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE DEVELOPED, ADOPTED, OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS THOSE WATERS HAVE FIRST BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS.

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

By Senator Hartsell:

S.B. 515, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE COMMISSION ON MUNICIPAL INCORPORATIONS TO STUDY THE PROCEDURE FOR INCORPORATING MUNICIPALITIES.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CERTIFICATE OF RESTORATION OF RIGHTS THAT WILL ASSIST INDIVIDUALS CONVICTED OF LESS SERIOUS CRIMES IN DEALING WITH COLLATERAL SANCTIONS AND DISQUALIFICATIONS THAT RESULT FROM A CRIMINAL CONVICTION AND A PROCEDURE FOR ISSUING THAT CERTIFICATE.

Referred to the **Judiciary I Committee**.

By Senators Apodaca (Primary Sponsor) and Pate:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.

Referred to the **Insurance Committee**.

By Senators Vaughan, Stein (Primary Sponsors) and Newton:

S.B. 518, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY REQUIRING BUYER'S CHOICE OF TITLE INSURER AND SETTLEMENT AGENT.

Referred to the **Judiciary I Committee**.

By Senators Vaughan, Stein, and Newton (Primary Sponsors):

S.B. 519, A BILL TO BE ENTITLED AN ACT TO ALLOW THAT A CONTRACT TO CONVEY REAL ESTATE MAY BE REGISTERED BY REGISTERING A MEMORANDUM OF CONTRACT AND TO REQUIRE THAT DEEDS AND DEEDS OF TRUST PREPARED IN OTHER STATES AND PRESENTED FOR REGISTRATION TO THE REGISTER OF DEEDS OF ANY COUNTY IN THIS STATE SHALL BEAR AN ENTRY SHOWING THE NAME OF EITHER THE PERSON OR LAW FIRM WHO DRAFTED THE INSTRUMENT.

Referred to the **Judiciary II Committee**.

April 6, 2011

By Senators Vaughan (Primary Sponsor) and Pate:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO ENACT THE FOUNDING PRINCIPLES ACT.

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

By Senator Clodfelter:

S.B. 521, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A RESTRICTION ON THE TRANSFER OF REAL PROPERTY OR A TENANT'S INTEREST IN A LEASE APPLIES TO A SUBSEQUENT TRANSFER OF THE REAL PROPERTY OR INTEREST IN THE LEASE UNLESS THE GRANTOR OR LANDLORD EXPRESSLY PROVIDES OTHERWISE.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND IMPLEMENT A SOFTWARE PROGRAM UPDATE FOR EMISSION INSPECTION COMPUTERIZED PROGRAMS THAT WILL PREVENT "CLEAN SCAN" REPORTS BEING ERRONEOUSLY SENT TO THE DIVISION.

Referred to the **Transportation Committee**.

SENATORIAL STATEMENT

Submitted by Senator Jim Forrester

April 6, 2011

Statement: Celebrating Tartan Day

The date of April 6 has special significance for all those of Scottish heritage. It is the 689th anniversary of the signing on April 6, 1320 of the Declaration of Arbroath, the Scottish Declaration of Independence, which includes these inspirational lines: "It is in truth not for glory, nor riches, nor honours that we are fighting, but for freedom ... for that alone, which no honest man gives up but with life itself."

You may remember the movie, BRAVEHART, starring Mel Gibson. At the end of the movie when he was being executed (quartered), he yells out the words, "freedom – freedom."

WE NEED TO REMEMBER OUR HERITAGE

...in Medicine:	ALEXANDER FLEMING, who discovered Penicillin
...in Sports:	JAMES NAISMITH, who invented the Game of Basketball
...in Television:	JOHN LOGIE BAIRD, who invented Television
...in Literature:	ROBERT BURNS, national Poet
...in Military:	JOHN PAUL JONES, Founder of the American Navy

April 6, 2011

...in Astronomy:	WILLIAMINA FLEMING, astronomer, Harvard College Observatory
...in Botany:	MARGARET FERGUSON, botanist, Wellesley College Professor
...in Education:	JAMES BLAIR, founder of the College of William and Mary
...in Philanthropy:	ANDREW CARNEGIE, Philanthropist
...in Technology:	ALEXANDER GRAHAM BELL, who invented the Telephone
...in RADIO:	GUGLIELMO MARCONI, who invented Radio
...in Economics:	ADAM SMITH
...in Leadership:	JULIETTE GORDON LOW, Founder of the Girl Scouts USA

The following organizations, representing hundreds of Scottish-American groups and hundreds of thousands of individuals who are proud of their heritage, urge you to participate in Tartan Day.

THE SCOTTISH COALITION USA

The American-Scottish Foundation, Inc.
Association of Scottish Games & Festivals
The Caledonian Foundation, USA, Inc.
The Council of Scottish Clans and Associations
The Living Legacy of Scotland, Inc.
Scottish Heritage USA, Inc.
Scottish Tartans Authority, USA

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 6, 2011

FORTY-SECOND DAY

Senate Chamber
Thursday, April 7, 2011

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

Prayer is offered by Dr. Ronald Shive, First Presbyterian Church, Burlington, North Carolina as follows:

"Gracious God, the one who loves with a love that is like a mother who will not forsake her nursing child, like a father who runs to welcome the prodigal home. On good days, we find this love and grace to be amazing, but on most days, we find it to be infuriating for it includes those that our frail humanity wants to exclude. On honest days, we have to admit that it is amazing that we are included. So, today, we simply bow before the wonder of your embracing love and grace. We do ask this day that you give to all who gather in this room the gift to reflect such love in the passionate discussions that will occur, in the life-changing decisions that will be made, and even in the way that we greet each other in the hallways of this historic place. We also ask that you give us not only love, but wisdom that sees beyond our limits, common sense that we all too often forget, humility that we all too often lose, and a memory so that we might never forget who we are. Amen."

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

The Chair extends privileges of the floor to Sherri Wolfe from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND A RESOLUTION

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

H.B. 103, AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM ELECTRICAL EQUIPMENT.

H.B. 321, AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA.

April 7, 2011

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

S.B. 46, AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY.

H.J.R. 688, A JOINT RESOLUTION PROVIDING THAT THE 2011 GENERAL ASSEMBLY SHALL MEET FOR A DAY AT THE STATE CAPITOL. (Res. 5)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70173, is adopted and engrossed.

CALENDAR

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

S.B. 187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL.

The Committee Substitute bill passes its second reading (36-14).

Senator East objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, April 11, upon third reading.

S.B. 423, A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE TEACHER TENURE LAW.

The bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

April 7, 2011

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 11.

H.B. 162 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN ACTIVITIES RELATED TO SMALL-SCALE PROCESSING OF AGRICULTURAL PRODUCTS FROM WASTEWATER PERMIT REQUIREMENTS.

The Senate 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 for concurrence.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

Senator Nesbitt offers Amendment No. 1 which fails of adoption (20-30).

The Committee Substitute bill passes its third reading (38-12) and is ordered sent to the House of Representatives.

S.B. 49 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-50).

Senator Allran offers a motion that the Senate appoint conferees, which motion prevails.

WITHDRAWAL FROM COMMITTEE

H.B. 218, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY, referred to the **Rules and Operations of the Senate Committee** on April 4.

Pursuant to Rule 47(a), Senator Apodaca 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**.

April 7, 2011

H.B. 334, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT, referred to the **Rules and Operations of the Senate Committee** on March 24.

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

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

S.B. 131, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT, referred to the **Judiciary II Committee** on February 28.

Pursuant to Rule 47(a), Senator Apodaca 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**.

S.B. 132, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND FULLY FUND INTERPRETER NEEDS IN THE COURTS, referred to the **Judiciary II Committee** on February 28.

Pursuant to Rule 47(a), Senator Apodaca 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**.

S.B. 135, A BILL TO BE ENTITLED AN ACT TO ALLOW A JUVENILE RECORD TO BE CONSIDERED IN MAKING THE RISK DETERMINATION FOR ESTABLISHING A BOND UNDER THE LAWS PERTAINING TO THE JUVENILE CODE, referred to the **Judiciary II Committee** on February 28.

Pursuant to Rule 47(a), Senator Apodaca 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**.

April 7, 2011

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT, referred to the **Insurance Committee** on March 17.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Insurance Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Insurance Committee** and re-refers the measure to the **Judiciary I Committee**.

H.B. 205, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MAY AS MOTORCYCLE AWARENESS MONTH, referred to the **Judiciary I Committee** on March 23.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 207, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY HOMESTEAD EXEMPTION, referred to the **Judiciary I Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Finance 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 **Finance Committee**.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 49 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 49 earlier today and the motion by Senator Allran to appoint conferees having prevailed, Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Allran, Chair; Senator Purcell 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.

April 7, 2011

BILL FILING DEADLINE EXTENDED

Upon motion of Senator Apodaca and without objection, the rules are suspended, and the deadline for filing public bills and resolutions in the Principal Clerk's office is extended from Tuesday, April 12, 2011 to Tuesday, April 19, 2011.

ADDITIONAL SPONSOR

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

S.B. 506, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF DELINQUENT JUVENILE TO RAISE THE AGE FROM SIXTEEN TO EIGHTEEN YEARS IN SIX-MONTH INCREMENTS OF AGE OVER A FOUR-YEAR PERIOD, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS WHO HAVE BEEN PREVIOUSLY CONVICTED OF A FELONY IN ADULT COURT SHALL REMAIN IN ADULT COURT, TO PROVIDE THAT SIXTEEN- AND SEVENTEEN-YEAR-OLDS ALLEGED DELINQUENT FOR A CLASS A-E FELONY SHALL BE TRANSFERRED TO ADULT COURT, TO MAKE CONFORMING CHANGES TO OTHER STATUTES RELEVANT TO CHANGING THE DEFINITION OF DELINQUENT JUVENILE, AND TO EXTEND THE YOUTH ACCOUNTABILITY TASK FORCE.

Upon motion of Senator Phil Berger, seconded by Senator Atwater, the Senate adjourns in honor of Flight of Honor attendees at 11:56 a.m., subject to the introduction of bills, receipt of committee reports and receipt and reading of messages from the House of Representatives, to meet Monday, April 11, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Jenkins (Primary Sponsor); D. Berger and Walters:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CASINO GAMING ACT BY ALLOWING CERTAIN SLOT MACHINES TO BE OPERATED BY PERMITTED AND LICENSED ENTITIES WITHIN TIER 1 COUNTIES THAT BORDER ANOTHER STATE AND WHICH HAVE A HIGHWAY DESIGNATED AS AN INTERSTATE HIGHWAY IN THE COUNTY; TO CREATE A PERMITTING SCHEME; TO CREATE AN ADMINISTRATION AND ENFORCEMENT SCHEME; TO CREATE FUNDS TO DIRECT THE PAYMENT OF MONIES AND RECEIVE REVENUES; AND TO ENHANCE ECONOMIC GROWTH IN ECONOMICALLY DISADVANTAGED COUNTIES.

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

April 7, 2011

By Senators Tucker, Hartsell (Primary Sponsors); Blake, Forrester, Hise, Hunt, Pate, Rabon and Rouzer:

S.B. 524, A BILL TO BE ENTITLED AN ACT STRENGTHENING MENTAL HEALTH RESIDENTIAL PLACEMENT UNDER THE MEDICAID PROGRAM.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Tucker, Hartsell (Primary Sponsors); Allran, Daniel, Goolsby, Gunn, Newton, Pate and Rabon:

S.B. 525, A BILL TO BE ENTITLED AN ACT TO STREAMLINE DUPLICATE OVERSIGHT OF DHHS SERVICE PROVIDERS.

Referred to the **Mental Health & Youth Services Committee**.

By Senators Clodfelter (Primary Sponsor); Blue, Brown, Brunstetter, Clary, Daniel, Garrou and Stein:

S.B. 526, A BILL TO BE ENTITLED AN ACT TO DECLARE RICHARD STEVENS THE OFFICIAL NORTH CAROLINA STATE SENATOR FOR SENATE DISTRICT 17 FOR THE 2011-2013 BIENNIUM.

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

By Senators Hartsell, Brunstetter, Clodfelter (Primary Sponsors) and Rucho:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE.

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

By Senators Purcell (Primary Sponsor) and Robinson:

S.B. 528, 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 **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Brock, Hise, Hunt, Kinnaird, Stein, Stevens, Tillman and Tucker:

S.B. 529, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MINIMUM DISTANCE OF ONE HUNDRED FEET FROM THE OUTERMOST BOUNDARY OF ANY SEPTAGE LAND APPLICATION SITE TO WETLANDS IN ORDER TO PROTECT SENSITIVE AREAS.

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

By Senators Jackson (Primary Sponsor); Atwater, Bingham, Brock, Brown, Daniel, East, Goolsby, Harrington, Hise, Meredith, Pate, Rabon, Rouzer, Soucek, Tucker, Walters and White:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.

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

By Senators Jackson (Primary Sponsor); Atwater, Bingham, Blake, Brown, Brunstetter, East, Graham, Hunt, Mansfield, McKissick, Preston, Rabon, Robinson, Rouzer, Rucho, Stevens, Vaughan and White:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW REGARDING GRANDPARENT VISITATION.

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. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING ANY PERSON SEEKING RELIEF PURSUANT TO A DOMESTIC VIOLENCE PROTECTIVE ORDER TO INCLUDE IN THE COMPLAINT OR MOTION FILED WHETHER THE PERSON HAS PREVIOUSLY FILED AN ACTION OR MOTION FOR DOMESTIC VIOLENCE AGAINST THE DEFENDANT AND, IF SO, THE DISPOSITION OF THAT ACTION.

Referred to the **Judiciary II Committee**.

H.B. 362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK COUNTY.

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

H.B. 382 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.

Referred to the **Judiciary II Committee**.

H.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, OR THE LEGISLATIVE RETIREMENT SYSTEM.

Referred to the **Judiciary I Committee**.

April 7, 2011

H.B. 329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXEMPTION FROM BUILDING RULES FOR FARM BUILDINGS TO INCLUDE FARM BUILDINGS USED FOR SPECTATOR EVENTS.

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

H.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDES IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 7, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 49** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, and requests conferees, Speaker Tillis appoints:

Representative Ingle, Chair
Representative Faircloth
Representative Martin

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 7, 2011

FORTY-THIRD DAY

Senate Chamber
Monday, April 11, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord God, it's awe inspiring to be in this public space where we are stretched and surrounded by a sense of your presence. Remind us tonight, Lord God, that you have been in this place far before we even set eyes on it or thought about it. You hallow this place by placing us, thy servants, in your service. May a sense of your holiness, and a humility before your grace impregnate all the decisions we make as a body. And as we make decisions may our lives echo the words of the hymn writer, Joseph Hart: 'Bruised and broken by the fall; If you tarry 'til you're better, You will never come at all. Not the righteous, not the righteous; Sinners Jesus came to call.' Amen."

The Chair grants leaves of absence for tonight to Senator Apodaca, Senator Soucek, and Senator Walters.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, April 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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 BILL

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

H.B. 59, AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL.

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. 187, AN ACT TO DIRECT THE GASOLINE AND OIL INSPECTION BOARD TO ADOPT RULES RELATED TO THE LABELING OF DISPENSING PUMPS AND OTHER DISPENSING DEVICES THAT

April 11, 2011

OFFER ETHANOL-BLENDED GASOLINE FOR RETAIL SALE IN NORTH CAROLINA. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-25.)

H.B. 90, AN ACT TO ALLOW CONFECTIONERS TO PRODUCE CONFECTIONERIES WHICH CONTAIN NO MORE THAN FIVE PERCENT ALCOHOL BY VOLUME. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-26.)

S.B. 51, AN ACT TO CLARIFY THAT CERTAIN ORGANIZATIONS OF EDUCATIONAL INSTITUTIONS ARE COVERED BY THE EDUCATIONAL INSTITUTION EXEMPTION FROM CHARITABLE SOLICITATION LICENSING REQUIREMENTS. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-27.)

S.B. 18, AN ACT CLARIFYING THE DEFINITION OF JUDICIAL DISTRICTS UNDER THE LAWS REGULATING THE NORTH CAROLINA STATE BAR. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-28.)

S.B. 248, AN ACT TO UPDATE CERTAIN TERMINOLOGY IN REFERENCE TO PERSONS WITH DISABILITIES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-29.)

S.B. 107, AN ACT TO REDUCE THE PROPERTY TAX OWED FOR IMPROVED PROPERTY INSIDE CERTAIN ROADWAY CORRIDORS. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-30.)

H.B. 21, AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL ELECTIONS BY COUNTY BOARDS OF ELECTIONS. (Became law upon approval of the Governor, April 7, 2011 - S.L. 2011-31.)

S.B. 46, AN ACT TO ESTABLISH A SEASON FOR THE TAKING OF FOXES AND COYOTES IN SURRY COUNTY. (Became law upon ratification, April 7, 2011 - S.L. 2011-32.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 11, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35178, is adopted and engrossed.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING TRUSTS, ESTATE PLANNING, AND TRUST 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 35179, is adopted and engrossed.

Upon motion of Senator Brunstetter, the Committee Substitute bill is referred to the **Finance Committee**.

S.B. 414, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS 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 35177, is adopted and engrossed.

By Senator Allran for the **Judiciary II Committee**:

H.B. 215 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S 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 11177, is adopted and engrossed.

DEFERRED BILLS

Upon motion of Senator Brunstetter, all filed bills and messages from the House will be referred Tuesday, April 12.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

H.B. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Wednesday, April 13.

April 11, 2011

WITHDRAWAL FROM COMMITTEE

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT, referred to the **Rules and Operations of the Senate Committee** on March 23.

Pursuant to Rule 47(a), Senator Brunstetter 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, April 12, which motion prevails with unanimous consent.

The Chair orders the Joint Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Tuesday, April 12.

CALENDAR (*continued*)

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Wednesday, April 13.

S.B. 187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE USE OF PHOTOGRAPHIC CAMERA SYSTEMS TO REGULATE TRAFFIC UNLAWFUL.

The Committee Substitute bill passes its third reading (29-18) and is ordered sent to the House of Representatives.

SENATE PAGES

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

Amaranth Brunner, Murphy; Michael Forte, Southport; Sydney Monsees, Greensboro; Michael Prisco, Boone; Mary Shell, Bryson City; and Nick Spraker, Manteo.

REMOVAL OF BILL CO-SPONSORS

Senator Mansfield and Senator Robinson requests that they be removed as sponsors of previously introduced legislation:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW REGARDING GRANDPARENT VISITATION.

April 11, 2011

Upon motion of Senator Phil Berger, seconded by Senator White, the Senate adjourns at 7:17 p.m., subject to the introduction of bills, to meet in the Senate Chamber of the North Carolina Capitol, Tuesday, April 12, at 2:00 p.m.

FORTY-FOURTH DAY

North Carolina State Capitol
Tuesday, April 12, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Gracious God, we are incredibly grateful on this day for those who have gone before us in the duty of public service. On this day, 150 years ago was the beginning of the Civil War. In memory of all of the fallen soldiers and battered families that suffered its turmoil, we give thee thanks, O Lord. We come before you today in this Capitol to affirm the words of the preamble of our State Constitution, 'We, the people of the State of North Carolina, grateful to Almighty God, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.' Amen."

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

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

The Chair extends privileges of the floor to Dr. Tom Knutson from Dudley, 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.

April 12, 2011

ENROLLED BILLS

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

S.B. 154, AN ACT TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK.

H.B. 234, AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY.

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

S.B. 29, AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

S.B. 263, AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 13.

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 13.

April 12, 2011

H.B. 215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW."

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 13.

WITHDRAWAL FROM COMMITTEE

H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011, referred to the **Finance Committee** on April 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011, referred to the **Finance Committee** on March 31.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.J.R. 256, A JOINT RESOLUTION TO PARDON WILLIAM W. HOLDEN FROM THE JUDGMENT IMPOSED UPON HIM BY THE SENATE ON MARCH 22, 1871, ON CONVICTION OF ARTICLES OF IMPEACHMENT.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is read in its entirety and debate is allowed.

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

Senator Hunt:

"Thank you, Mr. President. Ladies and Gentlemen of the Senate, a little over 140-years-ago, Governor William W. Holden was impeached and removed as Governor of North Carolina. This act was initiated and carried out by his political opponents in retaliation for Governor Holden's actions to stop Ku Klux

April 12, 2011

Klan violence. His impeachment was intended to suppress the civil rights and voting rights of newly freed black American citizens. Today we can correct a 140-year-old wrong by officially pardoning Governor Holden for his actions which are both legally and morally correct. It is time for the North Carolina Senate to pardon Governor William W. Holden. I urge your support for this resolution.”

Senator Doug Berger:

“Senator Hunt, President *Pro Tempore* Berger, and Rules Chair Tom Apodaca, I want to thank you for giving us this opportunity to let us all look back at this dark day in history for North Carolina. You may recall two years ago there was an attempt to remove North Carolina history from being taught in public schools. We came together as Democrats and Republicans in the Senate and said, ‘no’. North Carolina history is important and it should be a subject taught on its own. I think there are acts today that reflect consequences of North Carolina history. Last week I shared with you the origins of the Republican Party in this state which occurred 140-years-ago beginning March 27, 1867. I would like to share with you the words written by the then first leader of the Republican Party and Governor of North Carolina, William Holden. ‘To commence what a noble spectacle in which the former master and the former slave has an equal in all that pertains to humanity and the rights of self-government...and was cordial and respectable, kind and abiding on both sides.’ Former master and former slave...and just as those two groups of politicians came together, we come together as Republicans and Democrats today to affirm the important values of racial equality in our society. Now the Lieutenant Governor, Walter Dalton, made reference to the Halifax Resolves. Those resolves took place in April of 1776. In July, 1776, the Declaration of Independence was issued and the author of that document, which said that it was self-evident that all men are created equal, was Thomas Jefferson, the founder of our party, the Democrat Party. In the 1850s, your party came along, and the father of your party was Abraham Lincoln and your party followed to fulfill that commitment that all men are created equal. As we come here together to recognize the injustice that was done to Governor Holden 140-years-ago today, I would like to close by reading to you Governor Holden’s own defense that he put forward in that impeachment hearing which, I believe, clearly states the circumstances that he faced when the Ku Klux Klan threatened civil authority. Why he did what he did those many years ago today. On January 23, Holden officially answered the impeachment charges against him. Holden insisted that in sending troops to Lee County he was actuated by the purest motives, by sincere desire to restore the efficiency of the civil authority, to protect life and property, and to promote welfare to the people of the whole state. He also insisted that his refusal to honor the writ of Habeas Corpus issued by Pearson was motivated solely by his desire to preserve the safety of the state. He explained what he faced in using his power of the Constitution to suppress this insurrection while at the same time sustaining the right of the writ. And this is what Holden had to say: ‘It would be mockery indeed to declare that the civil authority was unable to protect the citizens against the insurgents, the Ku Klux Klan, and then turn the insurgents over to the civil authorities.’ Ladies and gentlemen, I second Senator Hunt’s request that you vote for this resolution. I thank you.”

April 12, 2011

Senator Blue:

“Thank you, Mr. President and my colleagues. I proudly stand to support this resolution. What a historian said, ‘he who does not learn from the lessons of history is bound to repeat his mistakes.’ We are a country that has been richly blessed because we are the beacon for freedom throughout this world. I tell you that we are unique in that regard. We are the country that nations around the world look to when they are searching for freedom. I believe that the universe does bend towards freedom. The stories of the past thousands of years as we start marking time is about freedom. And right now because of the efforts of these United States there are more people across this globe who are free than there have ever been free in history. 140-years-ago the House was holding proceedings on impeaching Governor Holden, there were 17 black members who were serving in the House at that time. Those 17 black members collectively circulated petitions throughout their communities pointing out that the only thing that Governor Holden had done was trying to protect all of the citizens of this state, trying to put down the oppressive violence and even suppressed the precious right of habeas corpus. To get their communities to support this effort to keep Governor Holden from being impeached, they knew that this was the beginning of a march to reverse the freedoms that they had discovered. This march in this state went on for thirty years. A vicious effort to take back freedom that had been so hard won in the Civil War so that by 1900 these legislatures, mostly republicans, had basically been ousted from power, for a period of over sixty years in this state. So it is only timely that we now hold this meeting, learning the lessons of history of 140-years-ago. Knowing why they occurred, when they occurred, but putting North Carolina into a historical perspective. Back in this endless march for freedom for citizens in this state and citizens around the world today, we have troops stationed around the world for various reasons. But the primary one is for what we so strongly believe in as Americans and that is freedom for all of our citizens and the freedom to do the things that allow us to worship in our own practice. So I think that while we bring this resolution before us today, we acknowledge that we will continue to learn who we were so that we can better determine who we are capable of being. I commend this Resolution to you and join all of you in saying 140-years-ago this legislature committed great injustice by impeaching a man not because of some high crime, but solely because he was doing the job that lived up to the oath that he took to protect all the citizens of this state. I commend the resolution to you.”

Senator McKissick:

“The impeachment of Governor Holden was an illegal, morally, reprehensive act. It was repugnant in every respect. Justice demands that it be reversed. I think a wonderful thing is that as you look back at that day and say, well that was 140-years-ago. But many of those who sat in these chairs in this chamber were owners of slaves. They owned people like cattle in chains. But we have come a very long way since that Civil War. We have come a very long way since Governor Holden was impeached. To think back to that day when

April 12, 2011

someone stood up for the rights of liberty and privileges for human beings is something that any of us would want. To stand up and speak out and have jobs, have property, and hold office: it's not something that today we think of as being particularly unique. But when Governor Holden stood up to maintain the rights, he was brought back and held accountable, impeached for his deeds. I hope today, by taking this action and by pardoning him, that we would help mend those fences that were broken. I think it's wonderful that we as a body, collectively, regardless of whether we're democrat or republican, can say today that this action should be reversed and that it was a despicable act. We need to make sure, in the future, that history stays true and doesn't change based on the current feelings of the day. But, when you think today that we have the sons and daughters of former slave owners and the sons and daughters of former slaves coming together to chart a course for North Carolina; that hopefully will be a path that protects the rights and privileges of all of our citizens regardless of race, regardless of ethnicity. Those are those types of privileges that we all cherish. It's the thing that's imbedded within our Constitution as a country, imbedded within our Constitution as a state. It's wonderful to know that as we sit back and think back about the hypocrisy of our past, that when you think of our country and our state and you think about it being the land of the free, we also don't have to think about the hypocrisy, that we are also the land of the slaves. In many instances those that were just great were not recognized for their contributions. So I would like to recognize Senator Hunt who brought forth this bill. I think each and every one of my colleagues in here understands that it's an appropriate time to mend those fences and to arrest these types of actions that occurred in our past. I say to each of you, let us continue to work and gather at this place and let us make certain that, as we serve in the state Senate, that we can be proud of our legacy, that we can be proud of our Constitution, that we can know what we stood for, with courage and conviction, to undue an act that was morally wrong and reprehensive."

Senator Phil Berger:

"Members of the Senate, we live in a much different time than our predecessors did during the impeachment of William Holden. And in some respect, it's easy to look back and see where history led, back during that time. I think, at this point, when we look back with the benefit of time, we can see what Governor Holden was trying to do. And this is what history tells us that he was trying to do. He was on the right side of history for freedom and opportunity for all North Carolina citizens. I commend the resolution to you and I thank Senator Hunt for bringing it forward."

The Joint Resolution passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, McKissick, Meredith,

April 12, 2011

Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The Joint Resolution, 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 Phil Berger, seconded by Senator Blue, the Senate adjourns at 2:32 p.m., subject to the introduction of bills, receipt of committee reports, and reading and receipt of messages from the House of Representatives, to meet Wednesday, April 13, at 2:00 p.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Clary, Rucho (Primary Sponsors); Allran, Bingham, Blake, Brock, Brown, Brunstetter, Daniel, Davis, East, Forrester, Gunn, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Stevens, Tillman and Tucker:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2 OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE.

Referred to the **Finance Committee**.

By Senators Hunt (Primary Sponsor); Allran, Bingham, Blake, Brown, Brunstetter, Clary, Forrester, Newton, Preston, Rabon and Stevens:

S.B. 533, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES THAT ALLOW A LESSOR OF A RESIDENTIAL BUILDING OR COMPLEX HAVING INDIVIDUALLY METERED UNITS FOR ELECTRIC SERVICE IN THE LESSOR'S NAME TO CHARGE FOR THE ACTUAL COSTS OF PROVIDING ELECTRIC SERVICE TO EACH TENANT WHEN THE LESSOR HAS A SEPARATE LEASE FOR EACH BEDROOM IN THE UNIT.

Referred to the **Commerce Committee**.

April 12, 2011

By Senator Hartsell:

S.B. 534, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CLASSES OF PROPERTY EXCLUDED FROM THE TAX BASE.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 535, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 536, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL REVIEW THE DIVISION OF PUBLIC HEALTH IN DHHS TO RECOMMEND NECESSARY MODIFICATIONS AND ALSO STUDY THE RELATIONSHIP OF THE DIVISION TO LOCAL HEALTH DEPARTMENTS.

Referred to the **Program Evaluation Committee**.

By Senator Hartsell:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO INCREASE THE IN REM FORECLOSURE FEE.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 538, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO AWARD A COST OF LIVING INCREASE TO LOCAL GOVERNMENT RETIREES.

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

By Senator Hartsell:

S.B. 539, A BILL TO BE ENTITLED AN ACT TO MAKE THE FILM PRODUCTION CREDIT NONREFUNDABLE.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 540, 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**.

April 12, 2011

By Senators East (Primary Sponsor); Brock, Brown, Jackson, Meredith and Rouzer:

S.B. 541, A BILL TO BE ENTITLED AN ACT TO DEFINE THE TERM "AGRICULTURAL OPERATION" TO CLARIFY THE SCOPE OF THE EXEMPTION FROM THE OCCUPATIONAL HEALTH AND SAFETY ACT GENERAL INDUSTRY STANDARD PERTAINING TO THOSE OPERATIONS.

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

By Senators Rucho (Primary Sponsor); Hartsell, Rouzer and Hise:

S.B. 542, A BILL TO BE ENTITLED AN ACT EXEMPTING COMMUNITY COLLEGES FROM THE NORTH CAROLINA E-PROCUREMENT SYSTEM AND REPEALING A SECTION OF THE E-PROCUREMENT STATUTE THAT HAS EXPIRED.

Referred to the **Finance Committee**.

By Senators Rucho (Primary Sponsor); Clodfelter and Tucker:

S.B. 543, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO STUDY CERTAIN ENVIRONMENTAL IMPACTS IN THE GOOSE CREEK WATERSHED OF THE ROCKY RIVER BASIN.

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

By Senators Brown, Apodaca, Davis (Primary Sponsors); Bingham, Brock, Clary, East, Hise, Hunt, Preston, Rabon, Rucho, Stevens and Tucker:

S.B. 544, A BILL TO BE ENTITLED AN ACT PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT TO (1) DEFINE "SUITABLE EMPLOYMENT" PERTAINING TO AN EMPLOYEE'S RETURN TO WORK WITHIN RESTRICTIONS OR AFTER REACHING MAXIMUM IMPROVEMENT; (2) MAKE WILLFUL MISREPRESENTATIONS GROUNDS FOR DISQUALIFICATION FROM RECEIVING BENEFITS; (3) PROVIDE THAT PARTIES MAY REACH A SEPARATE CONTEMPORANEOUS AGREEMENT TO RESOLVE ISSUES NOT COVERED BY THE ACT; (4) CLARIFY THE RIGHTS AND RESPONSIBILITIES OF EMPLOYERS AND EMPLOYEES REGARDING MEDICAL EXAMINATIONS, TREATMENT, AND ACCESS TO MEDICAL INFORMATION; (5) CAP THE DURATION OF COMPENSATION FOR TEMPORARY TOTAL DISABILITY; (6) EXTEND FROM THREE HUNDRED TO FIVE HUNDRED THE NUMBER OF WEEKS AN INJURED EMPLOYEE IS ELIGIBLE TO RECEIVE COMPENSATION FOR PARTIAL INCAPACITY; (7) INCREASE THE DEATH BENEFIT AND BURIAL EXPENSE ALLOWANCE; (8) REDUCE THE INDUSTRIAL COMMISSION FROM SEVEN TO FIVE MEMBERS SUBJECT TO LEGISLATIVE CONFIRMATION; (9) PROVIDE THAT COMMISSIONERS AND DEPUTY COMMISSIONERS ARE SUBJECT TO THE CODE OF JUDICIAL

April 12, 2011

STANDARDS; AND (10) REPEAL THE COMMISSION'S FULL EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT, THEREBY SUBJECTING THE COMMISSION TO RULE MAKING PURSUANT TO ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES AND REQUIRING THE COMMISSION TO READOPT RULES PURSUANT TO THAT ARTICLE.

Referred to the **Insurance Committee**.

By Senators Vaughan and Brunstetter (Primary Sponsors):

S.B. 545, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY POLICIES AND INCENTIVES THAT CAN BE ESTABLISHED TO STIMULATE THE CREATION OF DEVELOPMENT READY SITES TO AID IN JOB RECRUITMENT AND RETENTION EFFORTS.

Referred to the **Finance Committee**.

By Senators Vaughan (Primary Sponsor); Mansfield and Meredith:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ODOMETER MILEAGE REPORT REQUIREMENTS AND ESTABLISH A RETAIL PRICE PAID FOR EXCISE TAX PURPOSES FOR NEW VEHICLE SALES BY MANUFACTURERS DIRECTLY TO THE STATE, A UNIT OF LOCAL GOVERNMENT, AND VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS IN CONFORMITY TO FEDERAL GOVERNMENT CONTRACT SPECIFICATIONS.

Referred to the **Finance Committee**.

By Senators Kinnaird (Primary Sponsor); D. Berger, Mansfield, McKissick and Robinson:

S.B. 547, 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 Senator Kinnaird:

S.R. 549, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF MARTHA MAXINE MCMAHON SWALIN FOR HER CONTRIBUTIONS TO THE NORTH CAROLINA SYMPHONY.

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

By Senator Hartsell:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO REPLACE AN OBSOLETE FIXED RATE OF INTEREST FOR CALCULATION OF LIFE ESTATES WITH A RATE TIED TO FEDERAL ESTATE TAX REGULATIONS.

Referred to the **Finance Committee**.

April 12, 2011

By Senator Hartsell:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM, TO REORGANIZE THE DIVISION OF PUBLIC HEALTH, AND TO STRENGTHEN THE PUBLIC HEALTH INFRASTRUCTURE BY THE DEVELOPMENT AND IMPLEMENTATION OF REGIONAL PUBLIC HEALTH AUTHORITIES.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE LOCAL PUBLIC HEALTH DELIVERY SYSTEM BY DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE INCENTIVES FOR SMALL COUNTY HEALTH DEPARTMENTS TO BECOME REGIONAL PUBLIC HEALTH AUTHORITIES.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 553, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE NORTH CAROLINA PROGRESS BOARD.

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

By Senator Brunstetter:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DATE ON WHICH CERTAIN PERSONNEL INFORMATION REQUIRED BY S.L. 2010-169 MUST BE RELEASED.

Referred to the **Judiciary I Committee**.

By Senator Brown:

S.B. 555, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.

Referred to the **Commerce Committee**.

By Senators McKissick (Primary Sponsor); Atwater, D. Berger, Bingham, Brock, Graham, Kinnaird, Meredith, Purcell, Rabon, Stein and Vaughan:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEIPTACLES.

Referred to the **Finance Committee**.

By Senators McKissick (Primary Sponsor) and Kinnaird:

S.B. 557, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA RELATING TO REPORTING ON INSPECTIONS OF HIGH HAZARD INDUSTRIES, AGRICULTURAL

April 12, 2011

WORKERS' HOUSING AND EMPLOYMENT CONDITIONS, EMPLOYEE ACCESS TO TOILET FACILITIES, AND HEAT ILLNESS PREVENTION.

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

By Senators McKissick (Primary Sponsor) and Kinnaird:

S.B. 558, 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 **Rules and Operations of the Senate Committee**.

By Senator Meredith:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO MAKE HOME MORTGAGE LENDING MORE COMPETITIVE IN NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 560, 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 **State and Local Government Committee**.

By Senators Daniel, Brock, Rouzer (Primary Sponsors) and Hise:

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES.

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

By Senators Daniel (Primary Sponsor); Brock and Hise:

S.B. 562, A BILL TO BE ENTITLED AN ACT TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY

RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.

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

By Senator Clodfelter:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER BEST MANAGEMENT PRACTICE FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE DECLARANT AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED.

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

By Senator Clodfelter:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.

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

By Senators Rouzer, Jones (Primary Sponsors) and Brock:

S.R. 565, A SENATE RESOLUTION ENCOURAGING THE CITIZENS OF THIS STATE TO OBSERVE JULY OF EACH YEAR AS WATERMELON MONTH.

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

By Senators Rouzer (Primary Sponsor); Brock, Jackson and Meredith:

S.B. 566, 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**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 8 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY

April 12, 2011

STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar for Wednesday, April 13.

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, for concurrence in the House Amendment No. 1.

The Committee Substitute bill is placed on the calendar for Wednesday, April 13.

H.B. 61, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO LIMIT THE TERMS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO TWO GENERAL ASSEMBLIES.

Referred to the **Judiciary I Committee**.

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM.

Referred to the **Judiciary I Committee**.

H.B. 235 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO OFFICIALLY DESIGNATE SENATE BILL 140, SESSION LAW 2010-5, AS "BONNIE'S LAW."

Referred to the **Judiciary II Committee**.

H.B. 293 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE SUMMONS AND COMPLAINT IN A SUMMARY EJECTMENT ACTION IF AFFIXED TO THE DEMISED PREMISES SHALL BE PLACED IN AN ENVELOPE CONTAINING THE NAME AND ADDRESS OF THE TENANT.

Referred to the **Judiciary II Committee**.

H.B. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

Referred to the **Finance Committee**.

April 12, 2011

H.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT LAW ENFORCEMENT AGENCIES FROM ESTABLISHING PATTERNS FOR VEHICLE STOPS AT CHECKING STATIONS BASED ON A PARTICULAR TYPE OF VEHICLE.

Referred to the **Judiciary II Committee**.

H.B. 393, A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

Referred to the **Program Evaluation Committee**.

H.B. 398 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CLEVELAND COUNTY WATER, A SANITARY DISTRICT, TO CONDUCT AN ADVISORY REFERENDUM ON WHETHER OR NOT A RESERVOIR SHOULD BE CONSTRUCTED IN UPPER CLEVELAND COUNTY IN THE DISTRICT.

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

H.B. 410, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.

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

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS.

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

H.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE TAKING OF FOXES WITH WEAPONS AND BY TRAPPING IN ROCKINGHAM COUNTY.

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

INTRODUCTION OF A BILL

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

By Senator Clodfelter:

S.B. 548, A BILL TO BE ENTITLED AN ACT TO AMEND AND REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.

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

April 12, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 49 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS, with a favorable report.

Upon motion of Senator Brunstetter, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

S.B. 272, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF DEPENDENT FOR THE PURPOSES OF CRIME VICTIMS' COMPENSATION, TO CLARIFY CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION OF THE PAYMENT OF BENEFITS UPON REQUEST OF THE ATTORNEY GENERAL, AND TO CLARIFY THE HANDLING OF WRITE-OFFS FOR CLAIMS HANDLED BY THE CRIME VICTIMS COMPENSATION 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 85159, which changes the title to read **S.B. 272** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, AND TO REQUIRE SUSPENSION OF CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST OF THE ATTORNEY GENERAL, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 12, 2011

FORTY-FIFTH DAY

Senate Chamber
Wednesday, April 13, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord God, it was a true joy to honor you yesterday in our State Capitol. Because we are grateful to you, almighty God, and because we depend upon you, it was easy to see your hand in the movement of the history of this great state. It was a good reminder of the value of public discourse and a testimony to the beauty of democracy. Lord, it was a reminder of your strong ability to reconcile history and reconcile wrong. And, Lord, your primary mission is that of reconciliation. For Lord, the apostle Paul reminded us: 'Therefore, if anyone is in Christ, there is a new creation: The old has gone, the new has come! All this is from God, who reconciled us to himself through Christ and gave us the ministry of reconciliation:' (II Corinthians 5:17-19). So we stand before you today and ask you to test our hearts and weigh our decisions in the light of who you are. Would you come again into our narrative, into our story today and make it one of reconciliation. 'For thine is the kingdom, and the power and the glory, forever and ever,' Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Rebekah Sanders from Thomasville, 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. 29, AN ACT TO AUTHORIZE ALAMANCE COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon ratification, April 12, 2011 - S.L. 2011-33.)

April 13, 2011

S.B. 263, AN ACT TO ALLOW MUNICIPALITIES IN WAKE COUNTY TO EXEMPT BONA FIDE FARMS FROM OBTAINING BUILDING PERMITS FOR ACCESSORY BUILDINGS IN ITS EXTRATERRITORIAL JURISDICTION. (Became law upon ratification, April 12, 2011 - S.L. 2011-34.)

H.B. 159, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO MAKE A NOTATION ON A NORTH CAROLINA DRIVERS LICENSE SHOWING A LICENSE HOLDER'S MILITARY VETERAN STATUS. (Became law upon approval of the Governor, April 12, 2011 - S.L. 2011-35.)

H.B. 321, AN ACT ADOPTING THE TOWN OF GRIFTON'S SHAD FESTIVAL AS THE OFFICIAL SHAD FESTIVAL OF THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, April 12, 2011 - S.L. 2011-36.)

H.B. 59, AN ACT TO PROHIBIT SEX OFFENDERS FROM BEING EMERGENCY MEDICAL SERVICES PERSONNEL. (Became law upon approval of the Governor, April 12, 2011 - S.L. 2011-37.)

H.B. 103, AN ACT TO CLARIFY REQUIREMENTS APPLICABLE TO NOTICE, COLLECTION, AND REMOVAL OF MINERAL OIL DISCHARGES FROM ELECTRICAL EQUIPMENT. (Became law upon approval of the Governor, April 12, 2011 - S.L. 2011-38.)

S.B. 368, AN ACT TO (1) MODIFY THE APPLICABILITY OF CERTAIN FENCING REQUIREMENTS TO PUBLIC SWIMMING POOLS; (2) PROVIDE THAT REQUIREMENTS RELATED TO DRESSING AND SANITARY FACILITIES DO NOT APPLY TO INTERACTIVE PLAY ATTRACTIONS; (3) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY ISSUES RELATED TO FENCING REQUIREMENTS FOR WADING POOLS; AND (4) TEMPORARILY PROHIBIT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FROM ENFORCING CERTAIN REQUIREMENTS RELATED TO FENCING FOR WADING POOLS. (Became law upon approval of the Governor, April 12, 2011 - S.L. 2011-39.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011, with a favorable report.

April 13, 2011

H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11180, which changes the title, upon concurrence, to read **H.B. 383** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and **S.B. 464** and **H.B. 383** are placed on today's calendar, for immediate consideration.

Senator Nesbitt objects and a motion to suspend the rules is placed before the Senate. The motion passes by a vote of (30-19) in accordance with the three-fifths voting requirement, and the motion to place **S.B. 464** and **H.B. 383** on today's calendar is sustained.

By Senator Allran for the **Judiciary II Committee**:

S.B. 141, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY DISTRICT ATTORNEY, ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY WHO EITHER HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA OR WHO HAS BASIC LAW ENFORCEMENT TRAINING CERTIFICATION IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15132, which changes the title to read **S.B. 141** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES, is adopted and engrossed.

CALENDAR

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

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

The Chair orders, without objection, that H.B. 383 and S.B. 464 be temporarily displaced.

April 13, 2011

S.B. 272 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, AND TO REQUIRE SUSPENSION OF CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST OF THE ATTORNEY GENERAL.

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. 215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW."

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, April 14.

H.B. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011, temporarily displaced earlier today.

The bill passes its second reading (47-2) 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.

April 13, 2011

H.B. 383 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT.

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

Senator Garrou offers Amendment No. 2 which fails of adoption (19-30).

Senator Clodfelter makes a motion to divide the question in accordance with Senate Rule 28 which fails (19-30).

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

The Senate 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 Thursday, April 14, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 211, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE SALE OF CERTAIN ITEMS FROM SALES AND USE TAX WHEN USED FOR AGRICULTURAL PURPOSES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 394 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT SCHOOL PRINCIPALS REPORT CERTAIN ACTS TO LAW ENFORCEMENT.

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. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, April 14.

April 13, 2011

S.B. 8 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Thursday, April 14.

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, for concurrence in the House Amendment No. 1.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, April 14.

REMOVAL OF BILL CO-SPONSOR

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

S.B. 169, 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.

Upon motion of Senator Apodaca, seconded by Senator Hartsell, the Senate adjourns at 3:30 p.m. to meet Thursday, April 14, at 11:00 a.m.

FORTY-SIXTH DAY

Senate Chamber
Thursday, April 14, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Father, as we come before you, we are glad. Glad because you have given us another day, and you have clothed us in our right minds. We do not have to come to you with sophistication, but 'without one plea.' Our personal skepticism sometimes reaches a boiling point and we find ourselves believing even our own lies. But Lord today I pray against the false emotions swirling around in our own hearts and plead for you to conquer those night troubles that dog us. Would you replace those hounds with the hounds of heaven? Jesus, because you love us so much, you have come after us and as we make laws, pass bills, and propose budgets, may we remember that you have first loved us, and that you have come all the way down, to be our very present help in time of need. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Sam Wesonga from Rocky Mount, North Carolina, who is serving the Senate as Doctor of the Day, and to Pamela Faulkner from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

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

H.B. 162, AN ACT TO EXEMPT CERTAIN ACTIVITIES RELATED TO SMALL-SCALE PROCESSING OF AGRICULTURAL PRODUCTS FROM WASTEWATER PERMIT REQUIREMENTS.

April 14, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT 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 15136, is adopted and engrossed.

S.B. 437, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95060, is adopted and engrossed.

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; A PILOT STUDY OF A NEW ASSESSMENT OF U.S. HISTORY BASED ON THE REVISED CURRICULUM AND THAT ASSESSES CRITICAL THINKING AND WRITING SKILLS; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING, with a favorable report.

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

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT, with a favorable report.

April 14, 2011

S.B. 466, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL 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 35197, is adopted and engrossed.

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT, with a favorable report.

S.B. 457, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION ACT, with a favorable report.

By Senator Meredith for the **Insurance Committee**:

H.B. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES, with a favorable report.

S.B. 195, 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 55247, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, AND TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO 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 35196, which changes the title to read **S.B. 321** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO

April 14, 2011

STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW, is adopted and engrossed.

Upon motion of Senator Meredith, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Davis for the **State and Local Government Committee**:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT, with a favorable report.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, 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 14, 2011

Mr. President:

This is to inform your Honorable Body that **H.B. 7**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONSTITUENT INSTITUTIONS OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, was returned to the House of Representatives on April 13, 2011, with the attached veto message.

Sincerely,
S/Denise G. Weeks
Principal Clerk

April 14, 2011

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 265, "An Act To Make Appropriations and Adjustments For The 2011-2013 Fiscal Biennium To The State Health Plan For Teachers And State Employees; And To Transfer The State Health Plan For Teachers And State Employees To The Office Of State Treasurer."

The General Assembly has attempted to reform the State Health Plan, which serves approximately 663,000 people - 160,000 of them retired workers and 181,000 of them teachers and public school employees.

But other than 60 seconds in front of a legislative committee, retired workers and teachers' groups had no opportunity to be involved in the legislative discussions about changes to their health plan that could dramatically affect their costs and their benefits.

This bill is in effect a tax on teachers, who have not received a pay raise - and have effectively seen their pay drop - for the past three years. In 2008, North Carolina ranked 25th in the nation in teachers' salaries. By 2011, we have dropped to 45th. Now is simply not the time to cut teachers' pay yet again. To do so would be a tremendous step backward for North Carolina, and we know clearly that teachers will flee the profession at a time when education is most critical to the future of this state.

I believe there must be a way to bring these groups to the table and to negotiate a solution.

I ask the General Assembly for another, more inclusive version of this bill back on my desk without delay. I support the General Assembly's reform efforts -- moving the Plan to the Treasurer's Office, where it will receive greater scrutiny and oversight, is something I support wholeheartedly. But I simply cannot sign a bill that harms our teachers and retirees without ever giving them a significant voice in the discussion.

Therefore, I veto this bill.

S/Beverly Eaves Perdue

This bill, having been vetoed, is returned to the Clerk of the North Carolina Senate on this thirteenth day of April, 2011, at 5:56 p.m. for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is placed at the end of today's calendar.

WITHDRAWAL FROM COMMITTEE

S.B. 260, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

April 14, 2011

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT, WHEN THE NORTH CAROLINA UTILITY COMMISSION ASSIGNS TRIPLE CREDIT TO ANY ELECTRIC POWER OR RENEWABLE ENERGY CERTIFICATES GENERATED FROM RENEWABLE ENERGY RESOURCES AT A BIOMASS RENEWABLE ENERGY FACILITY LOCATED IN A CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PARK, THE ADDITIONAL CREDITS ARE ELIGIBLE TO MEET THE REQUIREMENTS FOR PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, AND MUNICIPALITIES UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS (REPS) RATHER THAN REQUIRING THAT THESE ADDITIONAL CREDITS MUST FIRST BE USED TO MEET ALL THE REPS REQUIREMENTS THROUGH THE USE OF POULTRY WASTE RESOURCES, referred to the **Commerce Committee** on April 4.

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

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

H.B. 111 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO PROTECT THEMSELVES AND THEIR FAMILIES IN RESTAURANTS AND TO ALLOW A CONCEALED HANDGUN PERMITTEE TO CARRY A HANDGUN IN A PARK, referred to the **Rules and Operations of the Senate Committee** on April 4.

Pursuant to Rule 47(a), Senator Apodaca 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 II 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 II Committee**.

H.B. 310 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON, referred to the **Judiciary I Committee** on April 5.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent.

April 14, 2011

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **State and Local Government Committee**.

S.B. 203, 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 **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

The Senate recesses at 11:25 a.m. to reconvene at 11:45 a.m.

RECESS

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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
16 W. Jones Street
Raleigh, North Carolina 27601-2808

April 14, 2011

MEMORANDUM

TO: Members of the Senate

FROM: Senator Preston, S/Soucek, and S/Tillman Co-Chairs, Senate Education/Higher Education Committee

RE: State Board of Community Colleges Election Nominees

The Senate must elect **one** member from the State at-large for a six-year term beginning July 1, 2011 to the State Board of Community Colleges.

The Senate Education/Higher Education Committee met on March 23, 2011 and screened the proposed candidates as to their qualifications, background, lack of

April 14, 2011

statutory disabilities, and willingness and ability to serve if elected. The following candidates were selected as nominees. The election of one member to the State Board of Community Colleges will take place on the floor of the Senate on April 14, 2011.

Edward Lynne Raye
Darrell B. Saunders

ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

Pursuant to a report received from the **Education/Higher Education Committee** earlier today, the Committee places in nomination Edward Lynne Raye and Darrell B. Saunders for a six-year term on the State Board of Community Colleges, effective July 1, 2011.

Senator Tillman is recognized and announces that pursuant to G.S. 115D-2.1(b)(4)f, no further nominations shall be received and that Senator Soucek and Senator Stein will assist with the vote canvass. The ballots are distributed and the Senators proceed to vote by marking and signing their ballots.

The President orders the Senate to stand at ease for the purpose of counting ballots for the election of members to the State Board of Community Colleges, subject to the introduction of bills.

INTRODUCTION OF BILLS

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

By Senator Brunstetter:

S.B. 567, A BILL TO BE ENTITLED AN ACT PROVIDING FOR AN ENTERPRISE APPROACH FOR DETECTION OF FRAUD, WASTE, ABUSE, AND IMPROPER PAYMENTS IN STATE GOVERNMENT PROGRAMS AND APPROPRIATING FUNDS FOR THAT PURPOSE.

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

By Senator Brunstetter:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT TRUSTS MAY BE BENEFICIARIES OF PAYABLE ON DEATH ACCOUNTS.

Referred to the **Judiciary I Committee**.

By Senator Rucho:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ENACT COMMUNITY COLLEGE EFFICIENCY INITIATIVES.

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

April 14, 2011

By Senator Jones:

S.B. 570, A BILL TO BE ENTITLED AN ACT NO LONGER REQUIRING A COURT ORDER TO ESTABLISH LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES AND AUTHORIZING THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO MONITOR COUNTY DETENTION CENTERS.

Referred to the **Judiciary II Committee**.

By Senators Davis (Primary Sponsor) and Rabon:

S.B. 571, A BILL TO BE ENTITLED AN ACT TO REPEAL THE RESIDENT SUBSISTENCE UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE WAIVER.

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

By Senator Davis:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS COUNTY BILL OF 2011.

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

By Senators Robinson, Mansfield (Primary Sponsors); Atwater, Jones and Vaughan:

S.B. 573, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE MANUFACTURE, SALE, OR DISTRIBUTION OF CERTAIN PRODUCTS CONTAINING BISPHENOL A.

Referred to the **Health Care Committee**.

By Senators Robinson (Primary Sponsor); Atwater, Jones, Kinnaird, Mansfield and Vaughan:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT TO INDIVIDUALS PROVIDING IN-HOME CARE TO SENIOR OR DISABLED RELATIVES.

Referred to the **Finance Committee**.

By Senators Stevens and Tillman (Primary Sponsors):

S.B. 575, A BILL TO BE ENTITLED AN ACT TO PROVIDE EFFICIENCY AND FLEXIBILITY FOR THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM AND THE UNIVERSITY OF NORTH CAROLINA.

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

By Senators Hartsell, Tillman, and Preston (Primary Sponsors):

S.B. 576, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

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

April 14, 2011

By Senator Hartsell:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE ADMINISTRATIVE OFFICE OF THE COURTS IS A CUSTODIAN OF COURT RECORDS, TO CLARIFY THAT THOSE COURT RECORDS ARE A PUBLIC RECORD AND ARE AVAILABLE UPON REQUEST TO A THIRD PARTY UPON PAYMENT OF A REASONABLE AMOUNT TO COVER REPRODUCTION COSTS.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM POPULATION THRESHOLD FOR LOCAL MANAGEMENT ENTITIES.

Referred to the **Mental Health & Youth Services Committee**.

By Senator Hartsell:

S.B. 579, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CLASSES OF PROPERTY EXCLUDED FROM THE TAX BASE.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 580, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO CLARIFY THE CONDITIONS OF PRETRIAL RELEASE WHEN A DNA SAMPLE IS REQUIRED, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO DECREASE THE PERIOD OF TIME THAT STATE EMPLOYEES MUST BE SEPARATED FROM EMPLOYMENT PRIOR TO BEING SELECTED TO SERVE IN A POSITION WITHIN THE JUDICIAL BRANCH, TO ELIMINATE THE NECESSITY OF A HEARING TO REMOVE A PERSONAL REPRESENTATIVE IN ESTATE CASES, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO CHANGE THE DATE ON WHICH A NEWLY ELECTED CLERK OF SUPERIOR COURT TAKES OFFICE, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING.

Referred to the **Judiciary I Committee**.

April 14, 2011

By Senator Apodaca:

S.B. 581, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SECURITY INTEREST IN A TITLE SHALL BE RELEASED AFTER SATISFACTION AND TO RESTRICT FRANCHISED MOTOR VEHICLE DEALERS PLATES TO AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER OR AN IMMEDIATE FAMILY MEMBER OF AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER.

Referred to the **Finance Committee**.

By Senator Apodaca:

S.B. 582, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE NORTH CAROLINA GENERAL ASSEMBLY MUST ACT TO LEGALIZE ANY ADDITIONAL CLASS III GAMING ON INDIAN LANDS.

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

By Senator Apodaca:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO ALLOW ONLY STATE LAW ENFORCEMENT AGENCIES TO CONDUCT ENFORCEMENT OPERATIONS ON AN INTERSTATE HIGHWAY UNLESS A LOCAL LAW ENFORCEMENT AGENCY HAS RECEIVED A REQUEST FOR ASSISTANCE FROM A STATE LAW ENFORCEMENT AGENCY OR THE LOCAL LAW ENFORCEMENT AGENCY IS RESPONDING TO AN EMERGENCY SITUATION OR INVESTIGATING A CRASH.

Referred to the **Judiciary I Committee**.

By Senators Nesbitt, Stein, Hartsell (Primary Sponsors); Atwater, D. Berger, Blue, Clodfelter, Dannelly, Garrou, Graham, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Purcell, Robinson, Vaughan, Walters and White:

S.B. 584, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO IMPLEMENT THE THREE-YEAR LOOK BACK PERIOD FOR FEDERALLY FUNDED EXTENDED UNEMPLOYMENT BENEFITS AS AUTHORIZED BY SECTION 502 OF THE TAX RELIEF, UNEMPLOYMENT INSURANCE REAUTHORIZATION, AND JOB CREATION ACT OF 2010, PUBLIC LAW 111-312, WITH THE AMENDMENTS EXPIRING JANUARY 1, 2012.

Referred to the **Finance Committee**.

By Senator Brunstetter:

S.B. 585, A BILL TO BE ENTITLED AN ACT TO STUDY THE REPLACEMENT OF THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES WITH A PRETAX CONTRIBUTION TO EMPLOYEES TO PROVIDE FOR THEIR OWN HEALTH INSURANCE, AS WELL AS OTHER POSSIBLE CHANGES.

Referred to the **Insurance Committee**.

April 14, 2011

By Senators Newton (Primary Sponsor); Allran, Daniel, Goolsby, Hartsell and Stevens:

S.B. 586, A BILL TO BE ENTITLED AN ACT AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED.

Referred to the **Judiciary II Committee**.

By Senators Newton (Primary Sponsor); Brunstetter, Daniel, Forrester, Goolsby, Jackson, Rabon and Rouzer:

S.B. 587, A BILL TO BE ENTITLED AN ACT CREATING THE MUNICIPAL POWER AGENCY RELIEF LEGISLATIVE STUDY COMMITTEE TO STUDY OPTIONS TO ALLEVIATE THE DEBT INCURRED BY THE JOINT MUNICIPAL POWER AGENCIES.

Referred to the **Commerce Committee**.

By Senator Vaughan:

S.B. 588, A BILL TO BE ENTITLED AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS.

Referred to the **Judiciary I Committee**.

By Senator Vaughan:

S.B. 589, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN LAWS GOVERNING HAZARDOUS WASTE FACILITIES.

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

By Senators Vaughan (Primary Sponsor) and Bingham:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT TERMINAL RENTAL ADJUSTMENT CLAUSES DO NOT CREATE A SALE OR SECURITY INTEREST IN THE LEASED VEHICLE.

Referred to the **Finance Committee**.

By Senators Kinnaird and Pate (Primary Sponsors):

S.B. 591, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Kinnaird:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO MAINTAIN OR PAVE CERTAIN ROADS IN A MANNER CONSISTENT WITH THE ORIGINAL CONSTRUCTION OF THE ROAD TO PRESERVE THE HISTORIC APPEARANCE AND VALUE OF HISTORIC PROPERTIES ADJOINING THE ROAD OR TO PRESERVE HIGH SCENIC VALUE PROPERTIES OR ENHANCE LOW-VOLUME BUSINESS OR AGRIBUSINESS VENTURES.

Referred to the **Transportation Committee**.

ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

In compliance with G.S. 115-2.1(b)(4)f, the election of Darrell B. Saunders to the State Board of Community Colleges for a six-year term beginning July 1, 2011, is confirmed electronically as a recorded vote with ayes 49, noes 0, as follows:

The bill passes its second reading, by roll-call vote, ayes, noes, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---
49.

Voting in the negative: None.

The President declares Darrell B. Saunders elected to the State Board of Community Colleges for a six-year term, effective July 1, 2011.

The President orders a message sent to the House of Representatives informing that honorable body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and 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 and Local Government Committee**.

April 14, 2011

CALENDAR

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

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 20.

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 19.

H.B. 215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW."

Senator Kinnaird offers Amendment No. 1 which fails of adoption (14-35).

Senator McKissick offers Amendment No. 2 which fails of adoption (13-36).

The Senate Committee Substitute bill passes its second reading (45-4) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 12:29 p.m. to reconvene at 1:00 p.m.

RECESS

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

April 14, 2011

The Chair grants leaves of absence for the remainder of today's session to Senator Dannelly and Senator Jenkins.

CALENDAR *(continued)*

H.B. 383 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT.

The Senate Committee Substitute bill passes its third reading (30-17) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 8 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-47).

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, for concurrence in the House Amendment No. 1.

The Senate fails to concur in the House Amendment No. 1 (0-47).

S.B. 265 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, placed earlier on today's calendar.

Senator Apodaca offers a motion that S.B. 265 become law notwithstanding the objections of the Governor. The motion prevails (30-17), by a three-fifths majority of members present and voting, as follows:

April 14, 2011

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---30.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Garrou, Graham, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---17.

Pursuant to Article II, Section 22 of the North Carolina Constitution, the bill together with the objections and veto message are ordered sent to the House of Representatives by special message.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 8 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 8 earlier today, Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Stevens, Chair; Senator Graham; and Senator Soucek as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

The Senate recesses at 1:45 p.m. to reconvene at 3:00 p.m., subject to the introduction of bills.

RECESS

INTRODUCTION OF BILLS

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

By Senators Clary, Brock, and Soucek (Primary Sponsors):

S.B. 593, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANDREW JACKSON HISTORIC MEMORIAL COMMITTEE.

Referred to the **Program Evaluation Committee**.

April 14, 2011

By Senators D. Berger, Brock (Primary Sponsors) and Newton:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TRANSPORTATION AND POSSESSION OF A DANGEROUS WEAPON OR SUBSTANCE DURING A RIOT OR DECLARED STATE OF EMERGENCY AND TO PROHIBIT THE ENACTMENT OR ADOPTION OF ANY DIRECTIVE, PROCLAMATION, OR LOCAL ORDINANCE THAT WOULD ALLOW OR IMPOSE ANY OF THE FOLLOWING DURING A STATE OF EMERGENCY: (I) THE TAKING, CONFISCATION, OR SEIZURE OF LAWFULLY POSSESSED FIREARMS AND AMMUNITION OR (II) ADDITIONAL RESTRICTIONS OR PROHIBITIONS ON THE POSSESSION, CARRYING, TRANSPORTATION, SALE, PURCHASE, STORAGE, OR USE OF OTHERWISE LAWFULLY POSSESSED FIREARMS OR AMMUNITION.

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

By Senators Clary (Primary Sponsor); Allran, Apodaca, Bingham, Blake, Brock, Brunstetter, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT VOTERS PROVIDE PHOTO IDENTIFICATION PRIOR TO VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NORTH CAROLINA VOTER IDENTIFICATION CARDS; AND TO REQUIRE VOTER EDUCATION ON PROPER IDENTIFICATION FOR VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NO FEE SPECIAL IDENTIFICATION CARDS TO REGISTERED VOTERS WITHOUT PROPER IDENTIFICATION FOR VOTING.

Referred to the **Judiciary I Committee**.

By Senators Clary, Brock (Primary Sponsors); Apodaca, East, Hise, Pate, Rouzer, Rucho, Soucek, Stevens and Tillman:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ESTABLISHMENT OF PUBLIC DEFENDER OFFICES ON A STATEWIDE BASIS.

Referred to the **Judiciary I Committee**.

By Senators Purcell (Primary Sponsor); Atwater and Mansfield:

S.B. 597, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET.

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

By Senators Rouzer (Primary Sponsor); Brock, Brown, East, Jackson, Meredith and Tillman:

S.B. 598, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENVIRONMENTAL IMPACT STATEMENTS UNDER THE ENVIRONMENTAL POLICY ACT INCLUDE ANY SIGNIFICANT

April 14, 2011

ADVERSE IMPACTS AFFECTING FARMS, MEASURES PROPOSED TO AVOID, MINIMIZE, AND MITIGATE THE ADVERSE IMPACTS, AND ALTERNATIVES TO THE PROPOSED ACTION.

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

By Senators Bingham, Brock, Rouzer (Primary Sponsors); Clary, Jackson and Stevens:

S.B. 599, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION AND PROCESSING OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.

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

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 Blake and Senator White.

Upon motion of Senator Phil Berger, seconded by Senator Mansfield, the Senate adjourns at 3:13 p.m., subject to reading of a senatorial statement, introduction of bills, ratification of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Saturday, April 16, at 8:00 a.m.

**A SENATORIAL STATEMENT
IS SUBMITTED BY SENATOR BROCK
HONORING THE LIFE AND ACCOMPLISHMENTS OF JOHN RAY
"CURLY" SECKLER AND THE YODELING RANGERS/TRAIL
RIDERS**

WHEREAS, John Ray "Curly" Sechler (later changed to Seckler) was born on December 25, 1919, in China Grove, North Carolina, to Calvin Sechler and Carrie Sechler; and

WHEREAS, Curly Seckler developed a love for music from his parents, who played a number of instruments; and

WHEREAS, Curly Seckler began working at a local cotton mill at a very young age to help support his family and during this time acquired a used five-string banjo from local musician, Happy Trexler, and soon after began performing with his brother, Marvin, and Happy; and

WHEREAS, Curly Seckler and his brothers later formed the group Yodeling Rangers, which consisted of Curly on tenor banjo and vocals, Marvin on guitar and lead vocals, George on fiddle, and Duard on guitar and vocals, and played at schools and social events; and

WHEREAS, in 1935, the Yodeling Rangers received greater exposure when they began performing on a daily show for WSTP radio in Salisbury, North Carolina, which broadcasted the show on several other radio stations across the State and, in 1937, the Yodeling Rangers became known as the Trail Riders and performed throughout the Carolinas, Virginia, and West Virginia; and

April 14, 2011

WHEREAS, in 1939, Curly Seckler was lured to sing tenor with a new group known as the Kentucky Pardners formed by Charlie Monroe, formerly of the Monroe Brothers, but left the group in 1940 to resume playing with his brothers until the band split up a few years later; and

WHEREAS, Curly Seckler worked with a number of groups over the years, including the Happy Valley Boys, the Smokey Mountaineers, the Sauceman Brothers, the Stanley Brothers, and the McReynolds Brothers; and

WHEREAS, in 1949, Curly Seckler joined Lester Flatt and Earl Scruggs' Foggy Mountain Boys and performed with the band as a tenor singer and mandolin player until 1962, recording more than 130 songs with Flatt and Scruggs, including "Foggy Mountain Breakdown," "Roll in My Sweet Baby's Arms," "Salty Dog Blues," "I'll Go Stepping Too," and "Dim Lights, Thick Smoke"; and

WHEREAS, Curly Seckler left the music business for a short period during the 1960s but found the time to perform at several bluegrass festivals; and

WHEREAS, in 1971, Curly Seckler got a record deal with County Records and released his first solo album, *Curly Seckler Sings Again*; and

WHEREAS, in 1973, Curly Seckler rejoined Lester Flatt as a singer for Flatt's band, Nashville Grass, and upon Lester Flatt's death in 1979, Curly Seckler took over the Nashville Grass and soon after released *No Doubt About It*, the first album released as Curly Seckler & the Nashville Grass; and

WHEREAS, Curly Seckler officially retired from full-time touring in 1994, but continued to perform at various events each year, including some performances in North Carolina; and

WHEREAS, in 1995, Curly Seckler recorded *60 Years of Bluegrass With My Friends*, which featured several guest musicians, including Ralph Stanley, Josh Graves, Jim and Jesse McReynolds, Mac Wiseman, Benny Martin, Marty Stuart, Willis Spears, Jimmy Martin, and Doyle Lawson; and

WHEREAS, in 2004, Curly Seckler was inducted into the International Bluegrass Music Hall of Fame and during that same year recorded two new CDs containing many songs that he had written, but never performed; and

WHEREAS, in 2005, County Records reissued Curly Seckler's first solo album from 1971, with additional bonus tracks from 1989, and retitled it *That Old Book of Mine*; and during that same year, Curly Seckler released a CD on Copper Creek Records entitled *Down in Caroline*, which included Seckler's composition, "China Grove, My Hometown," and was a finalist for IBMA Recorded Event of the Year; and

WHEREAS, in 2006, Curly Seckler released a CD entitled, *Bluegrass, Don't You Know*, which was named by the Chicago Tribune as one of the Top 10 bluegrass CDs of the year; and

WHEREAS, in 2008, Curly Seckler was featured on the Public Broadcasting Station's television show Song of the Mountains, accompanied by the North Carolina band, The Steep Canyon Rangers and, in 2009, was featured on UNC-TV's North Carolina People with William Friday; and

WHEREAS, in 2010 Curly Seckler was inducted into the North Carolina Music Hall of Fame and celebrated his 75th anniversary in the music business; and

April 14, 2011

NOW, THEREFORE, the North Carolina Senate honors native son Curly Seckler for his accomplishments and his lasting legacy in traditional bluegrass music and expresses its appreciation to the Yodeling Rangers and Trail Raiders for their contributions to music.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fourteenth day of April, 2011.

S/Sarah Clapp
Senate Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Davis for the **State and Local Government Committee**:

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY, with a favorable report.

H.B. 171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION, with a favorable report.

H.B. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM, with a favorable report.

S.B. 201, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 14, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85160, which changes the title to read **S.B. 201** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61, is adopted and engrossed.

Pursuant to Rule 43, 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. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING.

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

H.B. 291 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.

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

H.B. 498 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES.

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

H.B. 614 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PUBLISH ON ITS WEB SITE PUBLIC NOTICES OF CHANGES IN STATEWIDE METHODS AND STANDARDS FOR SETTING MEDICAID PAYMENT RATES.

Referred to the **Health Care Committee**.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS.

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

April 14, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 14, 2011

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that pursuant to G.S. 115D-2.1(b)(4)f., and **S.J.R. 88**, 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 member to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2011.

Janet K. Lowder

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
April 14, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 8** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS; AND BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO APPROVE AND MONITOR CHARTER SCHOOLS; AND BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL; AND BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION; AND BY CLARIFYING THE FUNDING

April 14, 2011

FORMULA FOR CHARTER SCHOOLS; AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE STATUTES GOVERNING CHARTER SCHOOLS, and requests conferees, Speaker Tillis appoints:

Representative Stam
Representative Samuelson
Representative Brandon

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-SEVENTH DAY

Senate Chamber
Saturday, April 16, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Richard Stevens, Senator of Wake County.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, shield us under the shadow of your wing. Lord, favor this place, guide these, your servants, and remind us that in our weakness, you are strong. For Christ's sake. Amen."

Senator Harrington announces that the Senate Journal of Thursday, April 14, has been examined and is found to be correct. Upon her motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

April 16, 2011

ENROLLED BILL

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

H.B. 383, AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT.

CALENDAR

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

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

Upon motion of Senator Hunt, the bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

H.B. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

April 16, 2011

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.

Upon motion of Senator Hunt, the bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

S.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

S.B. 457, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION ACT.

Upon motion of Senator Hunt, the bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

Upon motion of Senator Hunt, the bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

H.B. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

H.B. 171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE

April 16, 2011

IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

Upon motion of Senator Hunt, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, April 18.

DEFERRED BILLS

Upon motion of Senator Hunt, all filed bills and House messages will be referred Monday, April 18.

Upon motion of Senator Preston, seconded by Senator Stein, the Senate adjourns at 8:07 a.m. to meet Monday, April 18, at 7:00 p.m.

FORTY-EIGHTH DAY

Senate Chamber
Monday, April 18, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, I lift my eyes to the hills. From where does my help come? My help comes in the name of the Lord, the maker of heaven and earth. He does not let our feet slip. He who watches over you will not slumber; indeed He who watches over Israel will neither slumber nor sleep. The Lord watches over us. The Lord is your shade at your right hand. And we need that right now, Lord. We need to know that you are in fact 'watching over us,' because we fall so quickly to our own devices. Help us rely on you, Heavenly Father, give us grace to trust in Jesus Christ, and what He has done for us, that it's enough, and that in Him, you are not just watching over us, but dwelling inside of us. In Christ, Amen."

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

April 18, 2011

ENROLLED BILLS

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

S.B. 343, AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011.

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

S.B. 261, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY.

DEFERRED BILLS

Upon motion of Senator Apodaca, all filed bills and House messages will be referred Tuesday, April 19.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

April 18, 2011

H.B. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 457, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION ACT.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

April 18, 2011

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

H.B. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

H.B. 171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, April 19.

Upon motion of Senator Phil Berger, seconded by Senator Apodaca, the Senate adjourns at 7:03 p.m. to meet Tuesday, April 19, at 3:00 p.m.

FORTY-NINTH DAY

Senate Chamber
Tuesday, April 19, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, You alone can lead us into the truth that is freedom and joy. Be our leader and teacher as we seek to find the way of 'life' in times that bewilder and challenge us. Teach us how to comfort those that are afflicted and those that have been battered by the recent tornado. Guide those who lead us and touch thy servants with your holy spirit that their faith may be revived, their hope renewed, and their vision made clear. Help us to understand other people, especially those in need during this time, and help us to be servants in a posture

April 19, 2011

of submission, rather than reckless power. God forbid that any of us here should add to the problems of the house but rather resolve by Thy help, to become part of the answer. So help us God, for Jesus' sake. Amen."

The Chair grants leaves of absence for today to Senator Meredith and Senator Rouzer.

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

The Chair extends privileges of the floor to Sharon Cooney from Oak Island, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILL

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

S.B. 261, AN ACT TO ESTABLISH A SEASON FOR TAKING FOXES WITH WEAPONS AND BY TRAPPING IN CHOWAN COUNTY. (Became law upon ratification, April 18, 2011 - S.L. 2011-40.)

CALENDAR

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

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 20.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 434, A BILL TO BE ENTITLED AN ACT GOVERNING THE LIABILITY OF DIRECTED 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 35234, is adopted and engrossed.

April 19, 2011

S.B. 474, A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING SCHEDULE II CONTROLLED SUBSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55274, which changes the title to read **S.B. 474** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING CERTAIN CONTROLLED SUBSTANCES, is adopted and engrossed.

By Senator Daniel for the **Judiciary II Committee**:

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE, with a favorable report.

CALENDAR *(continued)*

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEASON FOR THE TRAPPING OF FOXES IN LENOIR COUNTY.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Agriculture/Environment/Natural Resources Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, OR THE LEGISLATIVE RETIREMENT SYSTEM, referred to the **Judiciary I Committee** on April 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Pensions & Retirement and Aging Committee**.

April 19, 2011

S.B. 354, A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, referred to the **Rules and Operations of the Senate Committee** on March 17.

Pursuant to Rule 47(a), Senator Apodaca 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**.

CALENDAR *(continued)*

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 26.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary II Committee**:

S.B. 397, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES BUT TO ALLOW THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION ACCESS TO THE RECORDS OF EXPUNCTION, with a favorable report.

CALENDAR *(continued)*

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION 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 Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn,

April 19, 2011

Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill remains on the calendar for Wednesday, April 20, upon third reading.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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. 365 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.

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. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Health Care Committee**.

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF 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.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 20.

April 19, 2011

S.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

Senator Mansfield 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. 457, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 13 OF THE NORTH CAROLINA BUSINESS CORPORATION 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. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW RELATING TO CAREER STATUS FOR PUBLIC SCHOOL TEACHERS.

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. 138 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES.

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. 171 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

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. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

April 19, 2011

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 20.

SENATE PAGES

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

Grayson Bennett, Raleigh; Zack Dale, Cary; Allie Drexler, Raleigh; Nathan Fisher, Charlotte; David Fleming, Eden; Maddie Fleming, Elon; David Gravitt, King; Sam Holmes Jr., Raleigh; Tyler Jackson, Wake Forest; Ethan Johns, Burlington; Kristen Johnson, Cary; Brittanie Kelly, Raleigh; Janie Leland, Tarboro; Alex Loftin, Wilmington; Robert Musselwhite Jr., New Bern; Ben Rice, Raleigh; Lydia Simpson, Hope Mills.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Walters for the **State and Local Government Committee**:

S.B. 560, 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, with a favorable report.

Upon motion of Senator Walters, the bill is re-referred to the **Judiciary II Committee**.

H.B. 17, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES, with a favorable report.

H.B. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM, with a favorable report.

S.B. 273, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS

April 19, 2011

WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55279, which changes the title to read **S.B. 273** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, is adopted and engrossed.

S.B. 472, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55280, is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

Pursuant to the Senate having failed to concur in House Amendment No. 1 for S.B. 31 on April 14, Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Mansfield, Chair; Senator Hise, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 146 (House Committee Substitute), A BILL TO BE ENTITLED TO SUSPEND THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS DUE TO A DISRUPTION IN THE SUPPLY OF PAPER BAGS BECAUSE OF THE SEVERE TORNADOS, for concurrence in House Committee Substitute bill.

April 19, 2011

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on the calendar for immediate consideration.

Upon motion of Senator Brown, 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.

ADDITIONAL SPONSORS

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

S.B. 481, A BILL TO BE ENTITLED AN ACT TO ENACT THE MENTAL HEALTH WORKERS' BILL OF RIGHTS.

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

S.B. 544, A BILL TO BE ENTITLED AN ACT PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT TO (1) DEFINE "SUITABLE EMPLOYMENT" PERTAINING TO AN EMPLOYEE'S RETURN TO WORK WITHIN RESTRICTIONS OR AFTER REACHING MAXIMUM IMPROVEMENT; (2) MAKE WILLFUL MISREPRESENTATIONS GROUNDS FOR DISQUALIFICATION FROM RECEIVING BENEFITS; (3) PROVIDE THAT PARTIES MAY REACH A SEPARATE CONTEMPORANEOUS AGREEMENT TO RESOLVE ISSUES NOT COVERED BY THE ACT; (4) CLARIFY THE RIGHTS AND RESPONSIBILITIES OF EMPLOYERS AND EMPLOYEES REGARDING MEDICAL EXAMINATIONS, TREATMENT, AND ACCESS TO MEDICAL INFORMATION; (5) CAP THE DURATION OF COMPENSATION FOR TEMPORARY TOTAL DISABILITY; (6) EXTEND FROM THREE HUNDRED TO FIVE HUNDRED THE NUMBER OF WEEKS AN INJURED EMPLOYEE IS ELIGIBLE TO RECEIVE COMPENSATION FOR PARTIAL INCAPACITY; (7) INCREASE THE DEATH BENEFIT AND BURIAL EXPENSE ALLOWANCE; (8) REDUCE THE INDUSTRIAL COMMISSION FROM SEVEN TO FIVE MEMBERS SUBJECT TO LEGISLATIVE CONFIRMATION; (9) PROVIDE THAT COMMISSIONERS AND DEPUTY COMMISSIONERS ARE SUBJECT TO THE CODE OF JUDICIAL STANDARDS; AND (10) REPEAL THE COMMISSION'S FULL EXEMPTION FROM THE ADMINISTRATIVE PROCEDURE ACT, THEREBY SUBJECTING THE COMMISSION TO RULE MAKING PURSUANT TO ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES AND REQUIRING THE COMMISSION TO READOPT RULES PURSUANT TO THAT ARTICLE.

April 19, 2011

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

S.B. 447, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES.

S.B. 461, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

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

S.B. 473, A BILL TO BE ENTITLED AN ACT (1) TO REDUCE THE AMOUNT OF PURCHASED RENEWABLE ENERGY CERTIFICATES DERIVED FROM OUT-OF-STATE NEW SOLAR FACILITIES THAT MAY BE USED TO COMPLY WITH THE REPS REQUIREMENT THROUGH THE USE OF SOLAR ENERGY RESOURCES AND (2) TO DOUBLE THE REPS REQUIREMENT FOR THE USE OF SOLAR ENERGY RESOURCES AND EXPAND THE COMPLIANCE SCHEDULE.

Upon motion of Senator Phil Berger, seconded by Senator McKissick, the Senate adjourns at 3:54 p.m., subject to the introduction of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Wednesday, April 20, at 3:00 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 18, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body **H.B. 383**, AN ACT TO PROTECT UNEMPLOYMENT BENEFITS AND PREVENT ANY SHUTDOWN OF STATE GOVERNMENT, was returned to the House of Representatives on April 16, 2011, with the attached veto message.

Respectfully,
S/Denise Weeks
Principal Clerk

April 19, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE EFFECTIVE STATEWIDE A LOCAL ACT PROVIDING THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO LOCAL GOVERNMENT E-MAIL LISTS IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, April 20.

S.B. 275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, April 20.

H.B. 164 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RELEASE OF FUNDS DEPOSITED BY AN UPSET BIDDER OR A HIGH BIDDER IN A FORECLOSURE PROCEEDING WHEN A BANKRUPTCY PETITION IS FILED.

Referred to the **Finance Committee**.

H.B. 167 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS.

Referred to the **Finance Committee**.

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

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

H.B. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS.

Referred to the **Finance Committee**.

April 19, 2011

H.B. 284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

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

H.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SAMPSON COUNTY TO PROHIBIT THE ISSUANCE OF A SPECIAL USE OR CONDITIONAL USE PERMIT, OR A BUILDING PERMIT, TO A DELINQUENT TAXPAYER, AND TO AUTHORIZE SAMPSON COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES.

Referred to the **Finance Committee**.

H.B. 339 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING A HOUSING AUTHORITY TO COLLECT UNPAID DELINQUENT DEBT BY SETTING OFF THE DEBT AGAINST A STATE INCOME TAX REFUND DUE A TENANT OR FORMER TENANT OF THE HOUSING AUTHORITY.

Referred to the **Finance Committee**.

H.B. 394, A BILL TO BE ENTITLED AN ACT PROVIDING FOR VOLUNTARY FLEXIBLE WORK SCHEDULES FOR STATE EMPLOYEES DURING THE 2011-2013 FISCAL BIENNIUM.

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

H.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

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

H.B. 438, A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF CERTAIN BOARDS OF COUNTY COMMISSIONERS OVER LOCAL BOARDS, AGENCIES, AND COMMISSIONS.

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

H.B. 480, A BILL TO BE ENTITLED AN ACT TO CHANGE THE CANDIDATE FILING PERIOD FOR THE STANLY COUNTY BOARD OF EDUCATION.

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

April 19, 2011

H.B. 481, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF FILLING VACANCIES IN THE OFFICE OF SHERIFF OF STANLY COUNTY.

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

H.B. 482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.

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

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION.

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

H.B. 536, A BILL TO BE ENTITLED AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE ITS RESIDENCY DISTRICTS AFTER EACH CENSUS AS IF THEY WERE ELECTORAL DISTRICTS.

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

H.B. 566, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS.

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

H.B. 567, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES.

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

H.B. 595, A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

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

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTION PROGRAM.

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

April 19, 2011

H.B. 616, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE REGULATION OF ENGINEERING AND LAND SURVEYING.

Referred to the **Commerce Committee**.

H.B. 766, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.

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

INTRODUCTION OF BILLS

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

By Senator Clodfelter:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 601, 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 **Finance Committee**.

By Senators East (Primary Sponsor); Brock, Jackson and Rouzer:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS 3 MISDEMEANOR FOR A PERSON TO ALLOW DOMESTIC FOWLS TO RUN AT LARGE ON THE LANDS OF A COMMERCIAL POULTRY OPERATION AFTER RECEIVING ACTUAL OR CONSTRUCTIVE NOTICE OF THE RUNNING AT LARGE.

Referred to the **Judiciary II Committee**.

April 19, 2011

By Senators East (Primary Sponsor); Brock, Jackson and Rouzer:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO NO LONGER REQUIRE, FOR ANY PERSON REQUIRED TO REGISTER A PESTICIDE IN THE OFFICE OF THE NORTH CAROLINA PESTICIDE BOARD, THE SUBMISSION OF THE MATERIAL SAFETY DATA SHEET TO BE FILED WITH THE PESTICIDE BOARD.

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

By Senators East (Primary Sponsor); Allran, Brock and Hise:

S.B. 604, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA ILLEGAL IMMIGRATION ENFORCEMENT ACT.

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

By Senators Rucho (Primary Sponsor); Brock, Hartsell, Hise, Rouzer and Soucek:

S.B. 605, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A GADSDEN FLAG "DON'T TREAD ON ME" SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senators Stein, Stevens, Hunt (Primary Sponsors) and Blue:

S.B. 606, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF WATER QUALITY IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY ISSUES REGARDING THE USE OF RECLAIMED WATER AND THE CURRENT PERMITTING REQUIREMENTS WITH REGARD TO THE DISCHARGE OF WASTEWATER AND RECLAIMED WATER.

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

By Senator Stein:

S.B. 607, A BILL TO BE ENTITLED AN ACT TO CONFORM MEDICAL RECORD CONFIDENTIALITY LAWS.

Referred to the **Health Care Committee**.

By Senators Hunt (Primary Sponsor); Allran, Blake, Forrester, Rabon, Soucek and Tillman:

S.B. 608, A BILL TO BE ENTITLED AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS.

Referred to the **Health Care Committee**.

By Senators Rouzer and Rabon (Primary Sponsors):

S.B. 609, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION.

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

April 19, 2011

By Senators Rouzer (Primary Sponsor); Brock and Hise:

S.B. 610, A BILL TO BE ENTITLED AN ACT PETITIONING THE CONGRESS OF THE UNITED STATES TO ADOPT AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, FOR SUBMISSION TO THE STATES, TO REQUIRE, WITH CERTAIN EXCEPTIONS, THAT THE FEDERAL BUDGET BE BALANCED; OR, IN THE ALTERNATIVE, TO CALL A CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING SUCH AN AMENDMENT FOR SUBMISSION TO THE STATES FOR RATIFICATION.

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

By Senator Rouzer:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO CONVERT THE SALES TAX ON CERTAIN SALES OF PROPANE GAS INTO AN EXCISE TAX.

Referred to the **Finance Committee**.

By Senators Daniel (Primary Sponsor); Allran, Bingham, Brock, Brown, Brunstetter, Clary, Forrester, Goolsby, Gunn, Harrington, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek and Tillman:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON STATE LEASED SPACE.

Referred to the **Program Evaluation Committee**.

By Senators Brown, Clary, Pate (Primary Sponsors); Allran, Apodaca, Brock, East, Forrester, Gunn, Harrington, Hunt, Jackson, Newton, Rabon, Soucek, Tillman and Tucker:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES.

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

By Senators Atwater (Primary Sponsor); Allran, East, Hise, Jackson, Rabon and Rouzer:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO STOP FUNDING THE CONTINUED EVALUATION OF NORTH CAROLINA'S AGRICULTURAL RESEARCH SYSTEM AND THE AGRICULTURAL RESEARCH STATIONS AND RESEARCH FARMS BY THE PERFORMANCE EVALUATION DIVISION OF THE GENERAL ASSEMBLY.

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

April 19, 2011

By Senators Atwater, Blake (Primary Sponsors) and Brock:

S.B. 615, A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE AMOUNT OF THE BOND REQUIRED UPON REGISTRATION IN ORDER TO DRILL FOR OIL OR NATURAL GAS IN THE STATE AND (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ISSUE OF OIL AND GAS EXPLORATION IN THE STATE, AND SPECIFICALLY THE USE OF HYDRAULIC FRACTURING FOR THAT PURPOSE.

Referred to the **Finance Committee**.

By Senator Atwater:

S.B. 616, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION AND CONSOLIDATION OF STATUTES RELATING TO SCRAPYARDS, PRECIOUS METALS BUSINESSES, AND PAWNBROKERS.

Referred to the **Commerce Committee**.

By Senator Atwater:

S.B. 617, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY IMPLEMENTATION OF FEDERAL FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES IN PUBLIC SCHOOLS.

Referred to the **Health Care Committee**.

By Senator Kinnaird:

S.B. 618, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ADOPTIVE PARENT AND A BIRTH RELATIVE TO ENTER INTO A WRITTEN AGREEMENT TO PROVIDE FOR POST-ADOPTION CONTACT AND COMMUNICATION AND TO MAKE OTHER CONFORMING STATUTORY CHANGES.

Referred to the **Judiciary II Committee**.

By Senator Clodfelter:

S.B. 619, A BILL TO BE ENTITLED AN ACT TO REQUIRE NONPROFITS TO SUBMIT A SIMPLIFIED ANNUAL REPORT TO THE SECRETARY OF STATE.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 620, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT.

Referred to the **Judiciary I Committee**.

April 19, 2011

By Senators Bingham (Primary Sponsor) and Clary:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RESTAURANTS AND HOTELS TO PERMIT SIMULATED GAMING ON THE LICENSED PREMISES IF THE EVENT IS A SPONSORED EVENT AND THE PERMITTEE HAS REGISTERED THE EVENT WITH THE ALCOHOLIC BEVERAGE CONTROL COMMISSION PRIOR TO THE GAMING EVENT TAKING PLACE.

Referred to the **Commerce Committee**.

By Senators Rouzer, Jackson (Primary Sponsors); Brock and Hise:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO LIMIT THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES TO URBAN PURPOSES AND TO PROHIBIT THE INCLUSION OF PROPERTY IN AN EXTRATERRITORIAL JURISDICTION AREA FOR ENVIRONMENTAL IMPACT LAWS OR REGULATIONS.

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

By Senators Preston (Primary Sponsor) and Brown:

S.B. 623, A BILL TO BE ENTITLED AN ACT TO CREATE AN EXEMPTION TO THE RIPARIAN BUFFER REQUIREMENTS FOR CERTAIN PRIVATE PROPERTIES IN THE NEUSE RIVER AND TARPAMLICO RIVER BASINS.

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

By Senators Preston (Primary Sponsor) and Brown:

S.B. 624, A BILL TO BE ENTITLED AN ACT TO REQUIRE GREATER NOTIFICATION OF AND ABILITY TO ATTEND HEARINGS FOR RULE MAKING.

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

By Senators Preston (Primary Sponsor) and Brown:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL REQUIREMENTS TO APPLY TO THE ADOPTION AND IMPLEMENTATION OF ANY PROPOSED ADMINISTRATIVE RULE THAT IS AN ENVIRONMENTAL RULE.

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

By Senators Hartsell and Bingham (Primary Sponsors):

S.B. 626, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.

Referred to the **Program Evaluation Committee**.

April 19, 2011

By Senators Davis, Apodaca (Primary Sponsors) and Rabon:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO AMEND AND REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.

Referred to the **Finance Committee**.

By Senators Hartsell and Bingham (Primary Sponsors):

S.B. 628, A BILL TO BE ENTITLED AN ACT TO PROVIDE (1) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL DENY A WATER QUALITY PERMIT OR CERTIFICATION WHEN THE APPLICANT KNOWINGLY FALSIFIES INFORMATION OR FAILS TO DISCLOSE RELEVANT INFORMATION IN THE APPLICATION OR SUPPORTING INFORMATION AND (2) THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL CONDUCT AN ENVIRONMENTAL COMPLIANCE REVIEW OF AN APPLICANT FOR A WATER QUALITY PERMIT OR CERTIFICATION PRIOR TO ISSUANCE OF A PERMIT OR CERTIFICATION.

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

By Senators Hartsell and Bingham (Primary Sponsors):

S.B. 629, A BILL TO BE ENTITLED AN ACT IMPOSING A FRANCHISE OR PRIVILEGE TAX ON UNREGULATED UTILITIES.

Referred to the **Finance Committee**.

By Senator Mansfield:

S.B. 630, A BILL TO BE ENTITLED AN ACT MAKING CLARIFYING CHANGES UNDER THE LAWS REGULATING THE PRACTICE OF COSMETIC ART AND EXTENDING THE PERIOD WITHIN WHICH PERSONS PRACTICING AS NATURAL HAIR CARE SPECIALISTS ARE REQUIRED TO BE LICENSED UNDER THE NORTH CAROLINA COSMETIC ART ACT.

Referred to the **Commerce Committee**.

By Senator Brock:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY RECEIVE FOREIGN LANGUAGE CREDIT.

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

By Senator Brock:

S.B. 632, A BILL TO BE ENTITLED AN ACT TO REQUIRE UPGRADED SECURITY AND EMERGENCY MEDICAL SERVICES AT THE STATE LEGISLATURE, STATE GOVERNMENT COMPLEX, THE EXECUTIVE MANSION, AND THE LIEUTENANT GOVERNOR'S MANSION AND TO PROVIDE FUNDING FOR THE UPGRADED SECURITY SERVICES.

April 19, 2011

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

By Senator Brock:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO LIMIT ABORTION COVERAGE UNDER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Referred to the **Insurance Committee**.

By Senators Rouzer (Primary Sponsor) and Brock:

S.B. 634, A BILL TO BE ENTITLED AN ACT APPLYING TO CONGRESS TO CALL A CONVENTION FOR PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PERMITTING REPEAL OF ANY FEDERAL LAW OR REGULATION BY VOTE OF TWO-THIRDS OF THE STATE LEGISLATURES.

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

By Senator Rouzer:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR LITTERING OFFENSES.

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

By Senator Rouzer:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES; TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A ONE-YEAR REVOCATION OF A PROVISIONAL LICENSEE'S OR SUPERVISING DRIVERS LICENSE IF A DRIVING LOG IS FALSIFIED; TO REQUIRE AN IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS CHARGED WITH A VIOLATION OF THE RESTRICTIONS FOR A PROVISIONAL LICENSEE, A MOVING VIOLATION, OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF THIS ACT.

Referred to the **Judiciary II Committee**.

By Senators Rouzer (Primary Sponsor) and Brock:

S.B. 637, A BILL TO BE ENTITLED AN ACT APPLYING TO CONGRESS TO CALL A CONVENTION FOR PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES THAT CONGRESS SHALL MAKE NO LAW THAT APPLIES TO THE CITIZENS OF THE UNITED STATES THAT DOES NOT APPLY EQUALLY TO THE SENATORS OR

REPRESENTATIVES AND CONGRESS SHALL MAKE NO LAW THAT APPLIES TO THE SENATORS OR REPRESENTATIVES THAT DOES NOT APPLY EQUALLY TO THE CITIZENS OF THE UNITED STATES.

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

By Senator Rouzer:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE AGRICULTURAL WATER RESOURCES ASSISTANCE PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

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. 639, 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 **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 640, A BILL TO BE ENTITLED AN ACT TO ENHANCE DONATIONS BY CORPORATE ENTITIES OF DISTRESSED PROPERTIES WITH CONSERVATION VALUES.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA CONCERNING THE SIZE AND COMPOSITION OF THE STATE BOARD OF EDUCATION.

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

By Senator Hartsell:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA MEDICAL MALPRACTICE REVIEW BOARD.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Program Evaluation Committee**.

By Senator Rouzer:

S.B. 643, A BILL TO BE ENTITLED AN ACT TO ENSURE THE LEAST AMOUNT OF DISRUPTION FOR DEPENDENT CHILDREN INVOLVED IN TEMPORARY CUSTODY CASES.

Referred to the **Judiciary II Committee**.

By Senator Rouzer:

S.B. 644, A BILL TO BE ENTITLED AN ACT ESTABLISHING THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, SHALL NOT REQUIRE A REDETERMINATION

April 19, 2011

OF ELIGIBILITY FOR VENDOR PAYMENTS UNDER AN ADOPTION ASSISTANCE AGREEMENT UNLESS THE AGREEMENT SPECIFIES THAT A REDETERMINATION OF ELIGIBILITY IS REQUIRED, UNDER THE LAWS REGULATING PROGRAMS OF PUBLIC ASSISTANCE.

Referred to the **Health Care Committee**.

By Senator Clodfelter:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE ENERGY CREDITS.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 646, 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.

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

By Senator Rucho:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES.

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

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTIETH DAY

Senate Chamber
Wednesday, April 20, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, perhaps, Lord, what we need most right now, is mercy, fresh mercy. Whether we like it or not, Jesus, we are empty handed in reality, and we are beggars at your door. And we confess that this is hard for us, the privileged. Send, oh Father, your spirit to non-profits, churches, families, representatives of constituents, and entire communities as we fall prostrate to the weight of your strength. Like many houses and trees, we are leveled by your power, and we humbly acknowledge our dependence on you for all we do. Increase our vision and give our eyes technicolor, to reach out towards the broken with what you would have us do in the wake of this tornado. You love your children Lord, and 'You came to serve, not to be served.' You came to wash the tears from our eyes, and you came not to judge, but to pronounce blessing to the downcast. So may these recent events remind us all that we, your children, are not a big mistake, Lord. No. We are your delight. We are the crown of your creation. Make us ambassadors of this reality, filled with your love, planted in the field of service to your kingdom. For Christ's sake, Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILLS

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

S.B. 146, AN ACT TO SUSPEND THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS DUE TO A DISRUPTION IN THE SUPPLY OF PAPER BAGS BECAUSE OF THE SEVERE TORNADOS.

S.B. 406, AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW.

April 20, 2011

H.B. 138, AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES.

H.B. 171, AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION.

H.B. 215, AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW."

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

S.B. 82, AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS.

H.B. 68, AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

H.B. 365, AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM.

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. 162, AN ACT TO EXEMPT CERTAIN ACTIVITIES RELATED TO SMALL-SCALE PROCESSING OF AGRICULTURAL PRODUCTS FROM WASTEWATER PERMIT REQUIREMENTS. (Became law upon approval of the Governor, April 19, 2011 - S.L. 2011-41.)

April 20, 2011

H.B. 234, AN ACT TO AMEND THE QUALIFICATIONS FOR PROSPECTIVE JURORS IN ORDER TO ALLOW HEARING-IMPAIRED PERSONS TO SERVE AS JURORS AND TO PROVIDE FOR PERSONS WITH DISABILITIES TO APPLY FOR EXEMPTIONS FROM JURY DUTY. (Became law upon approval of the Governor, April 19, 2011 - S.L. 2011-42.)

S.B. 154, AN ACT TO ABOLISH THE HIGHER EDUCATION BOND OVERSIGHT COMMITTEE, WHICH HAS COMPLETED ITS WORK. (Became law upon approval of the Governor, April 19, 2011 - S.L. 2011-43.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT, with a favorable report.

H.B. 270 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11188, is adopted and engrossed.

April 20, 2011

WITHDRAWAL FROM COMMITTEE

S.R. 381, A SENATE RESOLUTION HONORING NORTH CAROLINA FAMILY AND CONSUMER SCIENCES ON THE 100TH ANNIVERSARY OF ITS FOUNDING, referred to the **Rules and Operations of the Senate Committee** on March 22.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Tuesday, April 26, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Tuesday, April 26.

CALENDAR

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

H.B. 26, A BILL TO BE ENTITLED AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The bill is ordered enrolled.

S.B. 273 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE MUNICIPALITIES UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

Without objection, Senator Stein 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 and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

April 20, 2011

H.B. 17, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

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. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM.

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. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY PERSON WHO IS A DISTRICT ATTORNEY, AN ASSISTANT DISTRICT ATTORNEY, OR INVESTIGATOR EMPLOYED BY THE OFFICE OF A DISTRICT ATTORNEY AND WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

The Committee Substitute bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 397, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A YOUTHFUL OFFENDER'S CRIMINAL RECORD MAY BE EXPUNGED OF NONVIOLENT FELONIES BUT TO ALLOW THE CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION ACCESS TO THE RECORDS OF EXPUNCTION.

The bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-2).

The Committee Substitute bill, as amended, passes its second reading (39-10).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, April 21, upon third reading.

April 20, 2011

S.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Senator Hartsell offers Amendment No. 1 which is adopted (48-1).

Senator Purcell offers Amendment No. 2 and later withdraws it.

Senator Berger, D. offers Amendment No. 3 which fails of adoption (10-38).

The Committee Substitute bill, as amended, passes its second reading (38-11).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, April 21, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDES IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER 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 30300, which changes the title, upon concurrence, to read **H.B. 268** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDE IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED

April 20, 2011

FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM AND (2) AUTHORIZE THE DISPOSAL, TEMPORARY STORAGE, AND BURNING OF STORM-RELATED DEBRIS DURING THE STATE OF EMERGENCY DECLARED ON APRIL 16, 2011, THROUGH JUNE 1, 2011, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on the calendar for immediate consideration.

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90095, is adopted and engrossed.

Upon motion of Senator East, the Senate Committee Substitute bill is referred to the **Finance Committee**.

CALENDAR *(continued)*

H.B. 268 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDE IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM AND (2) AUTHORIZE THE DISPOSAL, TEMPORARY STORAGE, AND BURNING OF STORM-RELATED DEBRIS DURING THE STATE OF EMERGENCY DECLARED ON APRIL 16, 2011, THROUGH JUNE 1, 2011.

Pursuant to the motion made by Senator Apodaca, H.B. 268 is brought before the body for immediate consideration.

The Senate 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 by special message for concurrence in the Senate Committee Substitute.

April 20, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT THAT DIRECTED THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROVIDE LEADERSHIP 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. 449, A BILL TO BE ENTITLED AN ACT TO DIRECT THE CONSUMER PROTECTION DIVISION, DEPARTMENT OF JUSTICE, TO COORDINATE A TASK FORCE ON FRAUD AGAINST OLDER ADULTS, 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 55283, is adopted and engrossed.

By Senator Rabon for the **Transportation Committee**:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55284, is adopted and engrossed.

H.B. 336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50303, is adopted and engrossed.

April 20, 2011

CALENDAR (*continued*)

S.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GOVERNING THE LIABILITY OF DIRECTED TRUSTEES.

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. 472 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998.

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. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING CERTAIN CONTROLLED SUBSTANCES.

Senator Apodaca offers Amendment No. 1.

Upon motion of Senator Apodaca, the President orders, without objection, the Committee Substitute bill, with Amendment No. 1 pending, temporarily displaced.

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE.

The Committee Substitute bill fails its second reading (23-26).

S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE EFFECTIVE STATEWIDE A LOCAL ACT PROVIDING THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO LOCAL GOVERNMENT E-MAIL LISTS IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO, 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.

S.B. 275 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (44-4) and the bill is ordered enrolled and sent to the Governor.

April 20, 2011

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING CERTAIN CONTROLLED SUBSTANCES, temporarily displaced earlier today with Amendment No. 1 pending.

Amendment No. 1, offered by Senator Apodaca, 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.

H.B. 316 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

Senator Apodaca offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (31-18) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 5:05 p.m. to reconvene at 5:20 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:

S.B. 323 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on the calendar for immediate consideration.

Upon motion of Senator Apodaca, the Senate fails to concur in the House Committee Substitute bill (0-48).

April 20, 2011

RECONSIDERATION

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE.

Having voted with the majority, Senator Hise offers a motion that the vote by which the Committee Substitute bill failed its second reading be reconsidered, which motion prevails (32-16).

The question before the body is the passage of H.B. 407 on its second reading.

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.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 323 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 323 earlier today, Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Apodaca, Chair; Senator Brunstetter, Senator Hise, Senator Hunt, Senator Rucho, and Senator Tucker as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special 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 Hartsell requests that he be removed as a sponsor of previously introduced legislation:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THIRD-PARTY SALES FROM RENEWABLE ENERGY FACILITIES WITH TWO MEGAWATTS OR LESS CAPACITY BY AMENDING THE DEFINITION OF PUBLIC UTILITY TO EXCLUDE A THIRD PARTY THAT OWNS OR OPERATES THE EQUIPMENT OF A RENEWABLE ENERGY FACILITY WITH TWO MEGAWATTS OR LESS CAPACITY WHEN THE RENEWABLE ENERGY FACILITY IS LOCATED ON A CUSTOMER'S PROPERTY.

Upon motion of Senator Phil Berger, seconded by Senator Bingham, the Senate adjourns at 5:37 p.m., subject to the introduction of bills, ratification of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Thursday, April 21, at 11:00 a.m.

April 20, 2011

ENROLLED BILL

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

H.B. 268, AN ACT TO (1) PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDE IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM AND (2) AUTHORIZE THE DISPOSAL, TEMPORARY STORAGE, AND BURNING OF STORM-RELATED DEBRIS DURING THE STATE OF EMERGENCY DECLARED ON APRIL 16, 2011, THROUGH JUNE 1, 2011.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 20, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Amendment to **S.B. 31** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, and requests conferees, Speaker Tillis appoints:

Representative Stevens, Chair
Representative Faircloth
Representative Glazier
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

April 20, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 83 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, April 21.

H.B. 302, A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXEMPTION FROM CHARITABLE LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES.

Referred to the **Mental Health & Youth Services Committee**.

H.B. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.

Referred to the **Judiciary II Committee**.

H.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MEMBERS OF SANITARY DISTRICT BOARDS ESTABLISHED UNDER PART 2 OF ARTICLE 2 OF CHAPTER 130A OF THE GENERAL STATUTES TO FILE A STATEMENT OF ECONOMIC INTEREST.

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

H.B. 488, A BILL TO BE ENTITLED AN ACT EXTENDING THE WAIVER OF RETROACTIVITY PERTAINING TO THE ACQUISITION OF LAND BY THE TOWN OF NASHVILLE UNDER THE PARKS AND RECREATION TRUST FUND PROGRAM.

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

H.B. 492, A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY.

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

April 20, 2011

H.B. 802, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAWS PERTAINING TO THE STAYING OF ORDERS ON APPEAL AS RELATED TO CHILD CUSTODY, CHILD SUPPORT, AND ALIMONY.

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

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 Preston, Tillman, and Hartsell (Primary Sponsors):

S.B. 648, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL DISCIPLINE.

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

By Senator Preston:

S.B. 649, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO EXEMPT THE CORE SOUND WATERFOWL MUSEUM AND HERITAGE CENTER FROM THE FIRST IN FLIGHT BACKGROUND.

Referred to the **Finance Committee**.

By Senator Vaughan:

S.B. 650, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A SHERIFF TO PLACE CERTAIN DEFENDANTS OR PRISONERS ON MEDICAL HOUSE ARREST WITH ELECTRONIC MONITORING IN LIEU OF CONFINEMENT TO THE LOCAL CONFINEMENT FACILITY AND TO AUTHORIZE THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION TO RELEASE CERTAIN PRISONERS WHO REQUIRE ONGOING MAJOR MEDICAL TREATMENT ON MEDICAL RELEASE, PROVIDED THE PRISONER IS PLACED ON HOUSE ARREST WITH ELECTRONIC MONITORING.

Referred to the **Judiciary II Committee**.

By Senator Vaughan:

S.B. 651, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN LIEU OF CONTRACTUAL LIABILITY INSURANCE, SERVICE CONTRACT PROVIDERS MAY MAINTAIN A FUNDED RESERVE ACCOUNT FOR ITS OBLIGATIONS UNDER SERVICE CONTRACTS ISSUED AND OUTSTANDING IN THIS STATE.

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

April 20, 2011

By Senator Vaughan:

S.B. 652, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INTRODUCTION OF CHEMICAL ANALYSIS TEST RESULTS IN AN ADMINISTRATIVE HEARING PROCEDURE BEFORE THE DIVISION OF MOTOR VEHICLES FOR THE RESTORATION OF A DRIVERS LICENSE AFTER A REVOCATION FOR CERTAIN IMPAIRED DRIVING OFFENSES REQUIRING AN IGNITION INTERLOCK, UNLESS THE CHEMICAL ANALYSIS TEST RESULTS WERE ADMITTED INTO EVIDENCE BY A COURT OF COMPETENT JURISDICTION PURSUANT TO THE RULES OF EVIDENCE IN CHAPTER 1A OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

By Senator Daniel:

S.B. 653, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to the **Judiciary I Committee**.

By Senators Goolsby, Newton, Daniel (Primary Sponsors) and D. Berger:

S.B. 654, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO PROVIDE FOR THE ANNUAL ADJUSTMENT OF THE BENEFIT FOR PERMANENT INJURY TO AN IMPORTANT BODILY ORGAN.

Referred to the **Judiciary I Committee**.

By Senators Pate, Brunstetter, Allran (Primary Sponsors); Apodaca, D. Berger, Brock, Purcell and Stevens:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS.

Referred to the **Health Care Committee**.

By Senators Davis (Primary Sponsor); Purcell and Rabon:

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS.

Referred to the **Insurance Committee**.

By Senators Davis, Daniel, Hise (Primary Sponsors) and Brock:

S.B. 657, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTION ADMINISTRATION LAWS.

Referred to the **Judiciary I Committee**.

April 20, 2011

By Senators Clodfelter, Jenkins (Primary Sponsors); Atwater and Hartsell:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT IN NORTH CAROLINA BY ESTABLISHING A SOUND STATE TAX STRUCTURE THAT REVISES THE EXISTING STRUCTURE ON A REVENUE-NEUTRAL BASIS, LOWERS ALL MAJOR TAX RATES, AND MAKES THE STRUCTURE SIMPLER, FAIRER, AND CONSISTENT WITH THE MODERN ECONOMY, AS RECOMMENDED BY PAST TAX STUDIES.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO EXEMPT TAXICAB DRIVERS WHO ARE INDEPENDENT CONTRACTORS FROM COVERAGE UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Judiciary I Committee**.

By Senator Clodfelter:

S.B. 660, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CONSOLIDATION OF SPECIAL DISTRICTS.

Referred to the **Program Evaluation Committee**.

By Senator Bingham:

S.B. 661, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

Referred to the **Program Evaluation Committee**.

By Senators Bingham (Primary Sponsor); Clodfelter and Kinnaird:

S.B. 662, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT.

Referred to the **Health Care Committee**.

By Senator Rouzer:

S.B. 663, A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH TO STUDY THE CHILD SUPPORT GUIDELINES, SPECIFICALLY AS RELATED TO CHILDREN WITH DEVELOPMENTAL DISABILITIES.

Referred to the **Program Evaluation Committee**.

By Senators Rouzer, Stein, Soucek (Primary Sponsors); D. Berger, Harrington, and Vaughan:

S.B. 664, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE DISMISSAL OF MUNICIPAL LAW ENFORCEMENT OFFICERS.

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

By Senator Hise:

S.B. 665, A BILL TO BE ENTITLED AN ACT TO DIRECT APPALACHIAN STATE UNIVERSITY TO JOINTLY DEVELOP AND IMPLEMENT A WIND DEMONSTRATION PROJECT WITH THE HOLDER OF A PERMIT FOR A WIND ENERGY FACILITY THAT HAS BEEN ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

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

By Senator Forrester:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO CAP THE VARIABLE WHOLESALE COMPONENT OF THE MOTOR FUELS TAX RATE.

Referred to the **Finance Committee**.

By Senators Forrester (Primary Sponsor) and Hise:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PERMIT ADVERTISING ON SCHOOL BUSES.

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

By Senator Atwater:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE CLEAN WATER MANAGEMENT TRUST FUND, THE DEPARTMENT OF COMMERCE, THE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE RURAL ECONOMIC DEVELOPMENT CENTER JOINTLY TO DEVELOP AND IMPLEMENT A STATEWIDE WATER AND WASTEWATER INFRASTRUCTURE NEEDS, RESOURCE, AND FUNDING CENTRAL DATABASE SYSTEM.

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

By Senators Atwater (Primary Sponsor); Allran, D. Berger, Dannelly, Kinnaird, Mansfield, McKissick, Robinson, Vaughan, Walters and White:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ALLOCATION OF THE PROCEEDS FROM ANY DISPOSITION OF THE DOROTHEA DIX HOSPITAL PROPERTY.

Referred to the **Mental Health & Youth Services Committee**.

By Senator Hartsell:

S.B. 670, A BILL TO BE ENTITLED AN ACT REVISING THE MEMBERSHIP ON THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD.

Referred to the **Health Care Committee**.

April 20, 2011

By Senators Hartsell, Stein, and Hise (Primary Sponsors):

S.B. 671, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR RESEARCH REGARDING TECHNOLOGIES FOR THE MODERN ELECTRIC GRID, AS THAT TERM IS DEFINED UNDER THE FEDERAL ENERGY POLICY ACT OF 2007.

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

By Senators Purcell (Primary Sponsor) and Rouzer:

S.B. 672, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE RADIOLOGIST ASSISTANT LICENSURE STUDY COMMISSION AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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

By Senator Pate:

S.R. 673, A SENATE RESOLUTION ENCOURAGING ALL NORTH CAROLINIANS TO CELEBRATE CINCO DE MAYO.

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

By Senators Brunstetter, Brown, Rucho (Primary Sponsors); Hunt, Rabon, Rouzer, Stevens and Tillman:

S.B. 674, A BILL TO BE ENTITLED AN ACT TO REFORM AND IMPROVE THE NORTH CAROLINA CIVIL JUSTICE SYSTEM.

Referred to the **Judiciary I Committee**.

By Senators Rouzer (Primary Sponsor) and Daniel:

S.B. 675, A BILL TO BE ENTITLED AN ACT REQUIRING APPLICANTS FOR THE WORK FIRST PROGRAM TO PERFORM COMMUNITY SERVICE BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

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

By Senators Rouzer, Jackson, and East (Primary Sponsors):

S.B. 676, A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

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

By Senators Rouzer, East, and Jackson (Primary Sponsors):

S.B. 677, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE CONSERVATION TRUST FUND COMMISSION AND TRANSFERRING THE DUTIES OF THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION TRUST FUND ADVISORY COMMITTEE, THE NATURAL HERITAGE TRUST FUND BOARD OF TRUSTEES, AND THE CLEAN WATER MANAGEMENT TRUST FUND BOARD OF TRUSTEES TO THE CONSERVATION TRUST FUND COMMISSION.

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

April 20, 2011

By Senators Rouzer and Bingham (Primary Sponsors):

S.B. 678, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE ABILITY OF NORTH CAROLINA CITIZENS TO CHOOSE AN AUTOMOTIVE GLASS REPAIR SERVICE, AND TO REQUIRE DISCLOSURE OF AFFILIATIONS OF INSURERS INVOLVING AUTOMOTIVE GLASS REPAIR.

Referred to the **Insurance Committee**.

By Senator Newton:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW PROHIBITING COCKFIGHTING AND RELATED ACTIVITIES.

Referred to the **Judiciary II Committee**.

By Senator Rouzer:

S.B. 680, A BILL TO BE ENTITLED AN ACT APPLYING TO CONGRESS TO CALL A CONVENTION FOR PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PRESERVE THE ENERGY SECURITY OF THE COUNTRY BY INCREASING DOMESTIC HYDROCARBON PRODUCTION BY DIRECTING THE FEDERAL GOVERNMENT TO OPEN UP ALL FEDERAL ONSHORE AND OFFSHORE LANDS FOR ENERGY EXPLORATION AND PRODUCTION IF GEOLOGICAL SURVEY DATA INDICATES THE POSSIBLE PRESENCE OF ECONOMICALLY RECOVERABLE HYDROCARBON RESOURCES.

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

By Senator Rouzer:

S.B. 681, A BILL TO BE ENTITLED AN ACT TO REQUIRE AGENCIES ADOPTING RULES THAT INCREASE THE WORKLOAD OF THE AGENCY OR THE PUBLIC OR PRIVATE SECTORS TO SIMULTANEOUSLY ELIMINATE ONE OTHER RULE.

Referred to the **Commerce Committee** and upon a favorable report, referred to the **Judiciary I Committee**.

By Senators Hunt (Primary Sponsor); Blake, Brock, Forrester, Hise and Tillman:

S.B. 682, A BILL TO BE ENTITLED AN ACT TO GRANT AN INCOME TAX DEDUCTION TO INDIVIDUALS WHO PAY THE MEDICAL EXPENSES OF OTHER INDIVIDUALS THROUGH A HEALTH CARE SHARING ORGANIZATION.

Referred to the **Finance Committee**.

By Senators Hunt (Primary Sponsor); Blake, Brock, Forrester, Hise and Tillman:

S.B. 683, A BILL TO BE ENTITLED AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

Referred to the **Commerce Committee**.

April 20, 2011

By Senator Apodaca:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAW PROVIDING FOR A FIVE-YEAR PERIOD OF POST-RELEASE SUPERVISION FOR SEX OFFENDERS BY INCREASING THE MAXIMUM SENTENCE FOR SEX OFFENDERS AND PROVIDING FOR THEIR RELEASE ON POST-RELEASE SUPERVISION WITH FIVE YEARS REMAINING ON THEIR SENTENCES, AND TO PROVIDE THAT WILLFUL REFUSAL TO ACCEPT OR COMPLY WITH THE TERMS OF POST-RELEASE SUPERVISION IS PUNISHABLE AS CONTEMPT OF COURT.

Referred to the **Judiciary I Committee**.

By Senator Apodaca:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE REGULATION OF PROPRIETARY SCHOOLS.

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

By Senator Apodaca:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

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

By Senators Apodaca, Brunstetter (Primary Sponsors) and Brock:

S.B. 687, A BILL TO BE ENTITLED AN ACT TO ADJUST THE RETIREMENT AGE FOR MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM WHO BECOME MEMBERS ON OR AFTER AUGUST 1, 2011, TO AMEND THE DEFINITION OF AVERAGE FINAL COMPENSATION FOR PURPOSES OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND TO ESTABLISH A SPECIAL COMMISSION TO STUDY RETIREMENT AND HEALTH BENEFITS FOR TEACHERS AND STATE EMPLOYEES.

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

By Senators Soucek (Primary Sponsor); Allran, Atwater, D. Berger, Brock, Davis, Forrester, Gunn, Hise, Jackson, Meredith, Pate and Rouzer:

S.R. 688, A SENATE RESOLUTION DESIGNATING BILLY GRAHAM A FAVORITE SON OF NORTH CAROLINA.

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

By Senators Soucek (Primary Sponsor); Davis and Hise:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

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

April 20, 2011

By Senator Vaughan:

S.B. 690, A BILL TO BE ENTITLED AN ACT REQUIRING A PERSON FOUND TO HAVE COMMITTED ACTS OF DOMESTIC VIOLENCE OR UNLAWFUL CONDUCT, PURSUANT TO A CIVIL NO-CONTACT ORDER, TO BE SUBJECT TO ELECTRONIC MONITORING.

Referred to the **Judiciary II Committee**.

By Senator Jenkins:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO INCREASE CERTAIN FEES COLLECTED BY THE DIVISION OF MOTOR VEHICLES AND CREDIT THE INCREASED PORTION OF THE FEES TO THE NORTH CAROLINA MOBILITY FUND.

Referred to the **Finance Committee**.

By Senators D. Berger and Daniel (Primary Sponsors):

S.B. 692, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION ACT.

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

By Senators Blue (Primary Sponsor) and D. Berger:

S.R. 693, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF RALPH CAMPBELL, JR., FORMER STATE AUDITOR.

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

By Senators Stein and Apodaca (Primary Sponsors):

S.B. 694, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THIRD-PARTY SALES FROM RENEWABLE ENERGY FACILITIES WITH TWO MEGAWATTS OR LESS CAPACITY BY AMENDING THE DEFINITION OF PUBLIC UTILITY TO EXCLUDE A THIRD PARTY THAT OWNS OR OPERATES THE EQUIPMENT OF A RENEWABLE ENERGY FACILITY WITH TWO MEGAWATTS OR LESS CAPACITY WHEN THE RENEWABLE ENERGY FACILITY IS LOCATED ON A CUSTOMER'S PROPERTY.

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

By Senator Stein:

S.B. 695, A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ELECTRIC PUBLIC UTILITY TO MEET TWENTY-FIVE PERCENT AND NO MORE OF ITS RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) REQUIREMENTS THROUGH SAVINGS DUE TO IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES THROUGH CALENDAR YEAR 2020 AND, BEGINNING IN CALENDAR YEAR 2021, MEET FORTY PERCENT AND NO MORE OF ITS REPS REQUIREMENTS THROUGH SAVINGS DUE TO IMPLEMENTATION OF ENERGY EFFICIENCY MEASURES.

Referred to the **Commerce Committee**.

April 20, 2011

By Senator Stein:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO ADDRESS PRIMARY CARE PHYSICIAN SHORTAGES IN NORTH CAROLINA BY MODIFYING THE ENROLLMENT CHANGE FUNDING MODEL AND THE BOARD OF GOVERNORS' MEDICAL SCHOLARSHIP LOAN PROGRAM.

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

By Senator Stein:

S.B. 697, A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE OR WHO ENGAGES IN PATIENT ADVOCACY.

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

By Senator Davis:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE ATTORNEY GENERAL TO MODIFY THE SECOND AMENDED CERTIFICATE OF PUBLIC ADVANTAGE AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA AND MISSION HEALTH SYSTEMS, AS RECOMMENDED IN THE REPORT ENTITLED "AN ECONOMIC ANALYSIS OF THE CERTIFICATE OF PUBLIC ADVANTAGE (COPA) AGREEMENT BETWEEN THE STATE OF NORTH CAROLINA AND MISSION HEALTH," WITH CERTAIN MODIFICATIONS.

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

By Senator Stein:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE RULES FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK.

Referred to the **Judiciary II Committee**.

By Senator Meredith:

S.B. 700, A BILL TO BE ENTITLED AN ACT RELATING TO THE APPOINTMENT OF COMMUNITY COLLEGE TRUSTEES.

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

By Senator Meredith:

S.B. 701, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT

SYSTEM TO RECEIVE, UPON LEAVING THE SYSTEM FOR REASONS OTHER THAN DEATH OR RETIREMENT, BOTH THEIR CONTRIBUTIONS TO THE SYSTEM AND THE ACCUMULATED REGULAR INTEREST ON THOSE CONTRIBUTIONS.

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

By Senator Meredith:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE TREASURER TO PURCHASE LIABILITY INSURANCE.

Referred to the **Insurance Committee**.

By Senator Meredith:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY FOR OPERATING EXPENSES.

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

By Senators Meredith (Primary Sponsor) and Pate:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE WEIGHT RESTRICTIONS ON FARM TRUCKS OR VEHICLES TRAVELLING ON A LIGHT-TRAFFIC ROAD.

Referred to the **Transportation Committee**.

By Senators Tucker, Walters (Primary Sponsors); Bingham, Daniel, Preston and Rabon:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES TO USE THE NORTH CAROLINA USE-VALUE ADVISORY BOARD MANUAL IN ADMINISTERING THE PRESENT USE VALUE PROGRAM.

Referred to the **Finance Committee**.

By Senators Tucker (Primary Sponsor); Bingham and Rabon:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO ALLOW NONPROFIT CORPORATIONS OPERATING AS A PROFESSIONAL AND TRADE ASSOCIATION OR A BUSINESS LEAGUE TO PROVIDE LEGAL SERVICES TO ITS MEMBERS USING ATTORNEYS DULY LICENSED TO PRACTICE LAW IN THIS STATE.

Referred to the **Judiciary I Committee**.

By Senators Tucker (Primary Sponsor); Bingham, Daniel and Rabon:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

Referred to the **Judiciary II Committee**.

By Senators Hise, Tucker, White (Primary Sponsors) and Goolsby:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS.

Referred to the **Commerce Committee**.

April 20, 2011

By Senators Rucho, Brown, Tucker (Primary Sponsors); Allran, Brock, Gunn, Rouzer and Soucek:

S.B. 709, A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY PRODUCTION IN NORTH CAROLINA TO DEVELOP A SECURE, STABLE, AND PREDICTABLE ENERGY SUPPLY TO FACILITATE ECONOMIC GROWTH, JOB CREATION, AND EXPANSION OF BUSINESS AND INDUSTRY OPPORTUNITIES AND TO ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE.

Referred to the **Commerce Committee**.

By Senators Rucho (Primary Sponsor) and Hise:

S.B. 710, A BILL TO BE ENTITLED AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE SWINE WASTE OR POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE SWINE WASTE SET-ASIDE AND THE POULTRY WASTE SET-ASIDE.

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

By Senators Mansfield (Primary Sponsor) and Hise:

S.B. 711, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE INCOME TAX CREDIT FOR QUALIFYING EXPENSES OF A PRODUCTION COMPANY.

Referred to the **Finance Committee**.

By Senators Nesbitt and Brown (Primary Sponsors):

S.B. 712, A BILL TO BE ENTITLED AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

Referred to the **Judiciary I Committee**.

By Senator Nesbitt:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTILLERIES IN NORTH CAROLINA TO SELL AT RETAIL SPIRITUOUS LIQUOR THAT HAS BEEN DISTILLED AT THE LICENSED DISTILLERY FOR THE PRICE SET BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION OF THAT PARTICULAR BRAND OF SPIRIT TO INCLUDE ALL APPLICABLE EXCISE AND SALES TAXES AND TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT DISTILLERIES.

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

April 20, 2011

By Senator Nesbitt:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT IN GENERAL ELECTIONS WITHIN EACH COUNTY ALL SATELLITE EARLY VOTING SITES ARE OPEN AT LEAST THE SAME NUMBER OF DAYS AND HOURS EACH WEEK AS THE BOARD OF ELECTIONS OFFICE SITE.

Referred to the **Judiciary I Committee**.

By Senator Brown:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO REPEAL THE CLICK-THROUGH PROVISION AND TO ELIMINATE A REMOTE RETAILER'S OBLIGATION TO COLLECT SALES TAX BASED ON AFFILIATE CONTRACTS WITH NORTH CAROLINA RESIDENTS.

Referred to the **Finance Committee**.

By Senators Brown (Primary Sponsor); Goolsby, Preston and Rabon:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON PROPERTY INSURANCE RATE MAKING.

Referred to the **Insurance Committee**.

By Senator Mansfield:

S.B. 717, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ISSUE TO PARTICIPANTS IN THE SUPPLEMENTAL FOOD AND NUTRITION PROGRAM (SNAP) DEBIT CARDS THAT CONTAIN PHOTO IDENTIFICATION ON THE CARD.

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

By Senators Mansfield (Primary Sponsor) and Pate:

S.B. 718, A BILL TO BE ENTITLED AN ACT CLARIFYING UNDER WHAT CIRCUMSTANCES THE SUBSTITUTION OF GENERIC PRESCRIPTION DRUGS IS ALLOWED UNDER THE PHARMACY PRACTICE ACT.

Referred to the **Health Care Committee**.

By Senator Mansfield:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT SMALL BUSINESSES ARE NOT PLACED AT A COMPETITIVE DISADVANTAGE AS COMPARED TO LARGE CORPORATIONS BY VIRTUE OF A HIGHER INCOME TAX RATE.

Referred to the **Finance Committee**.

April 20, 2011

By Senator Mansfield:

S.B. 720, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE INCOME TAX CREDITS FOR MANUFACTURING CIGARETTES FOR EXPORTATION AND FOR MANUFACTURING CIGARETTES FOR EXPORTATION BY UTILIZING STATE PORTS.

Referred to the **Finance Committee**.

By Senator Mansfield:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DISCOUNT FOR TOBACCO AND ALCOHOL TAXES FOR FILING A TIMELY REPORT.

Referred to the **Finance Committee**.

By Senator D. Berger:

S.B. 722, A BILL TO BE ENTITLED AN ACT TO PROVIDE IN THE CASE OF A TAX LAW VIOLATION WHERE SITUS OF THE CRIME IS BY STATUTE PLACED AT THE OFFICE OF THE SECRETARY OF REVENUE THAT FINES AND FORFEITURES MAY BE DISTRIBUTED TO THE SCHOOL FUND OF THE COUNTY WHERE THE OFFENSE WAS COMMITTED.

Referred to the **Judiciary II Committee**.

By Senators Hise (Primary Sponsor) and Brock:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CONTROLLED SUBSTANCES REPORTING SYSTEM BY REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO UPDATE THE SYSTEM TO PROVIDE REAL-TIME PRESCRIPTION INFORMATION, BY REQUIRING DISPENSERS TO REPORT PRESCRIPTION INFORMATION WITHIN TWENTY-FOUR HOURS AFTER DISPENSING A PRESCRIPTION, AND BY REQUIRING PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT.

Referred to the **Judiciary I Committee**.

By Senators Stein, Tillman (Primary Sponsors); Blake, Brock, Brown, Brunstetter, Daniel, Hartsell, Hise, Hunt, Purcell, Rucho, Soucek and Stevens:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS.

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

By Senators Hise, Goolsby (Primary Sponsors); Brock, Hunt and Rouzer:

S.B. 725, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE CAMPAIGN FINANCE LAW.

Referred to the **Judiciary I Committee**.

April 20, 2011

By Senators Hise (Primary Sponsor); Goolsby and Rouzer:

S.B. 726, A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS OR GUARDIANS TO MAKE THE DECISION REGARDING CLASSROOM PLACEMENT FOR MULTIPLE BIRTH SIBLINGS.

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

By Senators Hise (Primary Sponsor); Brock, Davis, East, Goolsby, Hunt and Soucek:

S.B. 727, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

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

By Senator Hise:

S.B. 728, A BILL TO BE ENTITLED AN ACT TO LIMIT THE SCOPE OF THE REGULATION OF PROPERTY FINDER AGREEMENTS TO ONLY THOSE AGREEMENTS THAT INVOLVE PROPERTY THAT IS PRESUMED ABANDONED.

Referred to the **Commerce Committee**.

By Senators Goolsby, Brown, Meredith (Primary Sponsors) and Harrington:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES AND OFFICERS TO USE ADVANCED ELECTRONIC VERIFICATION TECHNOLOGY TO IDENTIFY MOTOR VEHICLES BEING OPERATED ON THE PUBLIC STREETS AND HIGHWAYS AND PUBLIC VEHICULAR AREAS WITHOUT THE REQUIRED FINANCIAL RESPONSIBILITY.

Referred to the **Insurance Committee**.

By Senator Clodfelter:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FAILURE BY THE DEPARTMENT OF REVENUE TO ISSUE A FINAL DETERMINATION WITHIN THE REQUIRED TIME IS GROUNDS FOR A TAXPAYER TO SEEK A COURT ORDER COMPELLING THE ISSUANCE OF THE FINAL DETERMINATION.

Referred to the **Finance Committee**.

By Senators Clodfelter (Primary Sponsor); Gunn, Hartsell and Vaughan:

S.B. 731, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.

Referred to the **Commerce Committee**.

April 20, 2011

By Senator Kinnaird:

S.B. 732, A BILL TO BE ENTITLED AN ACT RELATING TO THE REPORTING OF SCORES ON THE ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) TEST.

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

By Senator Davis:

S.B. 733, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE TEACHER ALLOTMENT POLICY FOR GEOGRAPHICALLY ISOLATED SCHOOLS.

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

By Senator Hartsell:

S.B. 734, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE REPORTING AND REMITTANCE REQUIREMENTS FOR SALES TAX ON ACCOMMODATIONS AND LOCAL OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 735, A BILL TO BE ENTITLED AN ACT TO REALIGN THE UNITED STATES CONGRESSIONAL DISTRICTS FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS.

Referred to the **Judiciary I Committee**.

By Senators Daniel (Primary Sponsor); Allran, Blake, Brock, Brunstetter, Forrester, Goolsby, Harrington, Hise, Hunt, Meredith, Newton, Pate, Rouzer, Soucek and Tucker:

S.B. 736, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE FUNDS FROM BEING USED FOR ABORTIONS.

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

By Senators Daniel, Soucek, Brock (Primary Sponsors); Blake, Davis, Forrester, Goolsby, Hartsell, Hise, Hunt, Newton, Rabon and Tucker:

S.B. 737, A BILL TO BE ENTITLED AN ACT REQUIRING THE PERFORMANCE OF FIVE HOURS OF VOLUNTEER PUBLIC SERVICE AMONG THE CONDITIONS REQUIRED FOR ELIGIBILITY TO RECEIVE UNEMPLOYMENT BENEFITS.

Referred to the **Commerce Committee**.

By Senators Goolsby (Primary Sponsor) and Hise:

S.B. 738, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON OR ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGE CONTROL PERMIT HAVE AT LEAST ONE MILLION DOLLARS IN LIABILITY INSURANCE.

Referred to the **Insurance Committee**.

By Senators Goolsby (Primary Sponsor); Blake, Daniel, Davis, Forrester, Hise, Rabon and Tucker:

S.B. 739, A BILL TO BE ENTITLED AN ACT TO PROVIDE MORE GUIDANCE ON CONSOLIDATED CORPORATE INCOME TAX RETURNS AND TO ALLOW CORPORATIONS TO CHOOSE TO FILE CONSOLIDATED RETURNS.

Referred to the **Finance Committee**.

By Senators Goolsby (Primary Sponsor); Blake, Forrester, Hise, Hunt and Vaughan:

S.B. 740, A BILL TO BE ENTITLED AN ACT ALLOWING A BAIL AGENT ACTING ON BEHALF OF A SURETY COMPANY TO MAKE WRITTEN MOTIONS REGARDING SETTING ASIDE BAIL FORFEITURE AND RELIEF FROM FINAL JUDGMENT OF BAIL FORFEITURE UNDER THE LAWS PERTAINING TO CRIMINAL PROCEDURE.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); D. Berger, Blake, Daniel, Forrester, Hise and Vaughan:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); Daniel, Forrester, Meredith and Newton:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL BREATH-TESTING SITES AND LAW ENFORCEMENT VEHICLES ENGAGED IN TRAFFIC ENFORCEMENT TO BE EQUIPPED WITH A VIDEO RECORDING DEVICE AND TO REQUIRE THE RECORDING OF ALL IMPAIRED DRIVING OFFENSES AT THE INCIDENT SITE AND THE BREATH-TESTING SITE UNLESS SUCH RECORDING IS IMPOSSIBLE, AND TO REQUIRE A FEE BE ASSESSED TO A PERSON CONVICTED OF DRIVING WHILE IMPAIRED TO OFFSET THE COST OF OPERATING THE VIDEO RECORDING SYSTEMS.

Referred to the **Judiciary I Committee**.

By Senator Goolsby:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE.

Referred to the **Health Care Committee**.

April 20, 2011

By Senators Goolsby (Primary Sponsor) and Hunt:

S.B. 744, A BILL TO BE ENTITLED AN ACT TO ALLOW EMPLOYERS ACCESS TO INFORMATION ABOUT THEIR GROUP HEALTH PLANS.

Referred to the **Health Care Committee**.

By Senator Allran:

S.B. 745, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE LAW.

Referred to the **Commerce Committee**.

By Senator Clodfelter:

S.B. 746, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT COCHAIRS FOR THE NORTH CAROLINA COURTS COMMISSION.

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

By Senators Hartsell, Stein, Bingham (Primary Sponsors); Rouzer and Vaughan:

S.B. 747, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE DEVELOPMENT OF THE STATE'S OFFSHORE WIND ENERGY RESOURCES AND TO ATTRACT JOBS AND ECONOMIC DEVELOPMENT.

Referred to the **Commerce Committee**.

By Senators Rabon, Harrington, Jones (Primary Sponsors); Apodaca, Davis, Hise, Jackson, Jenkins, Mansfield and Tucker:

S.B. 748, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE RESTORATION OF DRIVERS LICENSES REVOKED FOR IMPAIRED DRIVING TO PROVIDE FUNDING FOR THE FORENSIC TESTS FOR THE ALCOHOL BRANCH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Finance Committee**.

April 20, 2011

By Senators Rabon, Tucker, Rouzer (Primary Sponsors); Apodaca, Davis, Goolsby, Hise, Jackson, Jenkins and Pate:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Apodaca, Davis, Hise, Jackson, Jenkins and Tucker:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BIDS AND DOCUMENTS RELATED TO BIDS AND CONTRACTS FOR PROJECTS OFFERED FOR BID BY THE DEPARTMENT OF TRANSPORTATION ARE NOT PUBLIC RECORDS UNTIL THE CONTRACT FOR THE PROJECT IS AWARDED.

Referred to the **Transportation Committee**.

By Senators Rouzer, Rabon, Harrington (Primary Sponsors); Brock, Davis, Goolsby, Hise and Jackson:

S.B. 751, A BILL TO BE ENTITLED AN ACT TO PROVIDE A STATUTORY CAP FOR THE VARIABLE COMPONENT OF THE MOTOR FUEL EXCISE TAX RATE.

Referred to the **Transportation Committee**.

By Senator Mansfield:

S.B. 752, A BILL TO BE ENTITLED AN ACT TO MODIFY THE APPORTIONMENT FORMULA FOR INCOME TAX BY ELIMINATING THE DOUBLE WEIGHTING OF THE SALES FACTOR.

Referred to the **Finance Committee**.

By Senator Mansfield:

S.B. 753, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE CAP ON AND SPECIAL THREE PERCENT SALES TAX RATE APPLIED TO THE SALES PRICE OF AN AIRCRAFT OR BOAT SOLD AT RETAIL AND IMPOSE THE GENERAL RATE OF TAX ON THOSE SALES.

Referred to the **Finance Committee**.

April 20, 2011

By Senator McKissick:

S.B. 754, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS TO PROVIDE RELIEF FOR CAREGIVERS IN THIS STATE.

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

By Senators Tucker (Primary Sponsor); Apodaca, Daniel, East, Goolsby, Newton, Rouzer, Rucho and Tillman:

S.B. 755, A BILL TO BE ENTITLED AN ACT TO ENACT THE EQUAL ACCESS ACT.

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

By Senators Clary, East, Jones (Primary Sponsors); D. Berger, Brown, Forrester, Harrington, Hise, Rucho and Tucker:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE OR LOCAL FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM.

Referred to the **Judiciary II Committee**.

By Senators Graham (Primary Sponsor); Brock, Dannelly and Meredith:

S.B. 757, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT STUDENT ATHLETES WITH CONCUSSIONS OR SYMPTOMS OF HEAD INJURIES DO NOT CONTINUE TO PARTICIPATE IN INTERSCHOLASTIC SPORTS.

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

By Senator Graham:

S.B. 758, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DOMESTIC VIOLENCE CENTER FUND AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE.

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

By Senator Graham:

S.B. 759, A BILL TO BE ENTITLED AN ACT TO STUDY METHODS OF INCREASING EQUALITY OF OPPORTUNITY FOR NONPUBLIC SCHOOL EDUCATION FOR FINANCIALLY CHALLENGED FAMILIES BY ENACTING TAX BENEFITS TO OFFSET TUITION EXPENSES.

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

April 20, 2011

By Senator Graham:

S.B. 760, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR GANG PREVENTION AND IMPROVED GANG REPORTING.

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

By Senators East (Primary Sponsor) and Rucho:

S.B. 761, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO INCREASE CONSUMER ACCESS AND CREDIT MARKET PARITY.

Referred to the **Commerce Committee**.

By Senator Brock:

S.B. 762, 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 II Committee**.

By Senator Brock:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO REQUIRE MODIFICATION OF A BASINWIDE MANAGEMENT PLAN AND NUTRIENT REDUCTION GOAL TO AVOID IMPAIRMENT OF WATER USES IN THE BASIN IF A DAM IS REMOVED FROM THE RIVER PURSUANT TO A PERMIT ISSUED BY THE ARMY CORPS OF ENGINEERS AND TO PROVIDE THAT THE PARTY PERMITTED TO REMOVE THE DAM SHALL NOT BE REQUIRED TO MITIGATE THE CHANGE IN NUTRIENT TRANSPORT OR BE DENIED A WATER QUALITY CERTIFICATION ON THAT BASIS.

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

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 764, 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 Brock (Primary Sponsor) and Daniel:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HEALTH CARE PROVIDERS FROM QUESTIONING PATIENTS ABOUT LAWFUL ACTIVITY RELATED TO FIREARMS AND AMMUNITION WHEN

April 20, 2011

PROVIDING HEALTH CARE TO PATIENTS AND TO AUTHORIZE THE IMPOSITION OF A FINE ON HEALTH CARE PROVIDERS WHO ENGAGE IN THE PROHIBITED CONDUCT.

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

By Senators Brock (Primary Sponsor); Hunt and Tillman:

S.B. 766, A BILL TO BE ENTITLED AN ACT TO REVISE THE PROCEDURES PERTAINING TO PARENTAL CONSENT FOR A MINOR TO OBTAIN AN ABORTION.

Referred to the **Health Care Committee**.

By Senators Brock, Rouzer (Primary Sponsors); Stevens and Tillman:

S.B. 767, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, AND FORESTRY EQUIPMENT.

Referred to the **Commerce Committee**.

By Senator Brock:

S.B. 768, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR TRANSMITTING ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES TO PHARMACIES AND TO ESTABLISH STANDARDS FOR ELECTRONIC PRESCRIBING SOFTWARE AND HARDWARE.

Referred to the **Judiciary I Committee**.

By Senators Brock, Harrington, Daniel (Primary Sponsors); Hise and Tillman:

S.B. 769, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Referred to the **Health Care Committee**.

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 770, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

Referred to the **Health Care Committee**.

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ISSUANCE OF A SINGLE TRIP PERMIT BY THE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORT AND DELIVERY OF SIXTEEN-FOOT-WIDE MANUFACTURED AND MODULAR HOMES SUBJECT TO CERTAIN RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION.

Referred to the **Transportation Committee**.

April 20, 2011

By Senator Brock:

S.B. 772, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE ETHICS, ELECTIONS, AND LOBBYING UNDER THE STATE BOARD OF ETHICS AND ELECTIONS ENFORCEMENT.

Referred to the **Judiciary I Committee**.

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 773, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL CITIES AND COUNTIES TO GIVE ELECTRONIC NOTICE OF PUBLIC HEARINGS.

Referred to the **Judiciary I Committee**.

By Senator Brock:

S.B. 774, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF PHARMACY TO ADOPT ADDITIONAL RULES RELATING TO ELECTRONIC PRESCRIPTIONS.

Referred to the **Judiciary I Committee**.

By Senators Brock (Primary Sponsor) and Daniel:

S.B. 775, A BILL TO BE ENTITLED AN ACT TO ESTABLISH LICENSURE REQUIREMENTS AND A LICENSING FEE FOR ABORTION FACILITIES AND TO ESTABLISH PENALTIES FOR ABORTION FACILITIES THAT VIOLATE LICENSING REQUIREMENTS.

Referred to the **Health Care Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 20, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 323** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING

April 20, 2011

OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM, and requests conferees, Speaker Tillis appoints:

Representatives Dockham, Chair
Representatives Dollar
Representatives Murry
Representatives Wilkins

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-FIRST DAY

Senate Chamber
Thursday, April 21, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, today we thank you for the small things in life, the rain, our children, our schools. We thank you for small things like the ability to use our lips to speak and engage in debate. And we thank you for giving us sound minds and the ability to reason and articulate and tell stories. We are part of your larger story, God. Come teach us today about your small things, Lord, and give us grace to use the gifts which you have given us in this mighty place. In Jesus' name we pray, Amen."

April 21, 2011

The Chair grants leaves of absence for today to Senator Garrou, Senator Goolsby, Senator Graham, and Senator Walters.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Mark Miller from Elon, North Carolina, who is serving the Senate as Doctor of the Day, and to Carolyn Starnes from Denver, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

S.B. 75, AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO STANDARDS.

S.B. 182, AN ACT TO MAKE EFFECTIVE STATEWIDE A LOCAL ACT PROVIDING THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO LOCAL GOVERNMENT E-MAIL LISTS IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO.

S.B. 275, AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA.

H.B. 407, AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE.

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

H.B. 17, AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES.

H.B. 26, AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT.

H.B. 140, AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM.

April 21, 2011

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. 82, AN ACT AMENDING THE CHARTER OF THE TOWN OF ATKINSON TO ALLOW THE QUALIFIED VOTERS OF THE ENTIRE TOWN TO ELECT THE TOWN OFFICERS, TO CHANGE THE NAME OF THE GOVERNING BODY, AND TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE GOVERNING BODY FROM TWO TO FOUR YEARS AND STAGGERING THOSE TERMS. (Became law upon ratification, April 20, 2011 - S.L. 2011-44.)

H.B. 68, AN ACT TO AUTHORIZE ALAMANCE, BRUNSWICK, BUNCOMBE, AND YANCEY COUNTIES TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon ratification, April 20, 2011 - S.L. 2011-45.)

H.B. 365, AN ACT TO AMEND THE CHARTER OF THE TOWN OF PINK HILL TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND STAGGERED FOUR-YEAR TERMS FOR THE TOWN COMMISSIONERS, SUBJECT TO A REFERENDUM. (Became law upon ratification, April 20, 2011 - S.L. 2011-46.)

S.B. 146, AN ACT TO SUSPEND THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS DUE TO A DISRUPTION IN THE SUPPLY OF PAPER BAGS BECAUSE OF THE SEVERE TORNADOS. (Became law upon approval of the Governor, April 20, 2011 - S.L. 2011-47.)

H.B. 268, AN ACT TO (1) PROVIDE THAT USES OF RECLAIMED WATER THAT ARE DEEMED TO BE PERMITTED BY REGULATION, WITHOUT THE ISSUANCE OF AN INDIVIDUAL PERMIT OR COVERAGE UNDER A GENERAL PERMIT, INCLUDE IRRIGATION OF ORNAMENTAL CROPS BY FIELD NURSERIES AND ABOVEGROUND CONTAINER NURSERIES AND TO PROVIDE THAT CERTAIN SETBACK REQUIREMENTS AND DESIGN CRITERIA FOR WASTEWATER TREATMENT STORAGE FACILITIES DO NOT APPLY TO ARTIFICIAL LAKES OR PONDS THAT ARE USED FOR STORAGE AND IRRIGATION OF RECLAIMED WATER AS PART OF A CONJUNCTIVE USE RECLAIMED WATER SYSTEM AND (2) AUTHORIZE THE DISPOSAL, TEMPORARY STORAGE, AND BURNING OF STORM-RELATED DEBRIS DURING THE STATE OF EMERGENCY DECLARED ON APRIL 16, 2011, THROUGH JUNE 1, 2011. (Became law upon approval of the Governor, April 20, 2011 - S.L. 2011-48.)

April 21, 2011

CALENDAR

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

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, April 26.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 450, A BILL TO BE ENTITLED AN ACT TO DIRECT A STUDY OF DIRECT CARE WORKER WAGES AND BENEFITS TO EXAMINE WAYS TO REDUCE TURNOVER AND ADDRESS THE ANTICIPATED DIRECT CARE WORKER SHORTAGE RESULTING FROM INCREASED DEMAND FROM AGING BABY BOOMERS, 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 85185, is adopted and engrossed.

Upon motion of the President, the Committee Substitute bill is placed on the calendar for Tuesday, April 26.

S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO UTILIZE BIOMETRICS TO COMBAT FRAUD, 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, 85184, which changes the title to read **S.B. 307** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO COMBAT FRAUD, is adopted and engrossed.

Upon motion of the President, the Committee Substitute bill No. 2 is placed on the calendar for Tuesday, April 26.

April 21, 2011

CALENDAR *(continued)*

S.B. 83 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Newton, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled.

S.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE CONSUMER PROTECTION DIVISION, DEPARTMENT OF JUSTICE, TO COORDINATE A TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, April 27.

The Senate recesses at 11:15 a.m. to reconvene at 11:30 a.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 Mansfield.

CALENDAR *(continued)*

S.B. 451, A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT THAT DIRECTED THE UNIVERSITY OF NORTH CAROLINA INSTITUTE ON AGING, AND THE DIVISION OF AGING AND ADULT SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO PROVIDE LEADERSHIP 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.

April 21, 2011

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

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.

H.B. 219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT.

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. 270 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS.

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 in the Senate Committee Substitute bill.

H.B. 336 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET.

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 in the Senate Committee Substitute bill.

April 21, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 60, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH, referred to the **Rules and Operations of the Senate Committee** on February 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Tuesday, April 26, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Tuesday, April 26.

ADDITIONAL SPONSORS

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

S.B. 769, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

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

S.B. 655, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS.

S.B. 664, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE DISMISSAL OF MUNICIPAL LAW ENFORCEMENT OFFICERS.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 11:49 a.m., subject to the introduction of bills, ratification of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Friday, April 22, at 10:00 a.m.

April 21, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 460, A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING, FISHING, AND TRAPPING ON PRIVATE LAND IN ROCKINGHAM COUNTY.

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

H.B. 821, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO USE RECYCLED ASPHALT FOR HIGHWAY CONSTRUCTION AND MAINTENANCE IF IT MEETS THE REQUIRED MINIMUM CONTENT STANDARDS AND THE MATERIAL MEETS THE MINIMUM SPECIFICATIONS FOR THE PROJECT.

Referred to the **Transportation Committee**.

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, April 26.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-SECOND DAY

Senate Chamber
Friday, April 22, 2011

The Senate meets pursuant to adjournment and is called to order by Senator Neal Hunt.

Prayer is offered by Senator Hunt as follows:

"Lord, we thank you for the blessings you have bestowed on us in America and here in North Carolina. We praise you and thank you for your loving kindness, your mercy, and the forgiveness you offer to your followers. We do, specifically, ask you to protect and comfort those impacted by last Saturday's tornadoes. I offer this prayer in Your Son's precious name. Amen."

April 22, 2011

Senator Stevens announces that the Senate Journal of Thursday, April 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

Upon motion of Senator Blue, seconded by Senator Stevens, the Senate adjourns at 10:01 a.m. to meet Tuesday, April 26, at 3:00 p.m.

FIFTY-THIRD DAY

Senate Chamber
Tuesday, April 26, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, in whom is our trust. You alone know the end from the beginning and we, your children, are anxious about the consequences of what we do in the middle of our lives. May that concern restrain us in our private lives as it does in our public duty. In our troubled and double-minded lives there is confusion and honest perplexity. But we know there is not confusion in Thee, oh Lord. Will you, almighty God, guide us? We pray that we may do what is right and if we suffer for it, we shall be blessed in that suffering. This we ask for Christ's sake, who suffered so that we might rise. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Friday, April 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dwen Finch from Bailey, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

H.B. 219, AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE

April 26, 2011

REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT.

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

S.B. 83, AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE.

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. 17, AN ACT TO ALLOW THE WAYNE COUNTY BOARD OF EDUCATION TO FILL ITS OWN VACANCIES. (Became law upon ratification, April 21, 2011 - S.L. 2011-49.)

H.B. 26, AN ACT TO ALLOW HENDERSON COUNTY TO INCLUDE ALL UNINCORPORATED AREAS IN A FIRE PROTECTION DISTRICT. (Became law upon ratification, April 21, 2011 - S.L. 2011-50.)

H.B. 140, AN ACT AMENDING THE CHARTER OF THE TOWN OF OAK ISLAND TO PROVIDE A PROCEDURE TO RECALL ELECTED OFFICIALS, SUBJECT TO A REFERENDUM. (Became law upon ratification, April 21, 2011 - S.L. 2011-51.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 487, A BILL TO BE ENTITLED AN ACT AUTHORIZING ATTORNEYS LICENSED IN THIS STATE TO DEPOSIT DISPUTED EARNEST MONEY WITH THE CLERK OF SUPERIOR COURT, with a favorable report.

April 26, 2011

S.B. 486, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RELEASE OF A SUBDIVIDED TRACT OF LAND FROM A TAX LIEN UPON PAYMENT OF TAXES DUE ON THAT TRACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15152, is adopted and engrossed.

Upon motion of Senator Brunstetter, the Committee Substitute bill is re-referred to the **Finance Committee**.

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

S.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE DEVELOPED, ADOPTED, OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS THOSE WATERS HAVE FIRST BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS, with a favorable report.

S.B. 493, A BILL TO BE ENTITLED AN ACT TO CODIFY THE NORTH CAROLINA CENTURY FARMS PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER 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 55285, is adopted and engrossed.

S.B. 501, A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55286, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET, referred to the **Rules and Operations of the Senate Committee** on March 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, and upon a favorable report, re-referred to the **Finance Committee** which motion prevails with unanimous consent.

April 26, 2011

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 113, A BILL TO BE ENTITLED AN ACT TO CREATE ADDITIONAL PROTECTIONS FOR MOTORCYCLISTS FROM UNSAFE MOVEMENTS BY OTHER VEHICLES, referred to the **Finance Committee** on April 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Judiciary II Committee**.

H.B. 56, A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ROCKY MOUNT TO MAKE CERTAIN ANNEXATIONS, referred to the **Rules and Operations of the Senate Committee** on April 5.

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

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

S.B. 479, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; A PILOT STUDY OF A NEW ASSESSMENT OF U.S. HISTORY BASED ON THE REVISED CURRICULUM AND THAT ASSESSES CRITICAL THINKING AND WRITING SKILLS; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING, referred to the **Appropriations/Base Budget Committee** on April 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the calendar for Wednesday, April 27, 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, April 27.

April 26, 2011

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT, referred to the **Rules and Operations of the Senate Committee** on April 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 250, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and 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 and Local Government Committee**.

H.B. 173, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL, referred to the **Rules and Operations of the Senate Committee** on March 21.

Pursuant to Rule 47(a), Senator Apodaca 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 28, 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 28.

CALENDAR

Bills and a Resolution on today's calendar are taken up and disposed of, as follows:

S.R. 381, A SENATE RESOLUTION HONORING NORTH CAROLINA FAMILY AND CONSUMER SCIENCES ON THE 100TH ANNIVERSARY OF ITS FOUNDING.

Upon motion of Senator Stevens, the Senate Resolution is withdrawn from today's calendar and is placed on the calendar for Monday, May 2.

April 26, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 125, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA SCHOOL OF AGRISCIENCE AND BIOTECHNOLOGY, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION UPON THE RECOMMENDATIONS OF THE AGRISCIENCE AND BIOTECHNOLOGY REGIONAL SCHOOL PLANNING 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 55287, which changes the title to read **S.B. 125** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH REGIONAL SCHOOLS, is adopted and engrossed.

Upon motion of Senator Brown, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

MESSAGE FROM THE GOVERNOR

The following special message is received from the Governor:

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

BEVERLY EAVES PERDUE
GOVERNOR

April 20, 2011

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

Dear Ms. Clapp:

Pursuant to North Carolina General Statute § 62-10, I hereby reappoint Edward Finley to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Finley's term shall begin July 1, 2011, and will expire June 30, 2019.

April 26, 2011

Please feel free to call on him or members of my staff if you need additional information.

Sincerely,
S/Bev Perdue

cc: The Honorable Phil Berger
The Honorable Thom Tillis
The Honorable Walter Dalton
Ms. Denise Weeks

Referred to the **Commerce Committee**.

CALENDAR (*continued*)

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

Upon motion of Senator Pate, the bill is withdrawn from today's calendar and is re-referred to the **Education/Higher Education Committee**.

S.B. 60, A BILL TO BE ENTITLED AN ACT DESIGNATING THE MONTH OF MAY OF EACH YEAR AS LUPUS AWARENESS MONTH.

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. 307 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO COMBAT FRAUD.

The 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.

S.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT A STUDY OF DIRECT CARE WORKER WAGES AND BENEFITS TO EXAMINE WAYS TO REDUCE TURNOVER AND ADDRESS THE ANTICIPATED DIRECT CARE WORKER SHORTAGE RESULTING FROM INCREASED DEMAND FROM AGING BABY BOOMERS, AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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.

April 26, 2011

S.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECIPROCAL ATTORNEYS' FEES PROVISIONS IN BUSINESS CONTRACTS ARE VALID AND ENFORCEABLE UNDER THE LAWS OF THIS STATE.

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

The Committee Substitute bill, as amended, passes its third reading (26-23) and is ordered engrossed and sent to the House of Representatives.

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY, for concurrence in the House Committee Substitute bill.

Without objection, Senator Allran requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Brunstetter, the Senate fails to concur in the House Committee Substitute bill (8-40).

SENATE PAGES

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

Gabe Azzato, Southport; Burrell Brown, Greensboro; Joseph L. Clay, Ellenboro; Mike Clemens, Sylva; Drew Connery, Charlotte; Spencer Goodson, Jacksonville; Heather Green, Rutherfordton; Erica Gurganus, Jacksonville; Zac Johnson, Siler City; Marques McPhail, Goldsboro; Kaysey Raper, Swansboro; Prathna Raval, Fayetteville; Tommy Scheetz, Southport; Blake Scruggs, Chapel Hill; Bailey Sherrill, Hiddenite; and Nora Standish, Kannapolis.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 33 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 33 earlier today; Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Brunstetter, Chair; Senator Apodaca, Senator Brown, Senator Mansfield, 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.

April 26, 2011

ADDITIONAL SPONSOR

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

S.B. 769, A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Upon motion of Senator Phil Berger, seconded by Senator Dannelly, the Senate adjourns at 4:04 p.m., in memory of Chief Warrant Officer Terry Varnadore and in memory of tornado victims and in honor of clean-up volunteers; subject to the ratification of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Wednesday, April 27, at 3:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 204, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE EDGECOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY.

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

H.B. 224, A BILL TO BE ENTITLED AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE.

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

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE LOCAL GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY.

Referred to the **Commerce Committee**.

H.B. 385, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS AMENDMENTS TO THE LABOR LAWS OF NORTH CAROLINA.

Referred to the **Commerce Committee**.

April 26, 2011

H.B. 545 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MOORE COUNTY OCCUPANCY TAX.

Referred to the **Finance Committee**.

H.B. 637 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

Referred to the **Judiciary II Committee**.

H.B. 660, A BILL TO BE ENTITLED AN ACT ALLOWING A RESPONDENT IN AN ACTION FOR A CIVIL NO CONTACT ORDER TO BE SERVED BY MEANS OTHER THAN SERVICE IN PERSON BY A SHERIFF.

Referred to the **Judiciary II Committee**.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A COURT TO ASSESS ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDERS.

Referred to the **Judiciary I Committee**.

H.B. 857 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF CORRECTION TO REPLACE THE CURRENT ELECTRONIC MONITORING SERVICE AND EQUIPMENT USED TO MONITOR CONVICTED SEX OFFENDERS WITH A NEW SYSTEM THAT PROVIDES EXCLUSION ZONES AROUND ALL OF THE STATE'S K-12 SCHOOL CAMPUSES.

Referred to the **Judiciary I Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Clary for the **Program Evaluation Committee**:

S.B. 404, A BILL TO BE ENTITLED AN ACT TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, with a favorable report.

S.B. 463, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 26, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55288, which changes the title to read **S.B. 463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-FOURTH DAY

Senate Chamber
Wednesday, April 27, 2011

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

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Our Father, as we come before your throne of grace this day, we admit our own weariness in this land. I know Lord, that I am tired. As these blessed servants have gathered to do your work, make it plain to them the direction they may go, and the sufficiency of your provision set before them. We know, Lord, that criticism will come. Help these servants to take what is helpful within the criticism and forgive what is unjust and unkind. And remind them of the manna that fell fresh for your people Israel, from on high, the manna in the wilderness, for 40 years. And, Father, let these servants feel the support of the prayers of hosts of angels, congregations, and families, other true patriots around this land. May we always come to your throne of grace, ready to receive your fresh feeding, your fresh food, the only true resource that will ever give us freedom. For Christ's sake. Amen."

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Brenda Davis from Jamestown, North Carolina, who is serving the Senate as Nurse of the Day.

April 27, 2011

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. 343, AN ACT ESTABLISHING THE COMMUNICATIONS REGULATORY REFORM AND INVESTMENT ACT OF 2011. (Became law upon approval of the Governor, April 26, 2011 - S.L. 2011-52.)

S.B. 83, AN ACT TO CHANGE THE DATE THAT MEMBERS OF THE WILSON COUNTY BOARD OF EDUCATION TAKE OFFICE. (Became law upon ratification, April 26, 2011 - S.L. 2011-53.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 608, A BILL TO BE ENTITLED AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS, with a favorable report.

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

S.B. 324, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR AND FORTIFIED WINES FROM THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL, with a favorable report.

Upon motion of Senator Apodaca, the bill is re-referred to the **Judiciary I Committee**.

S.B. 322, A BILL TO BE ENTITLED AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT 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 75075, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is place at the beginning of today's calendar.

April 27, 2011

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 328, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE IMPLEMENTATION OF UTILIZATION REVIEW BY DESIGNATED LOCAL MANAGEMENT ENTITIES FOR SERVICES PROVIDED UNDER THE COMMUNITY ALTERNATIVES PROGRAM FOR PERSONS WITH MENTAL RETARDATION OR DEVELOPMENTAL DISABILITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 334, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE ADDITIONAL FUNDS FOR THE EXPANSION OF LOCAL INPATIENT PSYCHIATRIC BEDS OR BED DAYS, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 335, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO APPLY FOR A TRAUMATIC BRAIN INJURY MEDICAID WAIVER, AS RECOMMENDED BY THE LEGISLATIVE OVERSIGHT COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 401, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COORDINATE A PILOT PROGRAM TO EVALUATE THE EFFECTIVENESS OF CRISIS INTERVENTION TRAINING IN A LIMITED NUMBER OF ADULT CARE HOMES, BASED ON RECOMMENDATION 5.2 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

April 27, 2011

S.B. 421, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ESTABLISH A PILOT TRAINING PROGRAM USING GERIATRIC/ADULT MENTAL HEALTH SPECIALTY TEAMS TO CONDUCT TRAINING IN ADULT CARE HOMES ON PREVENTING THE ESCALATION OF BEHAVIORS LEADING TO CRISIS, BASED ON RECOMMENDATION 5.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING, with a favorable report.

CONFERENCE REPORT

Senator Allran, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 49** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, 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 49, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE, House Committee Substitute Favorable 3/23/11, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 3/23/11, as amended:
On page 1, lines 16 and 28, by striking through the words "not less than" at both locations.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: April 27, 2011.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Austin M. Allran, Chair	S/Dan W. Ingle, Chair
S/William R. Purcell	S/John Faircloth
S/Bob Rucho	S/Grier Martin

The Conference Report is placed on the calendar for Thursday, April 28, for adoption.

April 27, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Davis for the **State and Local Government Committee**:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS, with a favorable report.

S.B. 572, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS COUNTY BILL OF 2011, with a favorable report.

Upon motion of Senator Davis, the bill is re-referred to the **Finance Committee**.

S.B. 624, A BILL TO BE ENTITLED AN ACT TO REQUIRE GREATER NOTIFICATION OF AND ABILITY TO ATTEND HEARINGS FOR RULE MAKING, with a favorable report.

Upon motion of Senator Davis, the bill is re-referred to the **Judiciary I Committee**.

H.B. 310 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11196, is adopted and engrossed.

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 169, 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, with a favorable report.

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

S.B. 569, A BILL TO BE ENTITLED AN ACT TO ENACT COMMUNITY COLLEGE EFFICIENCY INITIATIVES, with a favorable report.

Upon motion of Senator Soucek, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 576, A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 27, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15153, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 268, A BILL TO BE ENTITLED AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS, referred to the **Rules and Operations of the Senate Committee** on March 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 609, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION, referred to the **Health Care Committee** on April 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Health Care Committee** and re-referred to the **Insurance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Insurance Committee**.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO ALLOW EMPLOYERS ACCESS TO INFORMATION ABOUT THEIR GROUP HEALTH PLANS, referred to the **Health Care Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Health Care Committee** and re-referred to the **Insurance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Insurance Committee**.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS, referred to the **Rules and Operations of the Senate Committee** on April 14.

April 27, 2011

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Joint Resolution 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 Joint Resolution withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Health Care Committee**.

BILL FILED AFTER DEADLINE

Pursuant to Senate Rule 40.1(c) Senator Pate makes a motion to allow for the filing of a local bill that would assist Green County Middle School in the wake of the recent tornado. Without objection, Senator Pate's bill is filed and numbered S.B. 776.

CALENDAR

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

S.B. 322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT STOCK CAR RACING AS THE OFFICIAL SPORT OF NORTH CAROLINA, placed earlier on today's calendar.

The Committee Substitute bill passes its second reading (46-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 404, A BILL TO BE ENTITLED AN ACT TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

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. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES AND CERTAIN NON-STATE ENTITIES TO DEVELOP, IMPLEMENT, AND MAINTAIN INFORMATION SYSTEMS THAT PROVIDE UNIFORM, PROGRAM-LEVEL ACCOUNTABILITY INFORMATION REGARDING THE PROGRAMS OPERATED BY THOSE AGENCIES.

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.

April 27, 2011

S.B. 479, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; A PILOT STUDY OF A NEW ASSESSMENT OF U.S. HISTORY BASED ON THE REVISED CURRICULUM AND THAT ASSESSES CRITICAL THINKING AND WRITING SKILLS; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.

Senator Tillman offers Amendment No. 1 which is adopted (47-2), and changes the title to read **S.B. 479**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ASSESSMENT OF CAREER AND COLLEGE READINESS WITH NATIONALLY AND INTERNATIONALLY BENCHMARKED TESTS; THE CONTINUATION OF NORTH CAROLINA'S PARTICIPATION IN THE DEVELOPMENT AND IMPLEMENTATION OF TESTS RELATED TO COMMON CORE STATE STANDARDS ADOPTED BY A MAJORITY OF STATES; AND DIAGNOSTIC TOOLS TO ASSIST IN TEACHING AND STUDENT LEARNING.

The 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. 487, A BILL TO BE ENTITLED AN ACT AUTHORIZING ATTORNEYS LICENSED IN THIS STATE TO DEPOSIT DISPUTED EARNST MONEY WITH THE CLERK OF SUPERIOR COURT.

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. 493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE NORTH CAROLINA CENTURY FARMS PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

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. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS.

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.

April 27, 2011

S.B. 514, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE DEVELOPED, ADOPTED, OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS THOSE WATERS HAVE FIRST BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS.

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. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

Senator Hartsell offers Amendment No. 4 which is adopted (46-3).

Senator Purcell offers Amendment No. 5 which fails of adoption (19-30).

The Committee Substitute bill, as amended, passes its third reading (40-9) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Phil Berger, seconded by Senator Vaughan, the Senate adjourns at 3:56 p.m., subject to the ratification of bills, receipt of committee reports, receipt of conference reports, and receipt of messages from the House of Representatives, to meet Thursday, April 28, at 12:00 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 26, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 33** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MEDICAL LIABILITY BY PROVIDING LIMITED PROTECTION FROM LIABILITY TO THOSE REQUIRED BY FEDERAL LAW TO PROVIDE EMERGENCY MEDICAL CARE, BY AUTHORIZING THE BIFURCATION OF TRIALS ON ISSUES OF LIABILITY AND DAMAGES IN CERTAIN ACTIONS, BY LIMITING THE AMOUNT OF NONECONOMIC DAMAGES THAT MAY BE AWARDED, BY AUTHORIZING THE PERIODIC PAYMENT OF FUTURE ECONOMIC DAMAGES IN LIEU OF A LUMP-SUM PAYMENT, BY MODIFYING

April 27, 2011

APPEAL BONDS IN MEDICAL MALPRACTICE ACTIONS, BY CLARIFYING THAT COMPLAINTS ALLEGING MEDICAL MALPRACTICE BY HEALTH CARE PROVIDERS MUST ASSERT THAT ALL MEDICAL RECORDS AVAILABLE TO THE PLAINTIFF HAVE BEEN REVIEWED BY AN EXPERT WITNESS, AND BY REQUIRING THAT CERTAIN INFORMATION BE PROVIDED BY EXPERT WITNESSES, and requests conferees, Speaker Tillis appoints:

Representative Rhyne
Representative McComas
Representative Stam
Representative Murry
Representative Crawford
Representative Brisson
Representative McGrady

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. 110 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO THREE TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, April 28.

H.B. 217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSPECTION REQUIREMENTS FOR USED VEHICLES SOLD ON A SALVAGE TITLE BY DEALERS.

Referred to the **Commerce Committee**.

H.B. 297 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY BUSINESS TO REQUIRE THAT A LICENSED DRIVER RELINQUISH HIS OR HER DRIVERS LICENSE.

Referred to the **Commerce Committee**.

April 27, 2011

H.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE LAW.

Referred to the **Commerce Committee**.

H.B. 416, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO EXPAND WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS.

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

H.B. 511 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

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

H.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS.

Referred to the **Commerce Committee**.

H.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE'S OR A PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD.

Referred to the **Judiciary II Committee**.

H.B. 846, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE LAW THAT ALLOWS AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF A BIOLOGICAL PARENT OR AN ADULT ADOPTEE TO INCLUDE A LINEAL ASCENDANT OF A BIOLOGICAL PARENT WHEN IT IS DETERMINED THE BIOLOGICAL PARENT, ADULT ADOPTEE, OR THE LINEAL ASCENDANT OF THE BIOLOGICAL PARENT IS DECEASED.

Referred to the **Judiciary II Committee**.

April 27, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50312, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-FIFTH DAY

Senate Chamber
Thursday, April 28, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, You are the light of the world. And in the times when tornadoes whirl, and kill over 200 people in one span of 60 minutes, our hearts do not just cry out to you, but they are left without a clue. We lift up the people of Florida and Alabama as they must have lifted us up to you a week ago. We come into this room with competing thoughts, with jumbled desires, and quick tempers. Holy Spirit, we need you to break in now, to break into our lives, so that we may say, 'Surely God was in this place.' Would you hear this prayer? For Christ's sake. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Janet Handy from Denver, North Carolina, who is serving the Senate as Nurse of the Day.

April 28, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 380, A BILL TO BE ENTITLED AN ACT TO EXEMPT FARMS FROM THE EXTRATERRITORIAL JURISDICTION OF MUNICIPALITIES, TO CLARIFY THE DEFINITION OF "BONA FIDE FARM," AND TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55290, which changes the title to read **S.B. 380** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT, is adopted and engrossed.

By Senator Harrington for the **Transportation Committee**:

S.B. 750, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BIDS AND DOCUMENTS RELATED TO BIDS AND CONTRACTS FOR PROJECTS OFFERED FOR BID BY THE DEPARTMENT OF TRANSPORTATION ARE NOT PUBLIC RECORDS UNTIL THE CONTRACT FOR THE PROJECT IS AWARDED, with a favorable report.

S.B. 183, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM AND FOR THE ERECTION OF OUTDOOR ADVERTISING, 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, which changes the title to read **S.B. 183** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM, is adopted and engrossed.

Upon motion of Senator Harrington, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 749, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER

April 28, 2011

WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15154, is adopted and engrossed.

Upon motion of Senator Harrington, the Committee Substitute bill is referred to the **Finance Committee**.

By Senator Newton for the **Judiciary II Committee**:

S.B. 519, A BILL TO BE ENTITLED AN ACT TO ALLOW THAT A CONTRACT TO CONVEY REAL ESTATE MAY BE REGISTERED BY REGISTERING A MEMORANDUM OF CONTRACT AND TO REQUIRE THAT DEEDS AND DEEDS OF TRUST PREPARED IN OTHER STATES AND PRESENTED FOR REGISTRATION TO THE REGISTER OF DEEDS OF ANY COUNTY IN THIS STATE SHALL BEAR AN ENTRY SHOWING THE NAME OF EITHER THE PERSON OR LAW FIRM WHO DRAFTED THE INSTRUMENT, with a favorable report.

S.B. 311, A BILL TO BE ENTITLED AN ACT TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS WHEN THE VIOLATION OCCURS OUTSIDE THE PRESENCE OF THE OFFICER, 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, which changes the title to read **S.B. 311** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS, is adopted and engrossed.

By Senator Bingham for the **Health Care Committee**:

S.B. 607, A BILL TO BE ENTITLED AN ACT TO CONFORM MEDICAL RECORD CONFIDENTIALITY 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 95082, is adopted and engrossed.

April 28, 2011

INTRODUCTION OF A BILL

A bill filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Pate:

S.B. 776, A BILL TO BE ENTITLED AN ACT TO GIVE THE GREENE COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO THE DESTRUCTION OF GREENE COUNTY MIDDLE SCHOOL BY A TORNADO.

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
April 28, 2011

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. 49** (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 129 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed at the end of today's calendar.

April 28, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 495, A BILL TO BE ENTITLED AN ACT TO PROVIDE BALANCE IN THE RESIDENCY OF THE DISTRICT COURT JUDGES IN DISTRICT COURT DISTRICT 25, referred to the **Judiciary II Committee** on April 4.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH REGIONAL SCHOOLS, referred to the **Pensions & Retirement and Aging Committee** on April 26.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Pensions & Retirement and Aging Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Pensions & Retirement and Aging Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR (*continued*)

H.B. 310 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON.

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 in the Senate Committee Substitute bill.

S.B. 401, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO COORDINATE A PILOT PROGRAM TO EVALUATE THE EFFECTIVENESS OF CRISIS INTERVENTION TRAINING IN A LIMITED NUMBER OF ADULT CARE HOMES, BASED ON RECOMMENDATION 5.2 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

April 28, 2011

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.

S.B. 421, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO ESTABLISH A PILOT TRAINING PROGRAM USING GERIATRIC/ADULT MENTAL HEALTH SPECIALTY TEAMS TO CONDUCT TRAINING IN ADULT CARE HOMES ON PREVENTING THE ESCALATION OF BEHAVIORS LEADING TO CRISIS, BASED ON RECOMMENDATION 5.1 FROM THE NORTH CAROLINA INSTITUTE OF MEDICINE TASK FORCE ON THE CO-LOCATION OF DIFFERENT POPULATIONS IN ADULT CARE HOMES AND AS RECOMMENDED BY THE NORTH CAROLINA STUDY COMMISSION ON AGING.

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.

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE INVOLUNTARY ANNEXATION OF FARMS.

The bill passes its second reading (44-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 608, A BILL TO BE ENTITLED AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS.

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.B. 173, A BILL TO BE ENTITLED AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

The bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 110 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO THREE TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

April 28, 2011

S.B. 49 (Conference Report), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE.

Upon motion of Senator Allran, the Senate adopts the Conference Report (41-9).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

INTRODUCTION OF A RESOLUTION

A resolution is filed for introduction today, the rules are suspended and it is read the first time, and disposed of, as follows:

By Senator Apodaca:

S.R. 777, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE CROSSOVER DEADLINE.

With unanimous consent, upon motion of Senator Apodaca, the rules are suspended and the Senate Resolution is placed before the Senate for immediate consideration.

The Senate Resolution is adopted (48-2).

CALENDAR (*continued*)

H.B. 129 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS, upon second reading.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

Senator Purcell offers Amendment No. 2 which fails of adoption (15-35).

Senator Mansfield offers Amendment No. 3 and subsequently withdraws the Amendment.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

Senator Brock offers Amendment No. 4 which is adopted (49-0).

Senator Atwater offers Amendment No. 5 and subsequently withdraws the Amendment.

Senator Mansfield offers Amendment No. 6.

Senator Apodaca offers Amendment No. 7 as a Substitute Amendment for Amendment No. 6.

With Amendment No. 7 pending, the Senate recesses at 1:35 p.m. to reconvene at 1:55 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

April 28, 2011

CALENDAR (*continued*)

H.B. 129 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

Senator Apodaca offers a motion that Amendment Nos. 6 and 7 lie upon the table, seconded by Senator Brunstetter which motion prevails (45-3).

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, May 2, upon second reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO REQUIRE CASH CONVERTER BUSINESSES TO KEEP RECORDS OF PURCHASES AND TO MAKE THOSE RECORDS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85191, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 405, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15155, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Phil Berger, President *Pro Tempore*, announces the establishment of the **Joint Select Committee on Tornado Damage Response**. The members are as follows:

Senator Pate, Chair; Senator Blue, Senator Hunt, Senator Stein, Senator Stevens, Senator Atwater, Senator Blake, Senator Walters, Senator Meredith, Senator Jackson, Senator Rouzer, Senator Newton, Senator Jenkins, Senator Preston, Senator Brown, Senator Jones, and Senator Mansfield.

April 28, 2011

The Honorable Walter Dalton, Lieutenant Governor, relinquishes the gavel to Senator Phil Berger, 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 Dannelly.

CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 323** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, 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 323, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER, House Committee Substitute Favorable 4/19/11, Fourth Edition Engrossed 4/20/11, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Adopted 4/19/11, Fourth Edition Engrossed 4/20/11, 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 S323-PCCS55289-ME-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: April 27, 2011.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Jerry C. Dockham, Chair
S/Bob Rucho	S/Nelson Dollar
S/Ralph Hise	S/Tom Murry
S/Peter S. Brunstetter	W. A. (Winkie) Wilkins
S/Neal Hunt	
S/Tommy Tucker	

(The full text of the Conference Committee Substitute can be found in the 2011 Session Laws-Chapter 2011-85.)

April 28, 2011

Upon motion of Senator Apodaca, the rules are suspended and the Conference Report is placed on today's calendar for immediate consideration.

Upon motion of Senator Apodaca, the Senate adopts the Conference Report (31-17).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

WITHDRAWAL FROM COMMITTEE

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CASH CONVERTER BUSINESSES TO KEEP RECORDS OF PURCHASES AND TO MAKE THOSE RECORDS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the calendar for Monday, May 2, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the calendar for Monday, May 2.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 110 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO THREE TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 110 earlier today; Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Brown, Chair; Senator Goolsby, Senator Preston, Senator Rabon, and Senator White 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.

ADDITIONAL SPONSOR

Senator Purcell requests to be added as a sponsor of previously introduced legislation:

S.B. 616, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION AND CONSOLIDATION OF STATUTES RELATING TO SCRAPYARDS, PRECIOUS METALS BUSINESSES, AND PAWNBROKERS.

April 28, 2011

S.B. 668, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE CLEAN WATER MANAGEMENT TRUST FUND, THE DEPARTMENT OF COMMERCE, THE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE RURAL ECONOMIC DEVELOPMENT CENTER JOINTLY TO DEVELOP AND IMPLEMENT A STATEWIDE WATER AND WASTEWATER INFRASTRUCTURE NEEDS, RESOURCE, AND FUNDING CENTRAL DATABASE SYSTEM.

Upon motion of Senator Forrester, seconded by Senator Hartsell, the Senate adjourns at 2:34 p.m., in memory of Sergeant Donnie Shue; subject to the ratification of bills, receipt of conference reports and committee reports, and receipt of messages from the House of Representatives, to meet Monday, May 2, at 7:00 p.m.

FIFTY-SIXTH DAY

Senate Chamber
Monday, May 2, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Eric Mansfield, Senator from Cumberland County as follows:

"Dear God, we come as a thankful Nation. Thankful for your blessing this country. We are thankful for our troops who stand and stood in harm's way just to allow us to stand and debate democracy. We thank you for our troops who stay awake late at night so that we can sleep comfortably at night. We thank you for those who fight terror so that we can fight over laws here in the General Assembly. Remind us, Lord, that we are a Nation that does not take pride in violence, we do not seek those who oppose us for retaliation or revenge, but we oppose those because it is the right thing to do. We are a Nation that stands on the conviction that despite our differences, whether we're red or blue, conservative or liberal, Republican or Democrat, above all of that, we are Americans. We pray for the families of the victims of September 11. While the events of last night may never bring closure, may it bring them comfort. While the prize of justice sometimes is long, it always bends towards liberty. Give us the hope that we will live to see the day that we will hammer the swords into plowshares; turn spears into pruning hooks; nation will no longer fight against nation; and we will study war no more. It is in the majestic and matchless name of God we pray, Amen."

May 2, 2011

The Chair grants leaves of absence for tonight to Senator Allran, Senator Blue, Senator Clodfelter, and Senator Jackson.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, April 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Linda O'Boyle from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 49, AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE.

S.B. 464, AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011.

H.B. 173, AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL.

H.B. 270, AN ACT TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS.

H.B. 316, AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION.

H.B. 336, AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET.

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. 182, AN ACT TO MAKE EFFECTIVE STATEWIDE A LOCAL ACT PROVIDING THAT A LIST OF THE E-MAIL ADDRESSES OF PERSONS SUBSCRIBING TO LOCAL GOVERNMENT E-MAIL LISTS IS OPEN TO PUBLIC INSPECTION BUT IS NOT REQUIRED TO BE PROVIDED, AND

May 2, 2011

TO PROVIDE THAT THE LOCAL GOVERNMENT MAY USE THAT LIST ONLY FOR THE PURPOSE THAT IT WAS SUBSCRIBED TO. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-54.)

S.B. 75, AN ACT TO PROMOTE THE USE OF ELECTRICITY DEMAND REDUCTION TO SATISFY RENEWABLE ENERGY PORTFOLIO STANDARDS. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-55.)

S.B. 406, AN ACT TO REPEAL THE REQUIREMENT THAT A PERSON OBTAIN A PERMIT TO RECEIVE, SELL, PURCHASE, OR OTHERWISE TRANSFER A CROSSBOW. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-56.)

H.B. 171, AN ACT TO CLARIFY THAT A MUNICIPALITY HAS NO AUTHORITY TO PETITION ITSELF FOR SELF-ANNEXATION OF PROPERTY IT DOES NOT OWN OR HAVE ANY LEGAL INTEREST IN, SUCH AS STATE-MAINTAINED STREETS, AND TO CLARIFY THAT A PETITION FOR VOLUNTARY SATELLITE ANNEXATION MUST BE SIGNED AND, IF NO SIGNATURE IS REQUIRED FOR CERTAIN PROPERTY, THE PROPERTY MAY NOT BE INCLUDED IN THE PETITION OVER THE OWNER'S OBJECTION. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-57.)

H.B. 138, AN ACT TO AMEND THE HEALTH INSURANCE RISK POOL STATUTES. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-58.)

S.B. 275, AN ACT ADOPTING THE HERRING FESTIVAL HELD IN THE TOWN OF JAMESVILLE AS THE OFFICIAL HERRING FESTIVAL OF THE STATE OF NORTH CAROLINA. (Became law upon approval of the Governor, April 28, 2011 - S.L. 2011-59.)

H.B. 215, AN ACT TO CREATE CRIMINAL OFFENSES FOR ACTS THAT CAUSE THE DEATH OR INJURY OF AN UNBORN CHILD OR ARE COMMITTED AGAINST A PREGNANT WOMAN, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE UNBORN VICTIMS OF VIOLENCE ACT/ETHEN'S LAW." (Became law upon approval of the Governor, April 29, 2011 - S.L. 2011-60.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 131, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED

May 2, 2011

PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 135, A BILL TO BE ENTITLED AN ACT TO ALLOW A JUVENILE RECORD TO BE CONSIDERED IN MAKING THE RISK DETERMINATION FOR ESTABLISHING A BOND UNDER THE LAWS PERTAINING TO THE JUVENILE CODE, with a favorable report.

Upon motion of the Chair, the bill is placed on the calendar for Wednesday, May 4.

S.B. 432, A BILL TO BE ENTITLED AN ACT TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55291, is adopted and engrossed.

S.B. 488, A BILL TO BE ENTITLED AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES, 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.

S.B. 521, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A RESTRICTION ON THE TRANSFER OF REAL PROPERTY OR A TENANT'S INTEREST IN A LEASE APPLIES TO A SUBSEQUENT TRANSFER OF THE REAL PROPERTY OR INTEREST IN THE LEASE UNLESS THE GRANTOR OR LANDLORD EXPRESSLY PROVIDES OTHERWISE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85190, which changes the title to read **S.B. 521** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE, is adopted and engrossed.

Upon motion of the Chair, the bill is placed on the calendar for Wednesday, May 4.

May 2, 2011

S.B. 620, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95085, is adopted and engrossed.

Upon motion of the Chair, the bill is placed on the calendar for Wednesday, May 4.

CALENDAR

Bills and a Resolutions on tonight's calendar are taken up and disposed of, as follows:

S.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, May 3.

S.B. 607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM MEDICAL RECORD CONFIDENTIALITY LAWS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Thursday, May 5.

WITHDRAWAL FROM COMMITTEE

S.B. 220, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE GENERAL STATUTES COMMISSION TO IDENTIFY THE COLLATERAL CONSEQUENCES FOR ALL CRIMINAL CONVICTIONS, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPTACLES, referred to the **Finance Committee** on April 12.

May 2, 2011

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 559, A BILL TO BE ENTITLED AN ACT TO MAKE HOME MORTGAGE LENDING MORE COMPETITIVE IN NORTH CAROLINA, referred to the **Finance Committee** on April 12.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 581, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SECURITY INTEREST IN A TITLE SHALL BE RELEASED AFTER SATISFACTION AND TO RESTRICT FRANCHISED MOTOR VEHICLE DEALERS PLATES TO AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER OR AN IMMEDIATE FAMILY MEMBER OF AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER, referred to the **Finance Committee** on April 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Transportation Committee**.

S.B. 590, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT TERMINAL RENTAL ADJUSTMENT CLAUSES DO NOT CREATE A SALE OR SECURITY INTEREST IN THE LEASED VEHICLE, referred to the **Finance Committee** on April 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Transportation Committee**.

S.B. 126, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION, referred to the **Finance Committee** on February 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Transportation Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Finance Committee** and re-refers the measure to the **Transportation Committee**.

S.B. 727, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES, referred to the **Education/Higher Education Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 689, A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER, referred to the **Education/Higher Education Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

H.B. 129 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS, upon second reading, with prior Amendments.

Senator Apodaca offers Amendment No. 8 which is adopted (45-1).

Senator Brock offers Amendment No. 9 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 37, noes 9, as follows:

Voting in the affirmative: Senators Apodaca, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jenkins, Jones, McKissick, Nesbitt, Pate, Preston, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan and Walters---37.

May 2, 2011

Voting in the negative: Senators Atwater, Dannelly, Graham, Kinnaird, Mansfield, Meredith, Newton, Purcell and White---9.

The Senate Committee Substitute bill, as amended, remains on the calendar for Tuesday, May 3, upon third reading.

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CASH CONVERTER BUSINESSES TO KEEP RECORDS OF PURCHASES AND TO MAKE THOSE RECORDS AVAILABLE TO LOCAL LAW ENFORCEMENT AGENCIES.

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. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WARRANTLESS ARREST FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS.

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 sent to the House of Representatives.

S.B. 519, A BILL TO BE ENTITLED AN ACT TO ALLOW THAT A CONTRACT TO CONVEY REAL ESTATE MAY BE REGISTERED BY REGISTERING A MEMORANDUM OF CONTRACT AND TO REQUIRE THAT DEEDS AND DEEDS OF TRUST PREPARED IN OTHER STATES AND PRESENTED FOR REGISTRATION TO THE REGISTER OF DEEDS OF ANY COUNTY IN THIS STATE SHALL BEAR AN ENTRY SHOWING THE NAME OF EITHER THE PERSON OR LAW FIRM WHO DRAFTED THE INSTRUMENT.

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. 750, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BIDS AND DOCUMENTS RELATED TO BIDS AND CONTRACTS FOR PROJECTS OFFERED FOR BID BY THE DEPARTMENT OF TRANSPORTATION ARE NOT PUBLIC RECORDS UNTIL THE CONTRACT FOR THE PROJECT IS AWARDED.

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.R. 381, A SENATE RESOLUTION HONORING NORTH CAROLINA FAMILY AND CONSUMER SCIENCES ON THE 100TH ANNIVERSARY OF ITS FOUNDING.

The Senate Resolution is adopted (45-0).

May 2, 2011

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Taaj Bailey, Raleigh; Morgan Brinson, Charlotte; Katie Brown, Fayetteville; Courtney Collier, Deep Run; Grant Murphy-Herndon, Durham; Hunter Rhinehart, Indian Trail; April Smith, Goldsboro; and Lizzy Stroman, Raleigh.

WITHDRAWAL FROM COMMITTEE

S.B. 756, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE OR LOCAL FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM, referred to the **Judiciary II Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca 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**.

S.B. 776, A BILL TO BE ENTITLED AN ACT TO GIVE THE GREENE COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO THE DESTRUCTION OF GREENE COUNTY MIDDLE SCHOOL BY A TORNADO, referred to the **Education/Higher Education Committee** on April 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

POINTS OF PERSONAL PRIVILEGE

Upon motion of Senator Doug Berger and Senator Atwater, the remarks of the Members are spread upon the journal as follows:

Senator Stein: "Thank you, Mr. President, Members of the Senate. Today is the Jewish holiday of Yom Hashoah, probably a holiday many of you haven't heard of. It's also known as Holocaust Remembrance Day. It commemorates the lives and heroism of the millions of people who died in the Holocaust between 1933 and 1945, Jews, Catholics, gypsies, homosexuals, and the

May 2, 2011

Christians who helped these people. When he retired last session, Senator Weinstein passed on to me the tradition of reflecting on this day. The tradition was started by Senator Marshall Rauch who served in this chamber between 1967 and 1990. It was then passed on to Senator Winner of Buncombe and then Senator Winner of Mecklenburg. I have now inherited this tradition. The Holocaust forces us to think deeply about the nature of man. It's jarring to contemplate the horrible things that people can do to other people. The fundamental premise of the holiday is to force us to look at the ugly part of humanity, to not avert our eyes. In this way we not only remember and honor the millions who were slaughtered but we also recommit ourselves to the precept that we must condemn all manifestations of intolerance, harassment and violence against persons or communities whenever we are aware it is happening. It is timely, therefore, that we reflect on this lesson on the very day that Osama bin Laden, who spewed hate and committed horrendous acts of violence, was brought to justice. Thank you."

Senator Tillman: "Last night was a great night and today's a great day. We opened this session today praising the troops and especially Group 6 of the Navy Seals. What a great job to send four helicopters in, I guess about 40 men, and to come out of there not losing a single soul and killing Osama bin Laden. It doesn't get any better than that. I think that the real message is that we need to thank our troops, and especially these great, highly trained Seals. We thank the Obama administration, the George W. Bush administration, who vowed from the get-go we were going to find this killer terrorist, if it was the last thing we ever did. I think that the message to the world is we will not tire in this fight against terrorism; we will not quit, we will find you, we will kill you. It's a great day for America, a great day for our troops and our country. I hope we can close today with honoring our Seals and all the folks involved in this."

Senator McKissick: "One thing I think we all recognize in these chambers and in each of our lifetimes is certain days become and create an indelible impression on our minds and on our generations. For those that lived during World War II that was probably December 7th when Pearl Harbor was attacked by Japan. During my lifetime, it was probably November 22nd when John Kennedy was assassinated. But I think for the current generation that's among us, there was no day that was more significant and profound than September 11. I think on that day, all of us as Americans, stood proud regardless of our party affiliations, regardless of our backgrounds, and wanted to know that one day we would ultimately hold Osama bin Laden accountable. I think it's wonderful to see us all here tonight able to celebrate the victory that we now have because Osama bin Laden has been taken out of this world. It's the kind of ultimate justice that we knew would come. I think it's important that we look at the spontaneous celebration that occurred throughout this nation last night,

May 2, 2011

completely spontaneous because we all shared in knowing that the ultimate person that was behind that plot was being held ultimately accountable and that he was, indeed, and his body was in U.S. custody. I think it's wonderful that we can celebrate that by celebrating the fact that our Commander in Chief, President Obama, was strategic enough in his decision-making to come forth and make the critical decisions at the right point in time that allowed for the attacks to be made. We can congratulate our military for what they did and the role that they served and also our intelligence gathering capacity, our counterintelligence officers throughout the field who were able to listen and work in the grindstones and do what is necessary to hold terrorists accountable. And, while we can celebrate today knowing that Osama bin Laden is no longer part of the equation, I am sure that there are many of those who are involved in terrorist activity or likewise feeling as if the person that they symbolized as being their hero now has to be a person that they want to go out and, in many respects, retaliate against us for taking him out of the equation. So, while we can feel good in a victory, we must understand that the fortitude that is necessary for us as a nation to continue this war against terrorism has to continue with vigor, with strength, and in a way that we can all say that 20 years or 30 years from now that those terrorists that are out there trying to undermine our country and its integrity and the principles that we stand for are all held accountable and that we as a nation can put the resources necessary together on a state, federal and local level to continue this fight."

Senator Rabon: "Thank you, Mr. President. While we are talking about terrorists and terrorism tonight, ladies and gentlemen, I would like to say that we have, as one of ours, a Seal. A man who captured, put together the plan, and brought to justice the first terrorist in the history of the United States in modern time, our Sergeant-At-Arms, Phil King."

REMOVAL OF BILL CO-SPONSOR

Senator Brunstetter requests that he be removed as a sponsor of previously introduced legislation:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS.

May 2, 2011

Upon motion of Senator Phil Berger, seconded by Senator Stein, the Senate adjourns at 7:51 p.m., in memory of those who lost their lives in the Holocaust and in honor of those who serve in the military, subject to the ratification of bills and receipt of messages from the House of Representatives, to meet Tuesday, May 3, at 3:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 105 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, May 3.

S.B. 130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, May 3.

S.B. 137 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar for Tuesday, May 3.

H.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, AND TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES.

Referred to the **Judiciary I Committee**.

H.B. 160, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST AND CERVICAL CANCER AS PROVIDED BY THE BREAST AND CERVICAL CANCER CONTROL PROGRAM.

Referred to the **Health Care Committee**.

May 2, 2011

H.B. 306, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 332, A BILL TO BE ENTITLED AN ACT CLARIFYING 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 **State and Local Government Committee**.

H.B. 403 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED OUTSIDE LOCAL HISTORIC DISTRICTS.

Referred to the **State and Local Government Committee**.

H.B. 197, A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 422 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO REPORT THE ACCEPTANCE OF ALL FEDERAL RAIL FUNDS AND TO CONSULT WITH THE GENERAL ASSEMBLY PRIOR TO ACCEPTING FUNDS FOR CERTAIN PROJECTS.

Referred to the **Transportation Committee**.

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

Referred to the **Transportation Committee**.

May 2, 2011

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS.

Referred to the **Health Care Committee**.

H.B. 509, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING SERVICES.

Referred to the **Health Care Committee**.

H.B. 546 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CHARLOTTE-MECKLENBURG SCHOOLS TO DEVELOP AND IMPLEMENT ALTERNATIVE SALARY PLANS FOR INSTRUCTIONAL PERSONNEL AND SCHOOL ADMINISTRATORS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 578 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS.

Referred to the **Insurance Committee**.

H.B. 598 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY THE NC HIGHWAY 54 CORRIDOR IN WAKE COUNTY FROM NC 540 TO NORTHWEST MAYNARD ROAD.

Referred to the **Transportation Committee**.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED.

Referred to the **Judiciary II Committee**.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO, AND CLARIFYING AMBIGUITIES IN, THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE.

Referred to the **Education/Higher Education Committee**.

H.B. 769 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS.

Referred to the **Education/Higher Education Committee**.

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS.

Referred to the **Judiciary II Committee**.

H.B. 819 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LAWS RELATING TO OCEAN SETBACKS TO PROVIDE THAT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS GREATER THAN FIVE THOUSAND SQUARE FEET CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL HAVE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SUCH PROPERTIES, IN ORDER TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE PUBLIC SCHOOL PLANNING RESPONSIBILITIES.

Referred to the **Education/Higher Education Committee**.

H.B. 852 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT SHALL NOT DISPOSE OF A CRIMINAL ACTION THAT IS A CLASS B1, B2, C, D, OR E FELONY BY ORDERING A PRAYER FOR JUDGMENT CONTINUED THAT EXCEEDS TWELVE MONTHS.

Referred to the **Judiciary II Committee**.

May 2, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 2, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS, and requests conferees, Speaker Tillis appoints:

Representative McElraft, Chair
Representative Justice
Representative Samuelson
Representative Iler
Representative Wainwright

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

May 2, 2011

FIFTY-SEVENTH DAY

Senate Chamber
Tuesday, May 3, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend John W. Yates III, Holy Trinity Church, Raleigh, North Carolina as follows:

"Almighty God, we give you thanks and praise for the beauty of your creation with the blessing of this day. In this season of Easter surrounded by the vitality of spring, we give you special thanks for the hope of life through Jesus Christ. Remember, before you, those in our state and region, who are suffering as a result of the recent tornadoes. We ask you that you would comfort those who mourn, give healing to those who are hurt, and strength and endurance to those who are rebuilding their lives. This afternoon we ask your special blessing on the members of this Senate as they serve you and the people of this state. Give them wisdom in their deliberation and grace in their discussion. Grant them clarity of vision and sure guidance as they steward the resources entrusted to their care. In the midst of all they do, may they know the joy and satisfaction of their special vocation in this place. We pray this for the glory of your name, Amen."

The Chair grants a leave of absence for today to Senator Clodfelter.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, May 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Lynetta Fort from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 281, AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES.

May 3, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 586, A BILL TO BE ENTITLED AN ACT AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED, with a favorable report.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 471, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS.

Referred to the **State and Local Government Committee**.

H.B. 561, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM CONSTRUCTING TRAFFIC MEDIANS ON THAT PORTION OF U.S. HIGHWAY 70 IN LENOIR COUNTY BETWEEN THE INTERSECTIONS OF U.S. HIGHWAY 258 SOUTH AND NC HIGHWAY 58 SOUTH.

Referred to the **Transportation Committee**.

H.B. 808, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO WAIVE ANNUAL INSPECTIONS OF ADULT CARE HOMES THAT ACHIEVE THE HIGHEST RATING, AND TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCEDURE THAT ALLOWS ADULT CARE HOMES TO DISPUTE CITED INSPECTION DEFICIENCIES.

Referred to the **Health Care Committee**.

May 3, 2011

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 129 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 39, noes 10, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, McKissick, Nesbitt, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker and Walters---39.

Voting in the negative: Senators Dannelly, Graham, Kinnaird, Mansfield, Meredith, Newton, Purcell, Robinson, Vaughan and White---10.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT.

The Committee Substitute bill passes its second reading (43-6).

Senator Newton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, May 4, upon third reading.

S.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES.

The Committee Substitute bill passes its second reading (49-0).

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 4, upon third reading.

May 3, 2011

S.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LANDLORDS TO GIVE NOTICE TO THE NORTH CAROLINA STATE BAR OF AN ATTORNEY'S DEFAULT ON A LEASE IN ORDER TO PROTECT THE CONFIDENTIALITY OF THE ATTORNEY'S FILES.

The Committee Substitute bill passes its second reading (46-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 105 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-49).

S.B. 130 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 137 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 229, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF

May 3, 2011

ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING 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 55292, is adopted and engrossed.

S.B. 676, A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR 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 55293, is adopted and engrossed.

Pursuant to Senate Rule 47, Senator Nesbitt notifies the Senate that he will circulate a discharge petition for S.B. 584. The discharge petition form is given to Senator Nesbitt by the Clerk.

ADDITIONAL SPONSOR

Senator Daniel requests to be added as a sponsor of previously introduced legislation:

S.B. 661, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

Upon motion of Senator Phil Berger, seconded by Senator Purcell, the Senate adjourns at 3:41 p.m., subject to the ratification of bills, receipt of committee reports, receipt of messages from the House of Representatives, and receipt of messages from the Governor to meet Wednesday, May 4, at 3:00 p.m.

May 3, 2011

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 3, 2011

Ms. Sarah Clapp
Principal Clerk of the Senate
North Carolina General Assembly
2007 Legislative Building
Raleigh, NC 27601
Dear Ms. Clapp:

Pursuant to North Carolina General Statute § 115C-10, I hereby appoint or reappoint the below individuals to the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms shall begin immediately upon confirmation and will expire in 2019.

William "Bill" Harrison, At-Large Representative

William "Bill" Woltz, 7th Education District Representative

Jean Woolard, 1st Education District Representative

Please feel free to call on them or members of my staff, if you need additional information.

Sincerely,
S/Beverly Eaves Perdue

cc: The Honorable Phil Berger
The Honorable Thom Tillis
The Honorable Walter Dalton
Ms. Denise Weeks

Referred to the **Education/Higher Education Committee**.

May 3, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, with a favorable report.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61, with a favorable report.

S.B. 247, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY, with a favorable report.

S.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING TRUSTS, ESTATE PLANNING, AND TRUST COMPANIES, with a favorable report.

S.B. 215 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER'S INVESTMENT STATUTE, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 85194, is adopted and engrossed.

S.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE

May 3, 2011

APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 85192, is adopted and engrossed.

By Senator Brown for the **Commerce Committee**:

S.B. 297, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS, with a favorable report.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-EIGHTH DAY

Senate Chamber
Wednesday, May 4, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Daniel Soucek, Senator from Watauga County, offers a cadet prayer of West Point Military Academy as follows:

"O God, our Father, thou searcher of human hearts, help us to draw near to Thee in sincerity and truth. May our religion be filled with gladness and may our worship of Thee be natural. Strengthen and increase our admiration for honest dealing and clean thinking, and suffer not our hatred of hypocrisy and pretense ever to diminish. Encourage us in our endeavor to live above the common level of life. Make us choose the harder right instead of the easier wrong, and never to be content with a half-truth when the whole can be won. Endow us with courage that is born of loyalty to all that is noble and worthy, that scorns to compromise with vice and injustice and knows no fear when truth and right are in jeopardy.

May 4, 2011

Guard us against flippancy and irreverence in the sacred things of life. Grant us new ties of friendship and new opportunities of service. Kindle our hearts in fellowship with those of a cheerful countenance, and soften our hearts with sympathy for those who sorrow and suffer. All of which we ask in the name of the great friend and master of all, Amen."

The Chair grants leaves of absence for today to Senator Jackson and Senator Vaughan.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Sarah Byrd from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 130, AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP.

S.B. 137, AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID.

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. 219, AN ACT TO PROVIDE THAT A PERSON REQUIRED TO REGISTER AS A SEX OFFENDER MUST INDICATE ON THE INITIAL REGISTRATION FORM THE NAME UNDER WHICH THE PERSON WAS CONVICTED FOR THE SEX OFFENSE, TO PROVIDE THAT THE REGISTRANT MUST ALSO NOTIFY THE APPROPRIATE SHERIFF OF

May 4, 2011

ANY NAME CHANGE BY THE REGISTRANT AND INCLUDE NAME CHANGES AS PART OF THE VERIFICATION PROCEDURE, TO DIRECT THE DIVISION OF CRIMINAL STATISTICS TO MAINTAIN THE STATEWIDE REGISTRY SO THAT A MEMBER OF THE PUBLIC MAY CONDUCT SEX OFFENDER SEARCHES USING ANY NAME OR ALIAS OF A REGISTRANT, TO CLARIFY THAT SEX OFFENDERS MAY NOT CHANGE THEIR NAME PURSUANT TO CHAPTER 101 OF THE GENERAL STATUTES, AND TO AMEND THE LAW REGARDING THE VENUE IN WHICH TO FILE A PETITION TO TERMINATE A SEX OFFENDER REGISTRATION REQUIREMENT. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-61.)

H.B. 270, AN ACT TO AMEND THE LAW ESTABLISHING THE REGULAR AND SPECIAL CONDITIONS OF PROBATION AND TO REPEAL THE LAW TOLLING THE PROBATION PERIOD WHILE CRIMINAL CHARGES ARE PENDING THAT MIGHT RESULT IN REVOCATION PROCEEDINGS. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-62.)

H.B. 316, AN ACT TO PROVIDE THE NORTH CAROLINA GENERAL ASSEMBLY SPECIAL POLICE WITH STATEWIDE LAW ENFORCEMENT JURISDICTION. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-63.)

S.B. 49, AN ACT TO INCREASE THE FINE FOR SPEEDING IN A SCHOOL ZONE. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-64.)

H.B. 173, AN ACT TO MAKE THE SNEADS FERRY SHRIMP FESTIVAL THE OFFICIAL STATE SHRIMP FESTIVAL. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-65.)

S.B. 464, AN ACT TO ENACT THE DEBT REDUCTION ACT OF 2011. (Became law upon approval of the Governor, May 3, 2011 - S.L. 2011-66.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Tuesday, May 10.

May 4, 2011

S.B. 345, A BILL TO BE ENTITLED AN ACT TO RETAIN AND ENCOURAGE INVESTMENT IN ECONOMICALLY DISTRESSED TIMES TO REMAIN ELIGIBLE TO TAKE AN INSTALLMENT OF A CREDIT EARNED UNDER THE BILL LEE ACT, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Tuesday, May 10.

S.B. 431, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Tuesday, May 10.

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISION OF FOREST RESOURCES AND THE FORESTRY COUNCIL OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING 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 35238, is adopted and engrossed.

Upon motion of Senator East, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Walters for the **State and Local Government Committee**:

H.B. 415, A BILL TO BE ENTITLED AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWN OF TOPSAIL BEACH AFTER PUBLICLY FINANCED BEACH NOURISHMENT 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 80209, which changes the title upon concurrence to read **H.B. 415** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Tuesday, May 10.

May 4, 2011

By Senator Brown for the **Commerce Committee**:

S.B. 709, A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY PRODUCTION IN NORTH CAROLINA TO DEVELOP A SECURE, STABLE, AND PREDICTABLE ENERGY SUPPLY TO FACILITATE ECONOMIC GROWTH, JOB CREATION, AND EXPANSION OF BUSINESS AND INDUSTRY OPPORTUNITIES AND TO ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75156, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.B. 792 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS ACT.

Referred to the **Health Care Committee**.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 10.

May 4, 2011

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 10.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 10.

S.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 5.

S.B. 297, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN 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. 135, A BILL TO BE ENTITLED AN ACT TO ALLOW A JUVENILE RECORD TO BE CONSIDERED IN MAKING THE RISK DETERMINATION FOR ESTABLISHING A BOND UNDER THE LAWS PERTAINING TO THE JUVENILE CODE.

The 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.

May 4, 2011

S.B. 215 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER'S INVESTMENT STATUTE.

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. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

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.

S.B. 247, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.

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. 321 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP 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 sent to the House of Representatives.

S.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING TRUSTS, ESTATE PLANNING, AND TRUST COMPANIES.

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. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE.

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.

May 4, 2011

S.B. 586, A BILL TO BE ENTITLED AN ACT AMENDING RULE 7 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE THAT, WITH THE PERMISSION OF THE SENIOR RESIDENT SUPERIOR COURT JUDGE, A MOTION IN A CIVIL ACTION IN A COUNTY THAT IS PART OF A MULTICOUNTY JUDICIAL DISTRICT MAY BE HEARD DURING CIVIL SESSION IN AN INCLUDED COUNTY DIFFERENT FROM WHERE THE CASE WAS FILED.

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. 620 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A LEGISLATOR'S OR PUBLIC SERVANT'S PUBLIC POSITION MAY BE DISCLOSED IN AN AGENDA OR OTHER DOCUMENT RELATED TO A MEETING, CONFERENCE, OR SIMILAR EVENT.

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. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

The Committee Substitute bill passes its second reading (41-7).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, May 5, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 105 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 105 on May 3, Senator Forrester, Deputy President *Pro Tempore*, announces the appointment of Senator Newton, Chair; Senator Daniel, Senator Goolsby, Senator Jones, and Senator Rouzer 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.

May 4, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Transportation Committee**:

S.B. 126, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Tuesday, May 10.

S.B. 271, A BILL TO BE ENTITLED AN ACT TO CLARIFY LICENSE PLATE COVER REQUIREMENTS, TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO CREATE A VEHICLE SEIZURE PROCESS FOR VEHICLES USED IN FELONY SPEEDING TO ELUDE LAW ENFORCEMENT OFFICER CASES, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR 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 35239, which changes the title to read **S.B. 271** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE HIGHWAY PATROL, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 561, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM CONSTRUCTING TRAFFIC MEDIANS ON THAT PORTION OF U.S. HIGHWAY 70 IN

May 4, 2011

LENOIR COUNTY BETWEEN THE INTERSECTIONS OF U.S. HIGHWAY 258 SOUTH AND NC HIGHWAY 58 SOUTH, 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 50334, which changes the title upon concurrence to read **H.B. 561** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM CONSTRUCTING TRAFFIC MEDIANS IN CERTAIN DESCRIBED AREAS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Tuesday, May 10.

WITHDRAWAL FROM COMMITTEE

S.R. 673, A SENATE RESOLUTION ENCOURAGING ALL NORTH CAROLINIANS TO CELEBRATE CINCO DE MAYO, referred to the **Rules and Operations of the Senate Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Thursday, May 5, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Thursday, May 5.

Upon motion of Senator Phil Berger, seconded by Senator Rouzer, the Senate adjourns at 4:10 p.m., subject to the ratification of bills, receipt of committee reports, receipt of messages from the House of Representatives and messages from the Governor to meet Thursday, May 5, at 11:00 a.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 524, A BILL TO BE ENTITLED AN ACT STRENGTHENING MENTAL HEALTH RESIDENTIAL PLACEMENT UNDER THE MEDICAID 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 35240, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is re-referred to the **Finance Committee**.

May 4, 2011

S.B. 669, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ALLOCATION OF THE PROCEEDS FROM ANY DISPOSITION OF THE DOROTHEA DIX HOSPITAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85195, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

By Senator Blake for the **Health Care Committee**:

S.B. 354, A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA 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 55298, which changes the title to read **S.B. 354** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-RESISTANT, TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-NINTH DAY

Senate Chamber
Thursday, May 5, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Benjamin Milner of Salem Presbyterian Church of Winston-Salem, North Carolina as follows:

"Great God and Father, these men and women need wisdom today. They will be saying things and deciding things that will affect the lives of many people in this State. Give them deep and abiding wisdom which is from of old, Lord, she established the heavens. By wisdom you drew a circle on the face of the deep. Wisdom made firm the skies above and assigned to the sea its limits. Wisdom marked out the foundations of the earth and your wisdom walks in the ways of righteousness and in the paths of justice. Your wisdom hates evil, shuns pride, dislodges our arrogance and she attacks our perverted speech. She calls us, she raises her voice to us, she takes her stand in the market and in the courts of law and in this hallowed hall today. So fill us now, Lord, with wisdom from above, not jealousy, not selfish ambition, not the foolishness of this world, but pure, peaceable wisdom that is open to reason impartial and sincere. Make these men and women wise today, Lord, and that wisdom starts with a humble fear and awe before you great and mighty Lord. In Christ's name, Amen."

The Chair grants a leave of absence for today to Senator Mansfield.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Sarah Byrd from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 310, AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON.

May 5, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 553, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE NORTH CAROLINA PROGRESS BOARD, with a favorable report.

Upon motion of Senator Tillman, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 498, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55296, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

S.B. 648, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL DISCIPLINE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55295, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

S.B. 724, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55294, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 10.

By Senator Apodaca for the **Insurance Committee**:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO REFUND PREMIUMS PAID WHEN THE PLAN DID NOT ACTUALLY PROVIDE 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 55297, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

May 5, 2011

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.B. 197, A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER, 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 11202, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Tuesday, May 10.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 4, 2011

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 105**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SECOND DEGREE MURDER TO A B1 FELONY, and requests conferees, Speaker Tillis appoints:

Representative Stam, Chair
Representative Guice
Representative Faircloth
Representative Glazier

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of, as follows:

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

Upon motion of Senator Rouzer, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 10.

May 5, 2011

S.B. 607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM MEDICAL RECORD CONFIDENTIALITY LAWS.

Senator Stein 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. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT.

Upon motion of Senator Jackson, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 10.

S.R. 673, A SENATE RESOLUTION ENCOURAGING ALL NORTH CAROLINIANS TO CELEBRATE CINCO DE MAYO.

The Senate Resolution is adopted (49-0).

**A SENATORIAL STATEMENT
SUBMITTED BY SENATOR RABON
HONORING THE LIFE AND MEMORY OF
AMY RENEE BULLOCK SINKLER, FALLEN SOLDIER**

WHEREAS, Amy Renee Bullock Sinkler was born on August 11, 1987, in Columbus County, North Carolina; and

WHEREAS, Renee Bullock Sinkler was a 2006 graduate of West Columbus High School, where she prepared herself for a life in the military as a member of the Junior Reserve Officers Training Corps (JROTC); and

WHEREAS, Amy Renee Bullock Sinkler fulfilled her dream of joining the United States Army in August of 2009 and completed her basic training at Fort Leonard Wood in Missouri; and

WHEREAS, Private First Class Sinkler was stationed at Fort Richardson in Alaska and was a member of the 109th Transportation Company, known as the Rough Riders; and

WHEREAS, shortly after beginning her first tour of duty in Afghanistan, Private First Class Sinkler lost her life during an attack by insurgents on January 20, 2011; and

WHEREAS, Private First Class Sinkler died at the age of 23, while valiantly and heroically protecting the national security interests of the United States and upholding the principles of democracy and freedom;

NOW, THEREFORE, the North Carolina Senate honors the memory of Amy Renee Bullock Sinkler and expresses the gratitude of the citizens of this State for her service and dedication to our country.

May 5, 2011

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fifth day of May, 2011.

S/Sarah Clapp
Senate Principal Clerk

Upon motion of Senator Phil Berger, seconded by Senator Rabon, the Senate adjourns at 11:39 a.m. in honor of the life of Private First Class Sinkler; subject to the ratification of bills, receipt of committee reports, receipt of messages from the House of Representatives, and receipt of messages from the Governor to meet Monday, May 9, at 7:00 p.m.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 200 (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 ENACT BUDGET RELATED AMENDMENTS; AND TO REORGANIZE STATE GOVERNMENT.

Referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTIETH DAY

Senate Chamber
Monday, May 9, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*, in the absence of the Lieutenant Governor, Walter Dalton.

Prayer is offered by The Honorable Dan Blue, Senator from Wake County, as follows:

"O God, we come before you this evening with thanks for returning from a weekend focused on mothers. Mothers who taught us sand box lessons on how to play with others, how to get along with others, how to respect others, how to care for others, and how to share with others. How to learn and heed your word.

May 9, 2011

You told us in second Chronicles that if your people who are called by your name shall humble themselves and pray, seek your face and turn from their wicked ways then they will hear from heaven and forgive their sin and heal their land. So, Father, we submit humbly to you and renounce our wicked ways. We ask that everything we do begin in you and your grace. That we continue all of our legislative efforts with your help and that our work be under your guidance. Renew in us your declaration that says you've done it to the least of these, you have done it unto me and you have sinned. Father, free us from our sin as we deliberate a budget for all of our people here in North Carolina and keep us faithful to those mothers' teachings of our youth that bring us closer to you. In thou redeeming name we pray, Amen."

Senator Forrester, Deputy President *Pro Tempore*, announces that the Senate Journal of Thursday, May 5, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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 Leslie Sharpe from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 129, AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS.

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. 310, AN ACT TO GIVE A VETO OF KINSTON CITY COUNCIL ACTIONS TO THE MAYOR, CONTINGENT ON THE APPROVAL OF THIS ACT BY THE VOTERS OF THE CITY OF KINSTON. (Became law upon ratification, May 5, 2011 - S.L. 2011-67.)

H.B. 407, AN ACT TO MODIFY THE REQUIREMENT THAT A PERSON WHO IS EIGHTEEN YEARS OLD OR OLDER WEAR A HELMET WHILE OPERATING AN ALL-TERRAIN VEHICLE. (Became law without the approval of the Governor, May 6, 2011 - S.L. 2011-68.)

May 9, 2011

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senator Brown:

S.J.R. 778, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Ashton Herring, Calypso; Alexis McDonald, Raleigh; Tiffany Palin, Creswell; Keona Phelps, Creswell; Ann Watkins, Albemarle; and Jessica Williford, Fuquay-Varina.

Upon motion of Senator Forrester, seconded by Senator Bingham, the Senate adjourns at 7:08 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, and messages from the Governor, to meet Tuesday, May 10, at 3:00 p.m.

SIXTY-FIRST DAY

Senate Chamber
Tuesday, May 10, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Honorable Tommy Tucker, Senator from Union County as follows:

"Father God, we pause today to give you thanks for everything. Lord we know all good things come from you and we pray for your guidance and direction as we deliberate the State's business. Lord, forgive us when our own intellect and ego get in the way and we fail to ask you for wisdom. Your word says that wisdom will come forth from you if we but ask for it and Lord we ask for that guidance today. Lord we pray for all the members and their families as

May 10, 2011

we are away from our families in service to the people of North Carolina. Thank you for our troops, thank you for their families and what they endure for our freedom. God, I love this country, but you love it more. Let us honor you in all we do and say. In the name of the Father, the Son, and Holy Spirit, Amen.”

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, May 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Annette Greer from Kinston, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35241, is adopted and engrossed.

By Senator Daniel for the **Judiciary II Committee**:

S.B. 300, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

May 10, 2011

S.B. 170, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NUISANCE ABATEMENT 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 35242, which changes the title to read **S.B. 170** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS, is adopted and engrossed.

By Senator Rucho for the **Finance Committee**:

S.B. 749, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS, with a favorable report.

S.B. 426, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35243, which changes the title to read **S.B. 426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO REMOVE THE SUNSET ON SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS, is adopted and engrossed.

By Senator Brown for the **Commerce Committee**:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES, with a favorable report.

May 10, 2011

S.B. 731, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND AESTHETICS IN DESIGNATED HISTORIC DISTRICTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75157, is adopted and engrossed.

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30328, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL DISCIPLINE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, May 11.

H.B. 561 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DEPARTMENT OF TRANSPORTATION FROM CONSTRUCTING TRAFFIC MEDIANS IN CERTAIN DESCRIBED AREAS.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 10, 2011

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. 323** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

May 10, 2011

MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

Pursuant to your message that you have adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the report of the conferees on April 28, the President orders the bill enrolled and sent to the Governor.

CALENDAR (*continued*)

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

Upon motion of Senator Rouzer, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 12.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 12.

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

May 10, 2011

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 12.

WITHDRAWAL FROM COMMITTEE

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PERMIT ADVERTISING ON SCHOOL BUSES, referred to the **Rules and Operations of the Senate Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

S.J.R. 90, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR TO THE STATE BOARD OF EDUCATION, referred to the **Education/Higher Education Committee** on February 22.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Joint Resolution be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Joint Resolution withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

S.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE HIGHWAY PATROL, referred to the **Finance Committee** on May 4.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the calendar for Tuesday, May 17, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the calendar for Tuesday, May 17.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE AND BY PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35244, which changes the title to read **S.B. 374** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY (1) PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE, (2) REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE, AND (3) PROVIDING AN ADDITIONAL METHOD TO POST LAND TO PROHIBIT HUNTING, is adopted and engrossed.

S.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT, WHEN THE NORTH CAROLINA UTILITY COMMISSION ASSIGNS TRIPLE CREDIT TO ANY ELECTRIC POWER OR RENEWABLE ENERGY CERTIFICATES GENERATED FROM RENEWABLE ENERGY RESOURCES AT A BIOMASS RENEWABLE ENERGY FACILITY LOCATED IN A CLEANFIELDS RENEWABLE ENERGY DEMONSTRATION PARK, THE ADDITIONAL CREDITS ARE ELIGIBLE TO MEET THE REQUIREMENTS FOR PUBLIC UTILITIES, ELECTRIC MEMBERSHIP CORPORATIONS, AND MUNICIPALITIES UNDER THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS (REPS) RATHER THAN REQUIRING THAT THESE ADDITIONAL CREDITS MUST FIRST BE USED TO MEET ALL THE REPS REQUIREMENTS THROUGH THE USE OF POULTRY WASTE 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 15156, which changes the title to read **S.B. 484** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ADDITIONAL CREDITS ASSIGNED TO THE FIRST TEN MEGAWATTS OF BIOMASS RENEWABLE ENERGY FACILITY GENERATION CAPACITY PURSUANT TO S.L. 2010-195 (CLEANFIELDS ACT OF 2010) ARE ELIGIBLE TO SATISFY THE POULTRY WASTE SET-ASIDE, is adopted and engrossed.

May 10, 2011

S.B. 613, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55299, which changes the title to read **S.B. 613** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, is adopted and engrossed.

CALENDAR (*continued*)

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill remains on the calendar for Wednesday, May 11, upon third reading.

S.B. 431, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill remains on the calendar for Wednesday, May 11, upon third reading.

May 10, 2011

H.B. 415 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

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 in the Senate Committee Substitute bill.

S.B. 126, A BILL TO BE ENTITLED AN ACT TO PROVIDE ACTIVE DUTY MILITARY PERSONNEL WHO ARE NOT RESIDENTS OF NORTH CAROLINA AND WHO HAVE A VALID MILITARY IDENTIFICATION AN EXEMPTION FROM HAVING A VALID DRIVERS LICENSE SO LONG AS THE PERSON HAS BEEN PREVIOUSLY LICENSED AND THE LICENSE IS NOT IN A STATE OF SUSPENSION OR REVOCATION.

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.

S.B. 345, A BILL TO BE ENTITLED AN ACT TO RETAIN AND ENCOURAGE INVESTMENT IN ECONOMICALLY DISTRESSED TIMES TO REMAIN ELIGIBLE TO TAKE AN INSTALLMENT OF A CREDIT EARNED UNDER THE BILL LEE ACT.

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 (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. 354 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2011, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-RESISTANT, TEN-YEAR LITHIUM BATTERY SMOKE ALARM EXCEPT IN CERTAIN CASES, AND PROVIDING THAT LANDLORDS MAY DEDUCT FROM THE TENANT SECURITY DEPOSIT DAMAGE TO A SMOKE ALARM OR CARBON MONOXIDE ALARM, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

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. 498 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE INVOLVEMENT OF A PARENT OR GUARDIAN BEFORE SCHOOL OFFICIALS MAY ADMINISTER CORPORAL PUNISHMENT ON A STUDENT.

May 10, 2011

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. 669 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ALLOCATION OF THE PROCEEDS FROM ANY DISPOSITION OF THE DOROTHEA DIX HOSPITAL PROPERTY.

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. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE ENERGY PRODUCTION IN NORTH CAROLINA TO DEVELOP A SECURE, STABLE, AND PREDICTABLE ENERGY SUPPLY TO FACILITATE ECONOMIC GROWTH, JOB CREATION, AND EXPANSION OF BUSINESS AND INDUSTRY OPPORTUNITIES AND TO ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE.

Senator Brock offers Amendment No. 1 which is adopted (46-4).

The Committee Substitute bill, as amended, passes its second reading (38-12) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 724 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS.

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.

H.B. 197 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY SITUATIONS.

The Senate 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 for concurrence in the Senate Committee Substitute bill.

S.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES" AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING AND BUILDING CODE ENFORCEMENT.

Senator Newton offers Amendment No. 1 which fails of adoption (13-37).

The Committee Substitute bill passes its third reading (43-7) and is ordered sent to the House of Representatives.

May 10, 2011

S.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE JURISDICTIONAL AND PROCEDURAL PROVISIONS OF THE PROBATE CODE AND RELATED STATUTES TO PROVIDE UNIFORMITY IN ESTATE MATTERS, TO DEFINE THE JURISDICTION OF THE CLERK OF SUPERIOR COURT CONSISTENT WITH THE PROVISIONS OF THE UNIFORM TRUST CODE, TO RECODIFY CERTAIN PROVISIONS RELATING TO THE PROBATE OF WILLS, AND TO UPDATE AND AMEND THE PROCEDURE FOR CLAIMING SPOUSAL AND CHILDREN'S ALLOWANCES.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Clary for the **Program Evaluation Committee**:

S.B. 428, 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, with a favorable report.

S.B. 626, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY 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 35245, which changes the title to read **S.B. 626** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY, is adopted and engrossed.

May 10, 2011

S.B. 661, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55300, which changes the title to read **S.B. 661** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE, referred to the **Commerce Committee** on April 7.

Pursuant to Rule 47(a), Senator Apodaca 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.R. 549, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF MARTHA MAXINE MCMAHON SWALIN FOR HER CONTRIBUTIONS TO THE NORTH CAROLINA SYMPHONY, referred to the **Rules and Operations of the Senate Committee** on April 12.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Thursday, May 12, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Thursday, May 12.

Upon motion of Senator Phil Berger, seconded by Senator Tillman, the Senate adjourns at 4:11 p.m., subject to the receipt of messages from the House of Representatives, to meet Wednesday, May 11, at 3:00 p.m.

May 10, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHANGES TO LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM.

Referred to the **State and Local Government Committee**.

H.B. 311, A BILL TO BE ENTITLED AN ACT REQUIRING THAT MOTOR CARRIERS OF HOUSEHOLD GOODS MARK OR IDENTIFY THEIR VEHICLES AND MAKING IT UNLAWFUL FOR A PERSON NOT CERTIFIED BY THE UTILITIES COMMISSION AS A MOTOR CARRIER OF HOUSEHOLD GOODS TO ADVERTISE OR OTHERWISE REPRESENT THAT THE PERSON IS AUTHORIZED TO ENGAGE IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION IN THIS STATE.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 352, A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS.

Referred to the **State and Local Government Committee**.

H.B. 397 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 483, A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST AND TO APPROPRIATE FUNDS TO FACILITATE THE EXPANSION.

Referred to the **Judiciary I Committee**.

May 10, 2011

H.B. 510, A BILL TO BE ENTITLED AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM.

Referred to the **State and Local Government Committee**.

H.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENABLING LAWS RELATING TO CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM.

Referred to the **State and Local Government Committee**.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

Referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-SECOND DAY

Senate Chamber
Wednesday, May 11, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Senator Linda Garrou as follows:

"When my heart is heavy and my soul is weary, I often find that words do not come. In those times I turn to my favorite hymns as an expression of gratitude and reassurance of hope. I hope you will join me in prayer as I read one verse from a hymn that is a constant inspiration. 'Be thou my vision O' Lord of my heart, not be all else to me save thou art, thou my best thoughts by day or night, waking or sleeping thy presence my light.' We are grateful for that light. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

May 11, 2011

The Chair extends privileges of the floor to Julie Lewis from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 212, AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES.

S.B. 323, AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 269, AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX.

S.B. 295, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Preston for the **Education/Higher Education Committee**:

H.B. 769 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS, with a favorable report.

S.B. 685, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE REGULATION OF PROPRIETARY 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 85197, is adopted and engrossed.

Upon motion of Senator Preston, the Committee Substitute bill is re-referred to the **Finance Committee**.

May 11, 2011

By Senator Rucho for the **Finance Committee**:

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH REGIONAL SCHOOLS, 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, 35247, is adopted and engrossed.

By Senator Davis for the **State and Local Government Committee**:

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING, with a favorable report.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH, with a favorable report.

H.B. 194, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE, with a favorable report.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

May 11, 2011

S.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 17.

S.B. 426 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO REMOVE THE SUNSET ON SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

S.B. 731 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 17.

S.B. 431, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ADDITIONAL CREDITS ASSIGNED TO THE FIRST TEN MEGAWATTS OF BIOMASS RENEWABLE ENERGY FACILITY GENERATION CAPACITY PURSUANT TO S.L. 2010-195 (CLEANFIELDS ACT OF 2010) ARE ELIGIBLE TO SATISFY THE POULTRY WASTE SET-ASIDE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 17.

May 11, 2011

S.B. 300, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, 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. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY (1) PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE, (2) REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE, AND (3) PROVIDING AN ADDITIONAL METHOD TO POST LAND TO PROHIBIT HUNTING.

The Committee Substitute bill passes its second reading (43-7).

Senator Doug Berger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, May 12, upon third reading.

S.B. 428, 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.

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.

S.B. 513, A BILL TO BE ENTITLED AN ACT TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES.

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.

May 11, 2011

S.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A CITY WITH A POPULATION OF MORE THAN FIVE HUNDRED THOUSAND PEOPLE WHICH HOLDS A NATIONAL CONVENTION TO CONTRACT WITH OUT-OF-STATE LAW ENFORCEMENT AGENCIES TO PROVIDE LAW ENFORCEMENT AND SECURITY FOR THE NATIONAL CONVENTION.

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. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES.

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. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.

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. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING SCHOOL DISCIPLINE.

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. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY.

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.

May 11, 2011

S.B. 749 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS.

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.

H.B. 222 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

The Senate 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 for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 1.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and 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 and Local Government Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Jones, the Senate adjourns at 3:57 p.m., subject to the receipt of messages from the House of Representatives, to meet Thursday, May 12, at 11:00 a.m.

May 11, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 208, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF WINSTON-SALEM THE RIGHT TO ACQUIRE POSSESSION AND TITLE OF LAND CONDEMNED FOR PUBLIC TRANSPORTATION PROJECTS.

Referred to the **State and Local Government Committee**.

H.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE.

Referred to the **Finance Committee**.

H.B. 379 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERSTATE DEPOSITIONS AND DISCOVERY ACT AND TO MAKE CONFORMING AMENDMENTS TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Referred to the **Judiciary I Committee**.

H.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Referred to the **Judiciary I Committee**.

H.B. 388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MECKLENBURG COUNTY TO USE THE PROCUREMENT PROCESS PROVIDED IN THIS ACT WHEN LETTING CONTRACTS AUTHORIZED BY ITS BOARD OF COMMISSIONERS TO INCREASE ENERGY EFFICIENCY, AND TO AUTHORIZE THAT COUNTY TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF RENEWABLE ENERGY FACILITIES FOR TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

May 11, 2011

H.B. 532, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW.

Referred to the **State and Local Government Committee**.

H.B. 589 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE PROVISION OF LAW THAT STATES ALLEGATIONS IN A DIVORCE COMPLAINT ARE DEEMED DENIED REGARDLESS OF WHETHER THE DEFENDANT FILES A PLEADING DENYING THE ALLEGATIONS, AND TO AMEND THE LAWS RELATING TO DOMESTIC VIOLENCE PROTECTIVE ORDERS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION; AND TO PROVIDE FOR TERMINATION OF CHILD SUPPORT WHEN A CHILD IS ENROLLED IN AN EARLY COLLEGE PROGRAM.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-THIRD DAY

Senate Chamber
Thursday, May 12, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Pastor Bill Godair of Cornerstone Church of Salisbury, North Carolina as follows:

"Father, we want to start by saying thank you for another day. As a citizen of this great state and country, Father, I'm humbled to stand before such a great group of men and women that make up this body. I pray that when they are tired, that you will give them rest. When they are weary, you will give them peace. As they travel the highways, you will give them protection. And when it comes to the people's business, you will give them wisdom. And, Father, when it comes to tough decisions that must be made, I pray that you will give them courage, courage to do what must be done for the betterment of the citizens of this wonderful state. Be with them in all they do. We ask all of this in the name that is above all names, your Son, Jesus Christ. Amen."

May 12, 2011

The Chair grants leaves of absence for today to Senator Blue and Senator Clodfelter.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Angeline Bertsch from Calabash, North Carolina and to Julie Rumbley from Oak Ridge, North Carolina, who are serving the Senate as Nurses 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. 269, AN ACT TO AUTHORIZE THE TOWN OF HILLSBOROUGH TO LEVY A ROOM OCCUPANCY TAX. (Became law upon ratification, May 11, 2011 - S.L. 2011-69.)

S.B. 295, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF MARSHVILLE. (Became law upon ratification, May 11, 2011 - S.L. 2011-70.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN AN ONLINE PUBLIC DATABASE AND TO POST INFORMATION ON THE INTERNET MEASURING JOB CREATION, RETENTION, AND WAGE ATTAINMENT IN NORTH CAROLINA RESULTING FROM STATE AND LOCAL GOVERNMENT ECONOMIC DEVELOPMENT INCENTIVES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35249, which changes the title to read **S.B. 489** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BETTER ENABLE LEGISLATIVE EVALUATION AND ONGOING ASSESSMENT OF THE STATE'S ECONOMIC DEVELOPMENT PROGRAMS AND THEIR IMPACT ON JOB CREATION, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the calendar for Tuesday, May 17.

May 12, 2011

S.B. 576 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION, 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, 35248, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is placed on the calendar for Tuesday, May 17.

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 525, A BILL TO BE ENTITLED AN ACT TO STREAMLINE DUPLICATE OVERSIGHT OF DHHS SERVICE PROVIDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75158, which changes the title to read **S.B. 525** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE DUPLICATE OVERSIGHT OF CERTAIN DHHS SERVICE PROVIDERS, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill is placed on the calendar for Tuesday, May 17.

By Senator Pate for the **Health Care Committee**:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO RAISE THE AGE FOR WHICH USE OF TANNING EQUIPMENT REQUIRES A WRITTEN PRESCRIPTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75159, is adopted and engrossed.

Upon motion of Senator Pate, the Committee Substitute bill is re-referred to the **Commerce Committee**.

S.B. 512, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADULT DAY CARE/OVERNIGHT RESPITE PROGRAMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55301, which changes the title to read **S.B. 512** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER ADULT DAY CARE, is adopted and engrossed.

S.B. 644, A BILL TO BE ENTITLED AN ACT ESTABLISHING THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, SHALL NOT REQUIRE A

May 12, 2011

REDETERMINATION OF ELIGIBILITY FOR VENDOR PAYMENTS UNDER AN ADOPTION ASSISTANCE AGREEMENT UNLESS THE AGREEMENT SPECIFIES THAT A REDETERMINATION OF ELIGIBILITY IS REQUIRED, UNDER THE LAWS REGULATING PROGRAMS OF PUBLIC 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 85198, which changes the title to read **S.B. 644** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO REQUIRE A REDETERMINATION OF ELIGIBILITY FOR VENDOR PAYMENTS ONLY IF THE ADOPTION ASSISTANCE AGREEMENT SPECIFICALLY REQUIRES A REDETERMINATION TO RECEIVE VENDOR PAYMENTS, is adopted and engrossed.

S.B. 670, A BILL TO BE ENTITLED AN ACT REVISING THE MEMBERSHIP ON THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS 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 85199, which changes the title to read **S.B. 670** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO HEARING AID FITTING AND DISPENSING BY CERTAIN LICENSED AUDIOLOGISTS AND REVISING THE MEMBERSHIP ON THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD, is adopted and engrossed.

Upon motion of Senator Pate, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80223, is adopted and engrossed.

May 12, 2011

CALENDAR

Bills and a Resolution on today's calendar are taken up and disposed of, as follows:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill remains on the calendar for Monday, May 16, upon third reading.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61, 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 Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Monday, May 16, upon third reading.

May 12, 2011

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

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. 194, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL 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 enrolled.

S.B. 125 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO JOINTLY ESTABLISH REGIONAL SCHOOLS.

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. 769 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS.

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.

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LANDOWNERS' RIGHTS OVER WATER ON THEIR PROPERTY AND THE CONSTRUCTION OF WELLS ON THEIR PROPERTY.

Senator Rouzer 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. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS AND INCREASE PUBLIC SAFETY BY (1) PROHIBITING HUNTING FROM THE RIGHT-OF-WAY STATEWIDE, (2) REQUIRING WRITTEN PERMISSION TO HUNT ON THE LAND OF ANOTHER STATEWIDE, AND (3) PROVIDING AN ADDITIONAL METHOD TO POST LAND TO PROHIBIT HUNTING.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Judiciary I Committee**.

May 12, 2011

S.R. 549, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF MARTHA MAXINE MCMAHON SWALIN FOR HER CONTRIBUTIONS TO THE NORTH CAROLINA SYMPHONY.

The Senate Resolution is adopted (48-0).

Upon motion of Senator Phil Berger, seconded by Senator Jenkins, the Senate adjourns at 11:36 a.m., subject to the receipt of messages from the House of Representatives, to meet Monday, May 16, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO.

Referred to the **State and Local Government Committee**.

H.B. 423 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF HEALTH AND HUMAN SERVICES TO ALLOW CERTAIN CERTIFIED PROVIDERS TO CONDUCT INITIAL (FIRST-LEVEL) EXAMINATIONS FOR INVOLUNTARY COMMITMENT OF INDIVIDUALS WITH MENTAL ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 490, A BILL TO BE ENTITLED AN ACT TO NAME THE YADKIN RIVER BRIDGE AT THE DAVIDSON AND ROWAN COUNTY LINES THE "YADKIN RIVER VETERANS MEMORIAL BRIDGE."

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 737, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-FOURTH DAY

Senate Chamber
Monday, May 16, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, You have been our dwelling place in all generations. Before the mountains were brought forth, or ever thou had formed the earth and the world, from everlasting to everlasting, you are God. Grant to us here gathered, a day, for making the world a better place. Because our hearts were broken and our eyes were filled with tears. But, you gave us life. Lord Jesus, may each of us who have suffered, and that's all of us, become heir to the promise, 'In this world you will have tribulation, but be of good cheer for I have overcome the world.' In the name of the One who 'will not leave us comfortless,' we make our prayer. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, May 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Richard Adelman from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Karen L. Beard from Winston-Salem, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 244, AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY.

H.B. 769, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS.

May 16, 2011

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 193, AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH.

H.B. 194, AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE.

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. 336, AN ACT TO ALLOW THE HAULING OF READY-MIXED CONCRETE IN EXCESS OF WEIGHT LIMITS SO LONG AS CERTAIN CONDITIONS ARE MET. (Became law upon approval of the Governor, May 12, 2011 - S.L. 2011-71.)

S.B. 281, AN ACT TO AUTHORIZE CITIES TO ESTABLISH A MUNICIPAL SERVICE DISTRICT FOR THE PURPOSE OF CONVERTING PRIVATE RESIDENTIAL STREETS TO PUBLIC STREETS AND TO AUTHORIZE RELATED COMMUNITY ASSOCIATIONS TO TRANSFER PLANNED COMMUNITY PROPERTY TO CITIES. (Became law upon approval of the Governor, May 12, 2011 - S.L. 2011-72.)

S.B. 130, AN ACT TO PROHIBIT A WINE WHOLESALER FROM DISTRIBUTING WINE BEYOND ITS DESIGNATED SALES TERRITORY AND TO AUTHORIZE CERTAIN INTRATERRITORY TRANSFERS OF WINE BETWEEN OFF-PREMISES WINE PERMITTEES UNDER COMMON OWNERSHIP. (Became law upon approval of the Governor, May 12, 2011 - S.L. 2011-73.)

S.B. 137, AN ACT TO ESTABLISH THE FORGIVABLE EDUCATION LOANS FOR SERVICE PROGRAM AND THE FORGIVABLE EDUCATION LOANS FOR SERVICE FUND AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON STATE-FUNDED STUDENT FINANCIAL AID. (Became law upon approval of the Governor, May 12, 2011 - S.L. 2011-74.)

May 16, 2011

S.B. 212, AN ACT ALLOWING THE REGISTER OF DEEDS TO REGISTER A MAP OF A CEMETERY THAT LACKS A SURVEYOR'S STAMP OR SEAL AND THE ORIGINAL SIGNATURE OF THE SURVEYOR UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, May 12, 2011 - S.L. 2011-75.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 288 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, AND PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, May 17.

H.B. 271, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROHIBITION AGAINST CARRYING A CONCEALED WEAPON DOES NOT APPLY TO STATE PROBATION AND PAROLE CERTIFIED OFFICERS WHEN THEY ARE OFF-DUTY.

Referred to the **Judiciary II Committee**.

H.B. 406, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAND THAT IS ENGAGED IN AGRICULTURE MAY QUALIFY FOR ENROLLMENT IN A VOLUNTARY AGRICULTURAL DISTRICT EVEN THOUGH IT DOES NOT QUALIFY FOR TAXATION AT ITS PRESENT-USE VALUE, AND TO PROVIDE THAT RESIDENTIAL LOTS CREATED ON LAND THAT IS THE SUBJECT OF A CONSERVATION AGREEMENT MUST MEET MUNICIPAL ZONING AND SUBDIVISION REGULATIONS, AND TO PROVIDE THAT REVOCABLE VOLUNTARY AGRICULTURAL DISTRICT CONSERVATION AGREEMENTS ARE NOT REQUIRED TO BE RECORDED.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 451 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR DRIVING WHILE LICENSE REVOKED BY SETTING MINIMUM FINES FOR THE INITIAL AND SUBSEQUENT CONVICTIONS AND BY REQUIRING THE VEHICLE BEING OPERATED BY A DRIVER WHOSE LICENSE OR DRIVING PRIVILEGES ARE REVOKED AFTER TWO PRIOR CONVICTIONS FOR DRIVING WHILE LICENSE REVOKED TO BE SEIZED AND FORFEITED TO THE STATE.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

May 16, 2011

H.B. 484, A BILL TO BE ENTITLED AN ACT TO TRANSFER MANAGEMENT OF THE STATE HOME FORECLOSURE PREVENTION PROJECT AND FUND TO THE NORTH CAROLINA HOUSING FINANCE AGENCY, TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE REQUIREMENTS OF ARTICLES 6 AND 7 OF CHAPTER 143 OF THE GENERAL STATUTES, AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO ACQUIRE PROPERTY SUBJECT TO APPROVAL OF THE STATE BANKING COMMISSION.

Referred to the **Commerce Committee**.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JOHNSTON MEMORIAL HOSPITAL AUTHORITY TO FREEZE ITS PARTICIPATION AS AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES, CLARIFYING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO ENFORCEMENT ACTIONS OR ADMINISTRATIVE APPEALS AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS.

Referred to the **State and Local Government Committee**.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 200, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

May 16, 2011

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 512 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER ADULT DAY CARE.

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. 644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF SOCIAL SERVICES, TO REQUIRE A REDETERMINATION OF ELIGIBILITY FOR VENDOR PAYMENTS ONLY IF THE ADOPTION ASSISTANCE AGREEMENT SPECIFICALLY REQUIRES A REDETERMINATION TO RECEIVE VENDOR PAYMENTS.

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. 474 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE

May 16, 2011

DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS.

The Senate 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 for concurrence in the Senate Committee Substitute bill.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Rina Annisa, Morganton; Shelby Hairr, Lillington; Tyler Hinnant, Salemburg; Deon Jackson, Salemburg; Alex Johnson, Charlotte; Jay Joyce Jr., Kannapolis; Anthony Lucas, Salemburg; Walter Odom Jr., Salemburg; Micaela Percy, Cary; Amber Pritchard, Belmont; Jordan Scott, Salemburg; and Ali Smith, Salemburg.

WITHDRAWAL FROM COMMITTEE

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE LOCAL GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, referred to the **Commerce Committee** on April 26.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Commerce Committee** and re-referred to the **State and Local Government 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 **State and Local Government Committee**.

S.B. 756, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE OR LOCAL FUNDS

May 16, 2011

MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM, referred to the **Judiciary I Committee** on May 2.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

WITHDRAWAL FROM CALENDAR

S.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS.

Senator Apodaca offers a motion that the bill be withdrawn from the calendar for Tuesday, May 17, and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the calendar for Tuesday, May 17, and re-refers the measure to the **Judiciary II Committee**.

Upon motion of Senator Phil Berger, seconded by Senator East, the Senate adjourns at 7:24 p.m., subject to the receipt of messages from the House of Representatives, to meet Tuesday, May 17, at 3:00 p.m.

SIXTY-FIFTH DAY

Senate Chamber
Tuesday, May 17, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, when we pass through the waters of this fiery trial, the trials of setting a budget, of our life together, Lord, you use the prophet Isaiah to speak words of wisdom to us. 'I will be with you... Thou shall not be burned...' And why did you say these things to us, Lord? 'Because I am the Lord your God. I am the Lord your God.' May that be enough for us, and may our important decisions be tempered by the knowledge that there is nothing greater than your presence, and your wisdom, O Lord. Amen."

May 17, 2011

The Chair grants leaves of absence for today to Senator Blake and Senator Graham.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, May 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Carrie Hamlin from Lumberton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 197, AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY SITUATIONS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 415, AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 193, AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF TOPSAIL BEACH. (Became law upon ratification, May 16, 2011 - S.L. 2011-76.)

H.B. 194, AN ACT AMENDING THE CHARTER OF THE TOWN OF TOPSAIL BEACH TO CLARIFY WHEN THE TERMS OF THE MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS COMMENCE AND TO PROVIDE THAT THE MAYOR SHALL VOTE ONLY IN THE CASE OF A TIE. (Became law upon ratification, May 16, 2011 - S.L. 2011-77.)

May 17, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 279, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE" THAT PERTAINS TO THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) TO CLARIFY THAT WOOD IS A RENEWABLE ENERGY RESOURCE AND THAT WOOD NEED NOT BE A WASTE PRODUCT TO QUALIFY AS A RENEWABLE ENERGY RESOURCE, with a favorable report.

By Senator Newton for the **Judiciary II Committee**:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS 3 MISDEMEANOR FOR A PERSON TO ALLOW DOMESTIC FOWLS TO RUN AT LARGE ON THE LANDS OF A COMMERCIAL POULTRY OPERATION AFTER RECEIVING ACTUAL OR CONSTRUCTIVE NOTICE OF THE RUNNING AT LARGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85201, is adopted and engrossed.

H.B. 306, A BILL TO BE ENTITLED AN ACT TO (1) ALLOW SERVICE BY SIGNATURE CONFIRMATION OR DESIGNATED DELIVERY SERVICE IN SMALL CLAIM ACTIONS ASSIGNED TO MAGISTRATES AND IN ADMINISTRATIVE CASES, (2) CLARIFY THAT THE SIXTY-DAY TIME FRAME FOR SERVING A SUMMONS UNDER RULE 4 OF THE RULES OF CIVIL PROCEDURE APPLIES TO ALL SUMMONSES UNDER RULE 4(J) AND (J1), (3) REQUIRE THAT A COPY OF A MOTION TO TERMINATE PARENTAL RIGHTS THAT IS SERVED ON A PARENT BE SENT TO THAT PARENT'S ATTORNEY OF RECORD, IF ANY, (4) REQUIRE THAT A PARTY'S ATTORNEY OF RECORD, IF ANY, MUST BE SERVED WHEN SERVICE IS MADE UNDER RULE 5(B) OF THE RULES OF CIVIL PROCEDURE, IN ADDITION TO ANY SERVICE ON THE PARTY, AND (5) CLARIFY THAT AN ATTORNEY MAY BE SERVED UNDER RULE 5(B) BY MAIL, 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 30333, which changes the title to read **H.B. 306** (Senate Committee Substitute), A BILL

May 17, 2011

TO BE ENTITLED AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY, is adopted and engrossed.

By Senator Walters for the **State and Local Government Committee**:

H.B. 118, A BILL TO BE ENTITLED AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM, with a favorable report.

H.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT, with a favorable report.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS, with a favorable report.

H.B. 471, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS, with a favorable report.

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION, with a favorable report.

H.B. 532, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY, with a favorable report.

H.B. 566, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS, with a favorable report.

May 17, 2011

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ADDITIONAL CREDITS ASSIGNED TO THE FIRST TEN MEGAWATTS OF BIOMASS RENEWABLE ENERGY FACILITY GENERATION CAPACITY PURSUANT TO S.L. 2010-195 (CLEANFIELDS ACT OF 2010) ARE ELIGIBLE TO SATISFY THE POULTRY WASTE SET-ASIDE.

Upon motion of Senator Jackson, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, May 24.

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

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, May 19.

S.B. 288 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, AND PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Preston, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled.

S.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE FEDERAL CODE, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE HIGHWAY PATROL.

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. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BETTER ENABLE LEGISLATIVE EVALUATION AND ONGOING ASSESSMENT OF THE STATE'S ECONOMIC DEVELOPMENT PROGRAMS AND THEIR IMPACT ON JOB CREATION.

May 17, 2011

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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO INCREASE THE IN REM FORECLOSURE FEE, with a favorable report.

S.B. 670 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO HEARING AID FITTING AND DISPENSING BY CERTAIN LICENSED AUDIOLOGISTS AND REVISING THE MEMBERSHIP ON THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD, 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, 75160, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 525 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE DUPLICATE OVERSIGHT OF CERTAIN DHHS SERVICE PROVIDERS.

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. 731 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.

Senator Clodfelter offers Amendment No. 1 which is adopted (48-0), and changes the title to read **S.B. 731**, (Committee Substitute) A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A MUNICIPALITY OR A COUNTY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.

The Committee Substitute bill, as amended, passes its second reading (38-10) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

May 17, 2011

REMOVAL OF BILL CO-SPONSOR

Senator Atwater requests that he be removed as a sponsor of previously introduced legislation:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW REGARDING GRANDPARENT VISITATION.

Senator Vaughan requests to be removed as a sponsor of previously introduced legislation:

S.B. 731, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ZONING CONTROL OF STRUCTURAL DESIGN AND AESTHETICS IN DESIGNATED HISTORIC DISTRICTS.

Upon motion of Senator Phil Berger, seconded by Senator Clodfelter, the Senate adjourns at 3:54 p.m., subject to the receipt of messages from the House of Representatives, to meet Wednesday, May 18, at 3:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 54 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A DEFENDANT HAS SEVEN OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN NORTH CAROLINA'S OPEN-FILE DISCOVERY LAW, PROTECT CRIME STOPPERS INFORMANTS, PROTECT VICTIM INFORMATION, REQUIRE LAW ENFORCEMENT AND INVESTIGATORY AGENCIES TO MAKE TIMELY DISCLOSURE OF THEIR FILES TO PROSECUTORS, AND AVOID FRIVOLOUS CLAIMS OF PROFESSIONAL MISCONDUCT AGAINST PROSECUTORS.

Referred to the **Judiciary I Committee**.

H.B. 414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX.

Referred to the **Finance Committee**.

May 17, 2011

H.B. 493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS.

Referred to the **Judiciary II Committee**.

H.B. 514 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

Referred to the **Judiciary I Committee**.

H.B. 516, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.

Referred to the **State and Local Government Committee**.

H.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION, WITH THE ASSISTANCE OF THE DEPARTMENT OF COMMERCE, TO STUDY THE DEVELOPMENT OF NATURAL GAS, OIL, WIND, SOLAR, AND OTHER ENERGY SOURCES CAPABLE OF ENERGY PRODUCTION IN NORTH CAROLINA.

Referred to the **Commerce Committee**.

H.B. 594 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER MANAGEMENT SYSTEM FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE PERMITTEE AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED AND (2) PROVIDE THAT THE RULES OF A SANITARY DISTRICT MAY NOT BE MORE RESTRICTIVE THAN OR CONFLICT WITH THE REQUIREMENTS OR ORDINANCES OF A COUNTY WITH JURISDICTION OVER THE AREA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

May 17, 2011

H.B. 845 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA.

Referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-SIXTH DAY

Senate Chamber
Wednesday, May 18, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we, the members and officers and servants of this body, are so grateful that you have placed us in this inspiring place. We are grateful that you have given us this government, one where men and women do not just represent themselves, but they stand in for a wide variety of people in different parts of our great state. Help them work together as a team for the welfare of all our people. Come with your blessing, your guidance, and your peace. May we do what is best for the people, and right in your sight. May we fear nothing other than a failure to depend on you, O Lord, for guidance and vision. We pray in the name of Christ Jesus our Lord. Amen."

The Chair grants a leave of absence for today to Senator Meredith.

Senator James Forrester, Deputy President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Elizabeth Rice from Willow Springs, North Carolina, who is serving the Senate as Nurse of the Day.

May 18, 2011

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 384, AN ACT AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA).

H.B. 222, AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 288, AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, AND PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT.

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 415, AN ACT PRESERVING LITTORAL RIGHTS IN THE TOWNS OF TOPSAIL BEACH AND NAGS HEAD AFTER PUBLICLY FINANCED BEACH NOURISHMENT PROJECTS. (Became law upon ratification, May 17, 2011 - S.L. 2011-78.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 405 (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

May 18, 2011

NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 15157, is adopted and engrossed.

S.B. 426 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO REMOVE THE SUNSET ON SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2, which makes this a roll-call bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 95089, is adopted and engrossed.

S.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE REGULATION OF PROPRIETARY SCHOOLS, 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, 55303, is adopted and engrossed.

By Senator Rabon for the **Transportation Committee**:

S.B. 581, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SECURITY INTEREST IN A TITLE SHALL BE RELEASED AFTER SATISFACTION AND TO RESTRICT FRANCHISED MOTOR VEHICLE DEALERS PLATES TO AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER OR AN IMMEDIATE FAMILY MEMBER OF AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER, with a favorable report.

S.B. 590, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT TERMINAL RENTAL ADJUSTMENT CLAUSES DO NOT CREATE A SALE OR SECURITY INTEREST IN THE LEASED VEHICLE, with a favorable report.

S.B. 315, A BILL TO BE ENTITLED AN ACT TO PERMIT CAMPAIGN SIGNS IN STATE HIGHWAY RIGHTS-OF-WAY WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

May 18, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85203, which changes the title to read **S.B. 315** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CAMPAIGN SIGNS IN HIGHWAY RIGHTS-OF-WAY WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Bingham for the **Health Care Committee**:

H.B. 160, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST AND CERVICAL CANCER AS PROVIDED BY THE BREAST AND CERVICAL CANCER CONTROL PROGRAM, with a favorable report.

By Senator Walters for the **State and Local Government Committee**:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35250, which changes the title to read **S.B. 320** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS, is adopted and engrossed.

H.B. 284 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50343, which changes the title to read **H.B. 284** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDING, is adopted and engrossed.

By Senator Apodaca for the **Insurance Committee**:

H.B. 578 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

May 18, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50340, which changes the title to read **H.B. 578** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE THE BASIC PLAN PREMIUM-FREE USING AVAILABLE CASH BALANCE RESERVES, (2) TO DELAY IMPLEMENTATION OF CERTAIN CHANGES TO THE STATE HEALTH PLAN UNTIL SEPTEMBER 2011, (3) TO COMPLY WITH THE FEDERAL AFFORDABLE CARE ACT, (4) TO CLARIFY THE STATE HEALTH PLAN'S SUBROGATION RIGHTS, (5) TO GRANT THE STATE TREASURER IMMEDIATE ACCESS TO CONFIDENTIAL STATE HEALTH PLAN DOCUMENTS TO PLAN FOR THE TRANSFER, AND (6) TO CLARIFY THE BOARD COMPOSITION AND STAGGER INITIAL APPOINTMENTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed at the end of today's calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

Referred to the **State and Local Government Committee**.

H.B. 528, 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.

Referred to the **State and Local Government Committee**.

H.B. 565, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BOUNDARY LINE AGREEMENT AND LIMIT THE EXTRATERRITORIAL JURISDICTION AND ANNEXATION AUTHORITY WHICH MAY BE EXERCISED BY THE TOWNS OF MOREHEAD CITY AND BEAUFORT.

Referred to the **State and Local Government Committee**.

H.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMAN.

Referred to the **Judiciary II Committee**.

May 18, 2011

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY, 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 Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, May 19, upon third reading.

H.B. 118, A BILL TO BE ENTITLED AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.

Senator Garrou offers Amendment No. 1 which is adopted (49-0).

The 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 sent to the House of Representatives for concurrence in the Senate Amendment No. 1.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS.

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.

H.B. 471, A BILL TO BE ENTITLED AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS.

Senator Nesbitt offers Amendment No. 1 which fails of adoption (19-30).

The bill passes its second reading (30-19) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION.

May 18, 2011

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. 566, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS.

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. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT, 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 Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, May 19, upon third reading.

S.B. 279, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF "RENEWABLE ENERGY RESOURCE" THAT PERTAINS TO THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (REPS) TO CLARIFY THAT WOOD IS A RENEWABLE ENERGY RESOURCE AND THAT WOOD NEED NOT BE A WASTE PRODUCT TO QUALIFY AS A RENEWABLE ENERGY RESOURCE.

The bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 537, A BILL TO BE ENTITLED AN ACT TO INCREASE THE IN REM FORECLOSURE FEE.

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.

May 18, 2011

S.B. 602 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS 3 MISDEMEANOR FOR A PERSON TO ALLOW DOMESTIC FOWLS TO RUN AT LARGE ON THE LANDS OF A COMMERCIAL POULTRY OPERATION AFTER RECEIVING ACTUAL OR CONSTRUCTIVE NOTICE OF THE RUNNING AT LARGE.

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. 670 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO HEARING AID FITTING AND DISPENSING BY CERTAIN LICENSED AUDIOLOGISTS AND REVISING THE MEMBERSHIP ON THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD.

The 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.

H.B. 306 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Appropriations/Base Budget Committee**.

The Senate recesses at 3:50 p.m. to reconvene at 4:10 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Stevens for the **Appropriations/Base Budget Committee**:

H.B. 306 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY, with a favorable report.

May 18, 2011

Upon motion of Senator Apodaca, 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 (48-0) 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 the Senate Committee Substitute bill.

CALENDAR (*continued*)

H.B. 578 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE THE BASIC PLAN PREMIUM-FREE USING AVAILABLE CASH BALANCE RESERVES, (2) TO DELAY IMPLEMENTATION OF CERTAIN CHANGES TO THE STATE HEALTH PLAN UNTIL SEPTEMBER 2011, (3) TO COMPLY WITH THE FEDERAL AFFORDABLE CARE ACT, (4) TO CLARIFY THE STATE HEALTH PLAN'S SUBROGATION RIGHTS, (5) TO GRANT THE STATE TREASURER IMMEDIATE ACCESS TO CONFIDENTIAL STATE HEALTH PLAN DOCUMENTS TO PLAN FOR THE TRANSFER, AND (6) TO CLARIFY THE BOARD COMPOSITION AND STAGGER INITIAL APPOINTMENTS, placed earlier on today's calendar.

Senator Nesbitt offers Amendment No. 1.

Pursuant to Rule 57.1, the Chair rules Amendment No. 1 to be not germane.

The Senate Committee Substitute bill passes its second reading (33-16) 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 the Senate Committee Substitute bill.

Upon motion of Senator Phil Berger, seconded by Senator Doug Berger, the Senate adjourns at 4:28 p.m., subject to the receipt of messages from the House of Representatives, to meet Thursday, May 19, at 12:00 p.m.

May 18, 2011

SIXTY-SEVENTH DAY

Senate Chamber
Thursday, May 19, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, it is remarkable that you take us back every day, time after time. Your grace reigns down. You don't turn your back, you don't crush us nor abandon us. But like children, you remind us that we are your beloved and that in returning and rest we shall be saved. Remind us daily, Lord Jesus, that your grace is larger than our small delusions. That your power is made perfect in our weakness and that your righteousness is an ever flowing stream. May we align our will, our lives and our actual cantor to those with your eternal life. We make our prayer in Christ's name, Amen."

The Chair grants a leave of absence for today to Senator White.

Senator Forrester, Deputy President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 371, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS.

H.B. 471, AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS.

H.B. 506, AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION.

May 19, 2011

H.B. 566, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS.

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. 288, AN ACT EXPANDING THE PURPOSES FOR WHICH THE TOWNS OF ATLANTIC BEACH AND BEAUFORT MAY USE THE PROCEEDS FROM ON-STREET PARKING METERS, AND PROVIDING THAT PARKING METERS IN THE TOWNS MAY BE ACTIVATED BY COMMERCIALY AVAILABLE MEANS OF PREPAYMENT CREDIT. (Became law upon ratification, May 18, 2011 - S.L. 2011-79.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 382, A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS, 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, is adopted and engrossed.

S.B. 730, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FAILURE BY THE DEPARTMENT OF REVENUE TO ISSUE A FINAL DETERMINATION WITHIN THE REQUIRED TIME IS GROUNDS FOR A TAXPAYER TO SEEK A COURT ORDER COMPELLING THE ISSUANCE OF THE FINAL DETERMINATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55305, is adopted and engrossed.

S.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 15159, is adopted and engrossed.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is placed on the calendar for Tuesday, May 24.

May 19, 2011

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 143, A BILL TO BE ENTITLED AN ACT TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY DETENTION FACILITIES, with a favorable report.

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO MAKE GOLD (AURUM) THE STATE MINERAL, with a favorable report.

S.B. 713, A BILL TO BE ENTITLED AN ACT TO ALLOW DISTILLERIES IN NORTH CAROLINA TO SELL AT RETAIL SPIRITUOUS LIQUOR THAT HAS BEEN DISTILLED AT THE LICENSED DISTILLERY FOR THE PRICE SET BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION OF THAT PARTICULAR BRAND OF SPIRIT TO INCLUDE ALL APPLICABLE EXCISE AND SALES TAXES AND TO ALLOW SPIRITUOUS LIQUOR TASTINGS AT DISTILLERIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75161, which changes the title to read **S.B. 713** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW DISTILLERIES IN NORTH CAROLINA TO SELL, TO PATRONS WHO HAVE PARTICIPATED IN A TOUR OF A DISTILLERY, AT RETAIL SPIRITUOUS LIQUOR THAT HAS BEEN DISTILLED AT THE LICENSED DISTILLERY FOR THE PRICE SET BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION OF THAT PARTICULAR BRAND OF SPIRIT TO INCLUDE ALL APPLICABLE EXCISE AND SALES TAXES, is adopted and engrossed.

S.B. 727, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED 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 55304, is adopted and engrossed.

H.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80229, is adopted and engrossed.

May 19, 2011

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

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, May 26.

H.B. 160, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST AND CERVICAL CANCER AS PROVIDED BY THE BREAST AND CERVICAL CANCER CONTROL PROGRAM.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

H.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan and Walters--49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 284 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDING.

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 in the Senate Committee Substitute bill.

May 19, 2011

H.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan and Walters--49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 426 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO REMOVE THE SUNSET ON SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan and Walters--49.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the calendar for Monday, May 23, upon third reading.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF CITIES CONCERNING WATER AND WASTEWATER TREATMENT AND DISTRIBUTION SYSTEMS.

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.

May 19, 2011

S.B. 405 (Committee Substitute No. 2), 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.

Without objection, Senator Meredith 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 (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. 581, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A SECURITY INTEREST IN A TITLE SHALL BE RELEASED AFTER SATISFACTION AND TO RESTRICT FRANCHISED MOTOR VEHICLE DEALERS PLATES TO AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER OR AN IMMEDIATE FAMILY MEMBER OF AN OFFICER, SALES REPRESENTATIVE, OR OTHER EMPLOYEE OF A FRANCHISED MOTOR VEHICLE DEALER.

Without objection, Senator Brown requests to be excused from voting on the bill due to a conflict of interest.

The bill passes its second reading (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. 590, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT TERMINAL RENTAL ADJUSTMENT CLAUSES DO NOT CREATE A SALE OR SECURITY INTEREST IN THE LEASED VEHICLE.

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. 685 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE REGULATION OF PROPRIETARY SCHOOLS.

The 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.

Upon motion of Senator Phil Berger, seconded by Senator Hunt, the Senate adjourns at 12:34 p.m., subject to the ratification of bills and receipt of messages from the House of Representatives, to meet Monday, May 23, at 7:00 p.m.

May 19, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 245 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, May 23.

H.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OFFENDERS ARE PROHIBITED FROM OBTAINING PUBLIC EMPLOYEES' PERSONNEL RECORDS.

Referred to the **Judiciary I Committee**.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO THE DEPARTMENT OF CORRECTION TO COMPLETE THE CONSTRUCTION OF AN AUTHORIZED PRISON HOSPITAL.

Referred to the **Health Care Committee**.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INDIVIDUALS ENGAGED IN A PATTERN OF STREET GANG ACTIVITY ARE SUBJECT TO INJUNCTIONS AS NUISANCES PURSUANT TO CHAPTER 19 OF THE GENERAL STATUTES.

Referred to the **Judiciary II Committee**.

H.B. 795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH CARE PROVIDERS TO RELEASE PATHOLOGICAL MATERIALS AND RECORDS TO PATIENTS UPON WRITTEN REQUEST.

Referred to the **Health Care Committee**.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 578, AN ACT (1) TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE THE BASIC PLAN PREMIUM-FREE USING AVAILABLE CASH BALANCE RESERVES, (2) TO DELAY IMPLEMENTATION OF CERTAIN CHANGES TO THE STATE HEALTH PLAN UNTIL SEPTEMBER 2011, (3) TO COMPLY WITH THE FEDERAL AFFORDABLE CARE ACT, (4) TO CLARIFY THE STATE

May 19, 2011

HEALTH PLAN'S SUBROGATION RIGHTS, (5) TO GRANT THE STATE TREASURER IMMEDIATE ACCESS TO CONFIDENTIAL STATE HEALTH PLAN DOCUMENTS TO PLAN FOR THE TRANSFER, AND (6) TO CLARIFY THE BOARD COMPOSITION AND STAGGER INITIAL APPOINTMENTS.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-EIGHTH DAY

Senate Chamber
Monday, May 23, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord God, thank you for gathering us into this place, we are in the process of learning what it means to serve the people of this great state. Would you give us tonight, a picture of the type of wisdom that comes down from above, a wisdom that is counter to our own making, and our own expectations. Give us, we pray, a wisdom that is quiet, gentle, meek, does not boast in itself, but boasts in your glory, oh Lord. Plant in us, submitted "lives" that echo the particular place you have placed each one of us, humility to accept the pots you have planted us in. We make our prayer in the name of the one that did display a peace that surpasses all understanding, despite the humiliations thrown his way. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, May 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Karen Schnell from Mebane, North Carolina, and Margo Packheiser from Greensboro, North Carolina who are serving the Senate as Nurses of the Day.

May 23, 2011

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 247, AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY.

H.B. 280, AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 537, AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES 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. 371, AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM TO RECEIVE BIDS ELECTRONICALLY IN ADDITION TO OR INSTEAD OF PAPER BIDS WHEN LETTING CONTRACTS ON INFORMAL BIDS. (Became law upon ratification, May 19, 2011 - S.L. 2011-80.)

H.B. 471, AN ACT TO EXPAND THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE FOR THE ELECTION OF ALL BUT THE CHAIR BY DISTRICTS. (Became law upon ratification, May 19, 2011 - S.L. 2011-81.)

H.B. 506, AN ACT AUTHORIZING THE TOWN OF WRIGHTSVILLE BEACH TO REMOVE AND DISPOSE OF ABANDONED VESSELS WITHIN THE TOWN'S ZONING JURISDICTION. (Became law upon ratification, May 19, 2011 - S.L. 2011-82.)

H.B. 566, AN ACT TO CHANGE THE TERM OF OFFICE OF THE MAYOR AND COUNCIL OF THE TOWN OF GRANTSBORO TO FOUR YEARS. (Became law upon ratification, May 19, 2011 - S.L. 2011-83.)

May 23, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.B. 63, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT CERTAIN PERSONS ARE NOT SUBJECT TO THE STATUTES GOVERNING COLLECTION AGENCIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55306, which changes the title to read **S.B. 63** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGULAR EMPLOYEES OF DULY LICENSED DEBT COLLECTION AGENCIES ARE NOT REQUIRED TO OBTAIN A COLLECTION AGENCY PERMIT, is adopted and engrossed.

S.B. 385, A BILL TO BE ENTITLED AN ACT CONCERNING THE CONFIDENTIALITY OF SMALL BUSINESS COUNSELING INFORMATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15160, which changes the title to read **S.B. 385** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT SMALL BUSINESS ASSISTANCE RECORDS ARE NOT PUBLIC RECORDS, is adopted and engrossed.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FAILURE BY THE DEPARTMENT OF REVENUE TO ISSUE A FINAL DETERMINATION WITHIN THE REQUIRED TIME IS GROUNDS FOR A TAXPAYER TO SEEK A COURT ORDER COMPELLING THE ISSUANCE OF THE FINAL DETERMINATION.

Upon motion of Senator Clodfelter, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Wednesday, May 25.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY, for concurrence in the House Amendment No. 1.

May 23, 2011

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed at the end of tonight's calendar for concurrence in the House Amendment No. 1.

CALENDAR (*continued*)

S.B. 426 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFICATIONS AND MODIFICATIONS TO THE PUBLIC FINANCE STATUTES OF NORTH CAROLINA FOR THE IMPROVEMENT OF VARIOUS FINANCING STRUCTURES AND THE TERMS AND PROVISIONS OF THE FINANCING STRUCTURES AND TO REMOVE THE SUNSET ON SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 382 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Tuesday, May 24, upon third reading.

S.B. 129, A BILL TO BE ENTITLED AN ACT TO MAKE GOLD (AURUM) THE STATE MINERAL.

Senator Brown offers Amendment No. 1 which is adopted (50-0).

May 23, 2011

The bill, as amended, passes its second reading (46-4) 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. 143, A BILL TO BE ENTITLED AN ACT TO MODIFY DORMITORY REQUIREMENTS IN CERTAIN COUNTY DETENTION FACILITIES.

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.

S.B. 713 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW DISTILLERIES IN NORTH CAROLINA TO SELL, TO PATRONS WHO HAVE PARTICIPATED IN A TOUR OF A DISTILLERY, AT RETAIL SPIRITUOUS LIQUOR THAT HAS BEEN DISTILLED AT THE LICENSED DISTILLERY FOR THE PRICE SET BY THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION OF THAT PARTICULAR BRAND OF SPIRIT TO INCLUDE ALL APPLICABLE EXCISE AND SALES TAXES.

The Committee Substitute bill passes its second reading (32-18) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, May 24.

H.B. 98 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, May 24.

S.B. 245 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor.

May 23, 2011

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 306, AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY.

CALENDAR (*continued*)

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY, placed earlier on today's calendar for concurrence in the House Amendment No. 1.

Upon motion of Senator Hartsell, the Senate concurs in the House Amendment No. 1 (40-10) and the bill is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED PLASTIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY PLASTIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER PLASTIC KNUCKLES TO A MINOR, 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, which changes the title to read **S.B. 149** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED NONMETALLIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY NONMETALLIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER NONMETALLIC KNUCKLES TO A MINOR, is adopted and engrossed.

May 23, 2011

S.B. 560, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15161, is adopted and engrossed.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Dylan Blackwell, Wilmington; Jacob Blount, Laurinburg; Anna Lisa Ciarrocca, Laurinburg; Elizabeth Dunbar, Laurinburg; Andre' Elliot Jr., Goldsboro; Rachel Godwin, Wilson; J.D. Greco Jr., Wilmington; Cara Beth Harrison, Pink Hill; Adam Romaine, Laurinburg; Evan Smith, Shelby; Rachel Terrio, Gastonia; Drew Thomas, Morganton; and Lizzy Yelverton, Eureka.

Upon motion of Senator Phil Berger, seconded by Senator Graham, the Senate adjourns at 7:41 p.m., subject to the receipt of messages from the House of Representatives, to meet Tuesday, May 24, at 1:30 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 72 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT GRANTING CERTAIN COMMUNITY COLLEGES ADDITIONAL FLEXIBILITY WITH REGARD TO INVESTMENTS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF PRIMARY IN EVEN NUMBERED YEARS THE GENERAL ELECTION OR THE MUNICIPAL GENERAL ELECTION, EXCEPT IN CASES OF A PUBLIC HEALTH OR SAFETY EMERGENCY.

Referred to the **Judiciary I Committee**.

H.B. 387, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; AND CLARIFYING WHAT INFORMATION THE DIVISION OF SOCIAL SERVICES IS REQUIRED TO MAINTAIN IN THE FOSTER CARE REGISTRY AND UNDER WHAT CIRCUMSTANCES INFORMATION IN THE REGISTRY MAY BE WITHHELD.

Referred to the **Judiciary II Committee**.

May 23, 2011

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

Referred to the **Education/Higher Education Committee**.

H.B. 572 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING.

Referred to the **Finance Committee**.

H.B. 605 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.

Referred to the **Judiciary I Committee**.

H.B. 658, A BILL TO BE ENTITLED AN ACT TO CHANGE THE EARLY VOTING PERIOD.

Referred to the **Judiciary I Committee**.

H.B. 690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT INTEREST EARNED ON REAL ESTATE SETTLEMENT FUNDS HELD IN TRUST OR ESCROW ACCOUNTS BE PAID INTO THE NORTH CAROLINA STATE BAR'S INTEREST ON LAWYERS' TRUST ACCOUNT FUND AND TO PROVIDE FOR A PRIVATE CAUSE OF ACTION FOR PERSONS HARMED BY THE UNAUTHORIZED PRACTICE OF LAW.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-NINTH DAY

Senate Chamber
Tuesday, May 24, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"We give our hearts so easily to the ruler of this world, Lord. Blessed are those who take refuge in you. We've all seen hard times and it's not any wonder that we all fall, but blessed are those that take their refuge in you. Turn our hearts to the words of the Apostle Paul to the church in Rome today. When he said, 'May the God of hope fill you with all joy and peace in believing, so that the power of the Holy Spirit may abound and through the power of the Holy Spirit you may abound in hope. Amen.'"

The Chair grants a leave of absence for today to Senator Blue.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, May 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Andrea Honeycutt from Chapel Hill, North Carolina, who is serving the Senate as Doctor of the Day, and to Janis Puglisi from Lewisville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 245, AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH.

S.B. 316, AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE

May 24, 2011

DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER 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 35252, which changes the title to read **S.B. 743** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE AND BY LIMITING LIABILITY FOR NONPROFIT COMMUNITY HEALTH REFERRAL SERVICES, is adopted and engrossed.

Upon motion of Senator Bingham, the Committee Substitute bill is referred to the **Finance Committee**.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 382 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING OF INCOME TAXES FROM SALES OF REAL PROPERTY AND ASSOCIATED TANGIBLE PERSONAL PROPERTY BY NONRESIDENTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---47.

Voting in the negative: Senators Daniel and Newton---2.

The Committee Substitute bill is ordered sent to the House of Representatives.

May 24, 2011

S.B. 63 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGULAR EMPLOYEES OF DULY LICENSED DEBT COLLECTION AGENCIES ARE NOT REQUIRED TO OBTAIN A COLLECTION AGENCY PERMIT.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL INTENTIONALLY TO CARRY CONCEALED NONMETALLIC KNUCKLES EXCEPT ON ONE'S OWN PROPERTY; TO MAKE IT UNLAWFUL TO CARRY NONMETALLIC KNUCKLES, WHETHER OPENLY OR CONCEALED, ON EDUCATIONAL PROPERTY; AND TO MAKE IT UNLAWFUL TO SELL OR OTHERWISE TRANSFER NONMETALLIC KNUCKLES TO A MINOR.

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. 183 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH CERTAIN STATUTORY STANDARDS FOR SELECTIVE VEGETATION REMOVAL WITHIN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM.

Senator Brown offers Amendment No. 1 which is adopted (46-3).

The Committee Substitute bill No. 2, as amended, passes its second reading (36-13) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 385 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT SMALL BUSINESS ASSISTANCE RECORDS ARE NOT PUBLIC RECORDS.

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. 484 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ADDITIONAL CREDITS ASSIGNED TO THE FIRST TEN MEGAWATTS OF BIOMASS RENEWABLE ENERGY FACILITY GENERATION CAPACITY PURSUANT TO S.L. 2010-195 (CLEANFIELDS ACT OF 2010) ARE ELIGIBLE TO SATISFY THE POULTRY WASTE SET-ASIDE.

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.

May 24, 2011

S.B. 560 (Committee Substitute), 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.

The Committee Substitute bill passes its second reading (36-13) 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. 200 (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 ENACT BUDGET RELATED AMENDMENTS; AND TO REORGANIZE STATE GOVERNMENT, referred to the **Appropriations/Base Budget Committee** on May 5.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee** and if favorable re-referred to **Appropriations/Base Budget Committee** and if favorable re-referred to **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Appropriations/Base Budget Committee** and re-refers the measure to the **Finance Committee** and if favorable re-referred to **Appropriations/Base Budget Committee** and if favorable re-referred to **Pensions & Retirement and Aging Committee**.

CALENDAR *(continued)*

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, May 25.

H.B. 98 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY.

The Senate Committee Substitute bill passes its second reading (40-9) 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 the Senate Committee Substitute bill.

May 24, 2011

Upon motion of Senator Phil Berger, seconded by Senator Stein, the Senate adjourns at 2:13 p.m., subject to the receipt of messages from the House of Representatives, to meet Wednesday, May 25, at 9:30 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

Referred to the **Judiciary I Committee**.

H.B. 206, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS.

Referred to the **Finance Committee**.

H.B. 367, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION.

Referred to the **State and Local Government Committee**.

H.B. 486, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF TRYON.

Referred to the **State and Local Government Committee**.

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND ANNEX TO THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST TOWNSHIP, AS REQUESTED BY THOSE MUNICIPALITIES.

Referred to the **State and Local Government Committee**.

H.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE FELONY FIREARMS ACT.

Referred to the **Judiciary II Committee**.

H.B. 596 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE PROCEEDS OF CERTAIN DISPOSITIONS OF STATE-OWNED REAL PROPERTY BE USED IN PART TO SUPPORT THE GENERAL FUND, IN PART TO SUPPORT THE TEACHERS' AND STATE

May 24, 2011

EMPLOYEES' RETIREMENT SYSTEM OF NORTH CAROLINA, AND IN PART TO SUPPORT THE AGENCIES TO WHICH THE PROPERTY WAS ALLOCATED; AND TO APPROPRIATE FUNDS FOR THESE PURPOSES.

Referred to the **Finance Committee**.

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.J.R. 697, A JOINT RESOLUTION DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO ASSESS CHRONIC DISEASE MANAGEMENT OF STROKE PREVENTION IN ATRIAL FIBRILLATION.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTIETH DAY

Senate Chamber
Wednesday, May 25, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we are grateful that this is the day that you have made. And so you hold all principalities, powers, and dominions in your loving and grace filled hands. As the poor citizens in Missouri and Oklahoma are suffering following the tornadoes, and as we re-build here across our state, would you come to our assistance? These 'weaknesses' remind us that often times we live a lie. Our lives are insane, and we don't even know it. We live in a way that is false to reality, and we live as if one upping someone and striving for selfish ambition is ok. Show us, Oh Lord, and lead us into the pathways of knowing how to live skillfully. As a pastor once said, 'You don't even need to ever open your mouth for others to tell that you are wise.' The wisdom from above is pure. And this is wisdom. That nothing can separate us from the love of God that was displayed in Christ. And even more, you remind us in the letter to your Hebrews, never

May 25, 2011

will I leave you, never will I forsake you. Because you are the great high priest that has gone through the heavens, and you are, like us, acquainted with grief. Thank you for being that type of God, and thank you for being that type of help. In Christ's name, Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Judy Schneider from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 474, AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 200, AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY.

S.B. 201, AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61.

May 25, 2011

H.B. 118, AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM.

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. 129, AN ACT TO PROTECT JOBS AND INVESTMENT BY REGULATING LOCAL GOVERNMENT COMPETITION WITH PRIVATE BUSINESS. (Become law without the approval of the Governor, May 21, 2011 - S.L. 2011-84.)

S.B. 323, AN ACT TO MAKE APPROPRIATIONS AND ADJUSTMENTS FOR THE 2011-2013 FISCAL BIENNIUM TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES; AND TO TRANSFER THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO THE OFFICE OF STATE TREASURER. (Become law without the approval of the Governor, May 23, 2011 - S.L. 2011-85.)

H.B. 537, AN ACT TO ESTABLISH THE BOUNDARY BETWEEN THE BROADWAY AND MORAVIAN FALLS FIRE TAX DISTRICTS IN WILKES COUNTY. (Become law upon ratification, May 23, 2011 - S.L. 2011-86.)

SENATE RESOLUTION FILED

Upon motion of Senator Apodaca, Rule 40.1 is suspended to allow Senator Brunstetter to file and introduce S.R. 779 regarding Memorial Day and Veterans, which motion prevails.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 200 (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 ENACT BUDGET RELATED AMENDMENTS; AND TO REORGANIZE STATE GOVERNMENT, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill, as amended.

May 25, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, as amended, 30341, which changes the title to read **H.B. 200** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

The Senate recesses at 9:50 a.m. to reconvene at 2:00 p.m., subject to the introduction of bills and receipt of messages from the House of Representatives.

RECESS

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 Brunstetter, Pate (Primary Sponsors); Allran, Apodaca, Atwater, P. Berger, Bingham, Blake, Blue, Brock, Brown, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White:

S.R. 779, A SENATE RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY.

Placed on today's calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Senate recesses at 2:06 p.m. to reconvene at 2:30 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.R. 779, A SENATE RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY.

May 25, 2011

Upon motion of Senator Apodaca, the Senate Resolution is read in its entirety and Rule 40(b) is suspended to allow debate on the resolution. Upon motion of Senator Brock, the remarks of the members are spread upon the journal as follows:

SENATOR BRUNSTETTER: "Thank you, Mr. President. Members, Veterans, I think one of the most moving moments I had here in this Senate Chamber was last year when our principal reading clerk went through this resolution. You might remember that Ted, as he read in the resolution, lost his composure and it was because he was remembering a family member who he had lost I believe in the Korean War and as each name was read you could see he had a harder and harder time controlling his emotions as his memories took him back to that loved one and I think the wonderful thing about this resolution each year is that it is so powerful. Just the names that are read as we think about the sacrifice that was made. It is very clear to me that North Carolina is in the vanguard of defending this nation and part of being up front means that you bear a disproportionate share of the loss. And I couldn't help but think as we're reading through these names that every one of these people leave behind a loved one, leave behind families. I know what it's like to get a call that a child's been injured in a war zone and I cannot imagine what these people are going through as they look across the table and there's an empty chair or they head to church on Sunday and somebody's not there to drive and yet, the sacrifice is so real. You know, we spent a good deal today debating, arguing, comparing ideas in committee and it's because of every one of these veterans that we are able to do this and we and all the citizens of this country owe them an incredible debt of gratitude. Mr. President, I would like to ask if I can if the members of the Senate and other folks who are here on the chamber floor, we'll get to the gallery in a minute, who are veterans would please stand. (Applause). Mr. President, one of the things I think is interesting is you see who has served in this chamber and you're starting to see the face of military veterans. We have people like Senator Daniel and Senator Soucek who are West Point classmates, and who have served in some of our more recent conflicts. We have General Forrester over here, we have Senator Pate, who really gave much of their lives to the military service and we have Senator Dannelly, who I think served in the American Revolution. But the service of these members has been tremendous and they're an inspiration to me. I would just say there's others that will comment on this to the veterans in our gallery, I am so grateful for your service, I'm so thankful that we have the opportunity to debate, to make policy, and disagree in freedom and in peace because of your sacrifice. I want to thank you for your service and remind everybody to please keep those that continue to be in harm's way in your prayers. Thank you."

SENATOR PATE: "First of all, Senator Dannelly slipped me a note to remind Senator Brunstetter that it was the Spanish-American War! Thank you for his service as well. Ladies and Gentlemen, Memorial Day weekend has become the beginning of summer as we know it in the United States and a lot of people

May 25, 2011

don't even think about what Memorial Day weekend stands for. But, that's their right. That is their right that so many people fought and died for so that they can make that choice. But as you go along this weekend, whatever plans you may have I hope you will take a moment and think about the ultimate sacrifice that's been made by so many people, so many youth, from our country, who have done this ultimate sacrifice. And if you have an opportunity, I'm sure just about every community has a Memorial Day Service sometime this weekend, and I would urge you to take a moment and go by and participate because they are very moving services and you will not know how much it will be appreciated by your presence for a family member who have lost a loved one. So I commend this resolution to you."

SENATOR EAST: "Mr. President, three or four weeks ago, Senator Hartsell stood up and told us all about a situation where a young fellow was at first missing in action in Viet Nam in the late 60's, as I recall, and some ten years later he was declared dead and had all the military rites and whatever goes along when one is announced officially dead and he also told us that recently some identifying bone fragments had been found in the country of Laos and there was to be a celebration of this young fellow's life in Concord and he invited us all to go. Well, guess what, me and Senator Bingham and three other fellows from Raleigh and we drove to Concord, on our motorcycles to Concord. I've never spent a more moving day, a more wonderful day in tribute to a young fellow who was probably about my age, probably about Senator Hartsell's age, who left Concord as a boy and only returned to Concord almost fifty plus years later. That was a wonderful, moving experience. It was a tremendously patriotic experience. There were thousands and thousands of motorcycles, antique cars, and had bands and singing. They finally brought the remains of this soldier home and brought a little closure to his family. It was a wonderful, wonderful ceremony. Senator Hartsell, thank you so much for inviting us and I'm so proud to have taken part in that event."

SENATOR BROWN: "Thank you, Mr. President. You know, I'm very, very fortunate to represent a county, Onslow County, that has Camp Lejeune and New River Air Station, and we have probably, I guess, somewhere in the 50,000 range as far as Marines that are stationed in my district. Memorial Day is a very special day in Onslow County. There will probably be, I would guess, probably anywhere from 5-10 ceremonies this weekend in Onslow County. I try to attend at least a couple of them each year. There's a key ceremony that's always in a veterans cemetery in Jacksonville and that one in particular, I try to attend because it's, in my opinion, one of the best I would say across the state. It is well attended, there will be hundreds of people at this event and it's a very, very moving event. I would just challenge all of you this weekend to take some time and go to one of these events. Senator East, you're right, they're moving and, you know, when you're around this group of people and in my case daily, I think it just means a little bit more. You know, you really appreciate, I think this holiday, a whole lot more than any other probably. We'll lay a couple of

May 25, 2011

wreaths that day during that ceremony and we'll have a celebration of those lives and normally we have a speaker that has been a lifelong military person and really will probably tell us a moving story about his life in the military. It's just, I can't tell you how good of an event it is and I'm sure Senator Mansfield, Senator Meredith from Fayetteville, I'm sure you've got the same situation but I would really challenge you to go to one of these events. It is a special, special event and a special day and I think it will touch you probably like nothing else. So, I ask you to support this resolution."

SENATOR DANNELLY: "Ladies and Gentlemen, I guess being the senior veteran in this body I want to remind you of something that Senator Brunstetter sort of touched on it. We're honoring veterans on this day but as we honor those veterans and give our wholehearted thanks and support to the surviving family members. They're the ones that are still suffering. Let us never forget them because their loved ones made the ultimate sacrifice so that we could enjoy the freedoms we have now. I urge you to support this resolution."

SENATOR DANIEL: "Mr. President, members of the Senate, I thank my distinguished colleague, Senator Brunstetter, for bringing this forward. During the week we have a friendly Army-Navy rivalry. On Memorial Day, we put that aside for the time being to resume next week. As we went down the list of the deceased on this resolution I noticed that Army Specialist Jacob Carroll from Clemmons, NC, is the grandson of one of the county commissioners in my county. He was a fourth generation Army soldier and the only one that wasn't able to return. I was also sitting here thinking about some of the cadet knowledge we had to learn as a West Point cadet and I was reminded of the Code of Conduct, the Army Code of Conduct, which many of you in the gallery, I am sure, had to learn and which every Army soldier has to learn and if you'll allow me, Mr. President, I'd like to read it. At one point I had it committed to memory but no longer. The Army Code of Conduct says and the reason I would like to read it to you is because I think it tells you the commitment that Army soldiers have to the job that they're called to do:

I am an American fighting in the forces which guard my country and our way of life. I am prepared to give my life in their defense. I will never surrender of my own free will. If in command I will never surrender the members of my command while they still have the means to resist. If I am captured I will continue to resist by all means available. I will make every effort to escape and to aid others to escape. I will accept neither parole nor special favors from the enemy. If I become a Prisoner of War I will keep faith with my fellow prisoners. I will give no information or take part in any action which might be harmful to my comrades. If I am a senior I will take command; if not, I will obey the lawful orders of those appointed over me and will back them up in every way. When questioned should I become a Prisoner of War, I am required

May 25, 2011

to give name, rank, service number and date of birth. I will evade answering further questions to the utmost of my ability. I will make no oral or written statements disloyal to my country and its allies or harmful to their cause. I will never forget that I am an American fighting for freedom, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.

And, today, I just want to thank those that have died before us and the families who have suffered loss. Thank you."

SENATOR SOUCEK: "I had a moment as a company commander in the Army that drove home the meaning of Memorial Day to me. I was commanding an international company of soldiers that were in this country to train and one of the things we did, we took the officers that were going to be moving on in their country's military and we brought them to the Tomb of the Unknown Soldier, and we thought that this was displaying a little bit of our culture and a little bit of what's important to us and had a very surprising moment then. The soldiers from the Middle East, they were from Africa, they were from all over Europe, and they said, 'Why in the world would you honor not only a dead soldier, but a soldier that you don't even know who it was.' And it gave me pause, that's very common in our culture, that we understand what was foreign to them. And it made me pause to think why do we do this. And the answer I came up with and gave to them is because every living soldier we have knows that if they give the ultimate sacrifice that they will be remembered and they will be honored, and I thought we don't do the Tomb of the Unknown Soldier to honor the dead, we do it to honor the living and what that means to every soldier that's active duty, every veteran, and every family. And that was the moment I had and at the cemetery I was able to share, that drove it home to me. I would like to end with a short verse from the West Point alma mater that I think describes the situation well. It says 'And when our work is done our course on earth is run, may it be said well done, be thou at Peace.'"

SENATOR ATWATER: "Please allow me to borrow from President Lincoln's Gettysburg Address of 1863. I remember the line '...the world will little note nor long remember what we say here, but it can never forget what they did here.' I believe President Lincoln's sentiment is just as relevant today as it was in 1863. It is our desire to never forget what our present day fallen veterans have done for each one of us and this nation. The fallen veterans that we honor today sacrificially died to preserve the freedom, safety and promise of this great nation. For some of these fallen veterans sadly we will never know the exact circumstances that surrounded their deaths in far away locations, but we will always remember the ultimate sacrifice that was made by them for their country and our way of life. It is a real privilege to stand before you today to remember these veterans as well as their loving and grieving families. In closing, there is another theme in President Lincoln's remarks that always struck me as so very

May 25, 2011

meaningful. He said, 'If you really want to be about the business of honoring these soldiers, you need to be about the unfinished business that they were about.' I think about our privileged roles as senators in this great state and nation to be about the business of the 'unfinished business' that President Lincoln invoked. May we rededicate ourselves to the unfinished business of unifying and perfecting a more perfect state and nation, a state and nation that truly reflects the reality of the great promises of the foundational principles upon which we were founded. May God bless America and the veterans whose names we called out today who all were either National Guard members or were from military units stationed in North Carolina and may God most especially bless the families of these fallen veterans and hold them so very close to His heart."

SENATOR PHIL BERGER: "Thank you, Mr. President. Members of the Senate, I think all of us are touched when we look through a list of people who have given the ultimate sacrifice, particularly when we think about the fact that the sacrifice has been so recent and that these were among us not that long ago. And so it's natural for us to think about lives that are cut short; it's natural for us to think about things that could have been done that will not be done, but you know, I think most of these folks would want us to think about the things that we are enabled to do because of what they did and I think sometimes we don't put enough emphasis on that part of it. The fact that their sacrifice really should be for something and for us to understand that their sacrifice was and is for something and that there's a responsibility that we have, not just to remember; which we do and we think about on Memorial Day and at other times when we meet with our veterans and when we celebrate or commemorate certain occasions, but we have an obligation and a responsibility to carry on and to perpetuate those things that were important to them, to carry on and perpetuate those values that they sacrificed for, and I think sometimes we get into the day-to-day grind, so to speak, even here at the Legislature, and we get into sometimes those things that seem critically important at one moment in time and yet, when we step back and we think about what's really important, those are the things that I think the sacrifice was for and those are the things that I think we need to keep in mind and as we consider this resolution, I encourage everyone to vote for the resolution and support the resolution, but as we do that, on behalf of the entire Senate, I would of course express our appreciation to those veterans who are still with us because while they did not give the ultimate sacrifice that we honor today, they did sacrifice and they continue to sacrifice and so I thank you, each and every one of you, and those who are not here. And Mr. President, I ask that all members of the Senate support the resolution."

LT. GOVERNOR: "On behalf of all the members of the Senate, we certainly want to extend the courtesies of the gallery to our military veterans. We are honored and privileged to have you here today and we are humbled to be in your presence. You are the ones that make this the greatest nation on earth, you have preserved and protected our freedoms at great sacrifice. Senator Dannelly is

May 25, 2011

right, we thank your families also for their sacrifice because those also serve who stand and wait. North Carolina, if I recall history correctly, has given more in every war than any other state. We are very proud of that heritage. We are proud of our military presence in North Carolina, but most of all we are proud of you that are here today and we thank you for all that you have done for us. If you would all veterans in the gallery, I would first ask that you stand. I now ask the members to give a standing ovation. (Applause) You may be seated. Again, thank you so much. I would like to call each and every name. I'm not able to do that. I know Senator East has furnished me the members from the Jesse B. Jones Post 123 but again if I can't call all the names, I feel it's not appropriate to call the selected ones but we thank you for being here. You have honored our nation in so many ways."

The Senate Resolution is adopted (50-0).

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 26.

S.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FAILURE BY THE DEPARTMENT OF REVENUE TO ISSUE A FINAL DETERMINATION WITHIN THE REQUIRED TIME IS GROUNDS FOR A TAXPAYER TO SEEK A COURT ORDER COMPELLING THE ISSUANCE OF THE FINAL DETERMINATION.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, May 26.

Upon motion of Senator Phil Berger, seconded by Senator Brown, the Senate adjourns at 3:22 p.m., subject to the receipt of committee reports, receipt of messages from the House of Representatives and re-referral of bills, to meet Thursday, May 26, at 11:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 30 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GARNISHMENT OF WAGES AS AN ADDITIONAL MEANS OF SATISFYING JUDGMENTS IN CIVIL ACTIONS INVOLVING UNFAIR OR DECEPTIVE ACTS OR PRACTICES.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

May 25, 2011

H.B. 139 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LIMIT CAMPAIGN CONTRIBUTIONS BY INDIVIDUALS WHO DIRECTLY AND SUBSTANTIALLY BENEFIT FROM CONTRACTS WITH THE STATE TO CANDIDATE CAMPAIGN COMMITTEES OF CERTAIN STATEWIDE CANDIDATES.

Referred to the **Judiciary I Committee**.

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MOVE-OVER LAW TO INCLUDE ALL HIGHWAY MAINTENANCE VEHICLES AND UTILITY VEHICLES.

Referred to the **Judiciary II Committee**.

H.B. 762 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 805 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NAME CHANGE STATUTE TO INCLUDE A CRIMINAL RECORD CHECK AND OTHER REQUIREMENTS BEFORE THE CLERK OF SUPERIOR COURT MAY GRANT OR DENY A NAME CHANGE APPLICATION.

Referred to the **Judiciary II Committee**.

H.B. 843, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES.

Referred to the **Judiciary I Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Appropriations/Base Budget Committee**:

H.B. 200 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, with a favorable report, as amended and unengrossed.

Pursuant to Rule 45.1, Committee Amendments numbers 6-27 are adopted.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

May 25, 2011

SEVENTY-FIRST DAY

Senate Chamber
Thursday, May 26, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Bishop Michael F. Burbidge, Catholic Diocese of Raleigh as follows:

"Blessed are you, Lord, God, of all creation whose goodness fills our hearts with joy. Blessed are you who have brought us together this day to work in harmony and peace. We ask your blessing upon the men and women of the North Carolina Senate. Strengthen them with your grace and wisdom. Grant them patience, perseverance, and prudence. Inspire them to work together to strengthen our families and communities so as to uphold the sacredness of all human life and the dignity of every human being. May they temper justice with love, so that all their decisions may be pleasing to you, and earn the reward promised to good and faithful servants. May the Lord Bless you and keep you. May His face shine upon you and be gracious unto you. May he look upon you with kindness and give you His peace. Amen."

The Chair grants leaves of absence for today to Senator Dannelly, Senator Graham, and Senator Mansfield.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 25, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 512, AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER ADULT DAY CARE.

S.B. 608, AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS.

May 26, 2011

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 284, AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY 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:

S.B. 200, AN ACT TO AUTHORIZE ALAMANCE COUNTY AND ORANGE COUNTY TO RECOMMEND THE LOCATION OF NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEY OF THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY. (Became law upon ratification, May 25, 2011 - S.L. 2011-87.)

S.B. 201, AN ACT TO ESTABLISH THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY SUBSEQUENT TO THE 2010/2011 RESURVEYS OF THE TRANSITIONED PROPERTIES, AS AUTHORIZED BY THE NORTH CAROLINA GENERAL ASSEMBLY BY SESSION LAW 2010-61 ENABLING THE CHANGES IN THE HISTORIC ORANGE COUNTY/ALAMANCE COUNTY BOUNDARY LINE AS DESCRIBED IN THE 1849 SURVEY ESTABLISHING ALAMANCE COUNTY, AND TO AMEND SOME SECTIONS OF SESSION LAW 2010-61. (Became law upon ratification, May 25, 2011 - S.L. 2011-88.)

H.B. 118, AN ACT RELATING TO THE DAILY DEPOSIT OF COLLECTIONS AND RECEIPTS BY THE CITY OF WINSTON-SALEM. (Became law upon ratification, May 25, 2011 - S.L. 2011-89.)

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

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, June 1.

May 26, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 200 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, 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, 30343, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is placed on the calendar for Tuesday, May 31.

CALENDAR (*continued*)

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

The Senate recesses at 11:20 a.m. to reconvene at 11:30 a.m., subject to the receipt of messages from the House of Representatives.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

CALENDAR (*continued*)

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

Senator Garrou offers Amendment No. 1 which fails of adoption (17-30).

The Committee Substitute bill passes its second reading (31-16) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

May 26, 2011

S.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FAILURE BY THE DEPARTMENT OF REVENUE TO ISSUE A FINAL DETERMINATION WITHIN THE REQUIRED TIME IS GROUNDS FOR A TAXPAYER TO SEEK A COURT ORDER COMPELLING THE ISSUANCE OF THE FINAL DETERMINATION.

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.

PERSONAL PRIVILEGE

Upon motion of Senator Nesbitt, the remarks by Senator Purcell on Medal of Honor recipients are spread upon the journal as follows:

SENATOR PURCELL: "Thank you, Mr. President. I hope this is a subject that we can all agree on as we end this session and go home for the weekend. We heard great testimony yesterday about our veterans and servicemen and very moving tributes were given to those who had given their lives for our country. Most of those servicemen who died in training or combat over the years were buried without any special recognition but they're all heroes in my opinion. As we go home on this Memorial Day, I would like to share with you brief stories about three of North Carolina's 19 servicemen who have received the Medal of Honor. From Canton, William David Halliburton, age 20, Pharmacists Mate 2nd Class, U. S. Navy. While serving with the Marine Rifle Company during action against Japanese forces on Okinawa on May 10, 1945, he dashed up an open fire-swept hill where the company advance squad was suddenly pinned down by a terrific concentration of mortar, machinegun and sniper fire resulting in severe casualties. He moved steadily forward to the wounded Marine who lay furthest away and was rendering first aid when his patient was struck again by a Japanese bullet. He instantly placed himself in the direct line of fire shielding the fallen fighter with his own body and continued his care although constantly menaced by shrapnel and bullets falling on all sides. Completely unselfish in his concern for the helpless Marine he persevered in his efforts until he himself sustained mortal wounds and collapsed heroically sacrificing himself that his comrade might live. He gallantly gave his life in the service of his country. From Troy, Henry F. Warner, age 21, Corporal, U.S. Army Antitank Company, 26th Infantry Division, Belgium, December 21, 1944, during the Battle of the Bulge. In the first attack launched in the early morning of December 20th, enemy tanks succeeded in penetrating parts of the line. Corporal Warner disregarding the cannon and machinegun fire from two tanks bearing down on him and ignoring the imminent danger of being overrun by the infantry moving under tank cover, he destroyed the first tank and scored a direct hit and a deadly hit on the second tank. A third tank approached within five yards of his position as he was attempting to clear a jammed breach lock. Jumping from his gun pit he engaged in a pistol duel with the tank commander standing in the turret killing him and forcing the tank to withdraw. The enemy struck again in great

May 26, 2011

forces in the early morning of December 21st. Seeing a Mark IV tank advancing towards his position, Corporal Warner scored a direct hit, disregarding his own injuries, he endeavored to finish loading and to fire again at the tank whose motor was now aflame when the second machinegun burst killed him. Corporal Warner's gallantry at the risk of life above and beyond the call of duty contributed materially to the successful defense against enemy tanks. From Charlotte, Jerry K. Crump, age 18, Corporal, U. S. Army, Third Infantry Division, near Chorwon, Korea, September 6, 1951. During the night a numerically superior enemy force launched an assault against his platoon on Hill 284, overrunning friendly positions and swarming into the sector. Corporate Crump repeatedly exposed himself to deliver effective fire into the ranks of the enemy inflicting numerous casualties. Observing two enemy soldiers endeavoring to capture a friendly machinegun, he charged and killed both of them with his bayonet, regaining control of the machinegun. Returning to his position now occupied by four of his wounded comrades, he continued his accurate firing into enemy troops surrounding his emplacement. When a hostile soldier hurled a grenade into his position Corporal Crump immediately flung himself over the grenade, absorbing the blast with his body and saving his comrades from death or serious injury. His aggressive actions so inspired his comrades in a spirited counterattack drove the enemy from the perimeter. These stories about other North Carolina Medal of Honor winners are quite similar to these stories. Mr. President, members of the Senate, these stories and similar accounts are the reasons why we must continue to observe Memorial Day as a very sacred and important occasion."

Upon motion of Senator Phil Berger, seconded by Senator Purcell, the Senate adjourns at 12:13 p.m., in memory of fallen soldiers in the line of duty and subject to the receipt of messages from the House of Representatives, to meet Friday, May 27, at 10:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 120 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed on the calendar for Tuesday, May 31.

H.B. 298 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES

May 26, 2011

OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

Referred to the **Insurance Committee**.

H.B. 411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR A YEAR FOR THIRTY YEARS UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 453, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PLACEMENT AND ISSUANCE OF SALARY PROTECTION INSURANCE UNDER THE SURPLUS LINES ACT.

Referred to the **Insurance Committee**.

H.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE OWNERSHIP OF INSURANCE COMPANIES BY CREDIT UNIONS.

Referred to the **Insurance Committee**.

H.B. 575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN LIEU OF CONTRACTUAL LIABILITY INSURANCE, A SERVICE CONTRACT PROVIDER MAY MAINTAIN A FUNDED RESERVE ACCOUNT FOR ITS OBLIGATIONS UNDER SERVICE CONTRACTS ISSUED AND OUTSTANDING IN THIS STATE.

Referred to the **Insurance Committee**.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PAYABLE ON DEATH ACCOUNT NAMING AN ENTITY OTHER THAN A NATURAL PERSON AS BENEFICIARY.

Referred to the **Commerce Committee**.

H.B. 758, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ARTS EDUCATION COMMISSION.

Referred to the **Education/Higher Education Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-SECOND DAY

Senate Chamber
Friday, May 27, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Richard Stevens, Senator from Wake County.

Prayer is offered by Senator Neal Hunt as follows:

"Lord God we praise your Holy name this morning. Not many laws are going to be taken up today, but we have a bunch coming in the very near future. So Lord we do pray for your guidance and protection as we contemplate and we pray that everything we do would be in accordance with your will. In Christ's name, Amen."

Senator Josh Stein announces that the Senate Journal of Thursday, May 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

Upon motion of Senator Hunt, seconded by Senator Stein, the Senate adjourns at 10:04 a.m. to meet Tuesday, May 31, at 12:00 p.m.

May 27, 2011

SEVENTY-THIRD DAY

Senate Chamber
Tuesday, May 31, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"(Psalm 91) 'Whoever dwells in the shelter of the Most High will rest in the shadow of the Almighty. I will say of the Lord, He is my refuge and my fortress, my God, in whom I trust. Surely he will save you, He will cover you with his feathers, and under his wings you will find refuge; God's faithfulness will be your shield and rampart.' May this body find rest in your presence, and perseverance to run the race with which you have trusted us, Lord. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Friday, May 27, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Charles O. Boyette from Belhaven, North Carolina, who is serving the Senate as Doctor of the Day, and to Donna Parker from Murfreesboro, 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. 245, AN ACT TO AUTHORIZE LOCAL PUBLIC HEALTH DEPARTMENTS, DISTRICT HEALTH DEPARTMENTS, AND CONSOLIDATED HUMAN SERVICES AGENCIES TO BILL MEDICAID THROUGH AN APPROVED MEDICAID CLEARINGHOUSE OR THROUGH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-90.)

H.B. 769, AN ACT DIRECTING LOCAL BOARDS OF EDUCATION TO ADOPT AND IMPLEMENT POLICIES THAT ENCOURAGE HIGH SCHOOL TO WORK PARTNERSHIPS. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-91.)

May 31, 2011

S.B. 244, AN ACT TO EXTEND THE SURVIVOR'S ALTERNATE BENEFIT TO SURVIVORS OF FIREFIGHTERS AND RESCUE SQUAD WORKERS WHO ARE MEMBERS OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND ARE KILLED IN THE LINE OF DUTY. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-92.)

H.B. 197, AN ACT TO GIVE CERTAIN LOCAL BOARDS OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY SITUATIONS. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-93.)

S.B. 384, AN ACT AMENDING THE NORTH CAROLINA PERSONS WITH DISABILITIES PROTECTION ACT TO CONFORM WITH FEDERAL CHANGES UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008 (ADAAA). (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-94.)

H.B. 222, AN ACT TO AUTHORIZE PLUG-IN ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT PLUG-IN ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-95.)

H.B. 578, AN ACT (1) TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO PROVIDE THE BASIC PLAN PREMIUM-FREE USING AVAILABLE CASH BALANCE RESERVES, (2) TO DELAY IMPLEMENTATION OF CERTAIN CHANGES TO THE STATE HEALTH PLAN UNTIL SEPTEMBER 2011, (3) TO COMPLY WITH THE FEDERAL AFFORDABLE CARE ACT, (4) TO CLARIFY THE STATE HEALTH PLAN'S SUBROGATION RIGHTS, (5) TO GRANT THE STATE TREASURER IMMEDIATE ACCESS TO CONFIDENTIAL STATE HEALTH PLAN DOCUMENTS TO PLAN FOR THE TRANSFER, AND (6) TO CLARIFY THE BOARD COMPOSITION AND STAGGER INITIAL APPOINTMENTS. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-96.)

H.B. 306, AN ACT TO TRANSFER THE GENERAL STATUTES COMMISSION, THE RESPONSIBILITY FOR THE CODIFICATION OF THE GENERAL STATUTES, THE REVISOR OF STATUTES AND THE STAFF FOR THESE FUNCTIONS TO THE GENERAL ASSEMBLY. (Became law upon approval of the Governor, May 26, 2011 - S.L. 2011-97.)

May 31, 2011

H.B. 284, AN ACT TO PERMIT THE COUNTIES OF WAYNE AND CURRITUCK TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS. (Became law upon ratification, May 26, 2011 - S.L. 2011-98.)

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 200 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from today's calendar and is re-referred to the **Appropriations/Base Budget Committee** and upon a favorable report, re-referred to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 274, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF GREENVILLE TO LEVY A TAX ON THE SALE OF ALCOHOLIC BEVERAGES TO OFFSET THE RESULTING INCREASED NEED FOR LAW ENFORCEMENT PERSONNEL, referred to the **Rules and Operations of the Senate Committee** on March 10.

Pursuant to Rule 47(a), Senator Apodaca 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. 120 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Preston, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled.

May 31, 2011

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Caroline Barwick, Clinton; Ross Byrd, Williamston; Leah Cashwell, Garland; Joseph Curry IV, Angier; Jeremy Glover, Bailey; Jonathan Glover, Bailey; Thomas Jarrell III, High Point; Abby Newsom, Raleigh; Noah Parrish, Greensboro; Holland Robinson, Greensboro; David Scoggins, Denver; Manraj Singh, Wilson; Charlotte Yarboro, Goldsboro; and Eleanor Yarboro, Goldsboro.

Upon motion of Senator Phil Berger, seconded by Senator Nesbitt, the Senate adjourns at 12:12 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to meet Wednesday, June 1, at 11:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 115 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PRESERVE STATE-BASED AUTHORITY TO REGULATE THE NORTH CAROLINA HEALTH INSURANCE MARKET AND TO PREVENT FEDERAL ENCROACHMENT ON STATE AUTHORITY BY ESTABLISHING THE NORTH CAROLINA BENEFIT EXCHANGE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 292, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM.

Referred to the **Finance Committee**.

H.B. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to the **Judiciary I Committee**.

H.B. 664, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S GROUP LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT.

Referred to the **Insurance Committee**.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ACT OUTSIDE OF THE SCOPE OF THEIR AUTHORITY, THE PARTY SUCCESSFULLY CHALLENGING THAT ACTION MAY RECOVER REASONABLE ATTORNEYS' FEES.

Referred to the **Judiciary I Committee**.

May 31, 2011

H.B. 811 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO ASSESS THE DEPARTMENT OF TRANSPORTATION'S ROAD CONSTRUCTION PROCESS, INCLUDING MAINTENANCE AND REPAIRS, TO DEVELOP OPERATIONAL PLANS OR PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND COST SAVINGS.

Referred to the **Transportation Committee**.

H.B. 823 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF THE STATE BOARD OF EDUCATION, TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE ALL STATE-LEVEL APPOINTMENTS NECESSARY FOR SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC SCHOOLS, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION TO INCLUDE AN ADDITIONAL AT-LARGE MEMBER, TO REQUIRE THE GENERAL ASSEMBLY TO ELECT ALL AT-LARGE MEMBERS, TO REQUIRE THE GOVERNOR TO APPOINT THE CHAIR OF THE STATE BOARD OF EDUCATION, TO ELIMINATE THE REQUIREMENT THAT APPOINTMENTS BY THE GOVERNOR TO THE STATE BOARD OF EDUCATION ARE SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY, AND TO CREATE A SIX-YEAR TERM OF OFFICE FOR STATE BOARD OF EDUCATION MEMBERS.

Referred to the **Education/Higher Education Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hunt for the **Appropriations/Base Budget Committee**:

H.B. 200 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, with an unfavorable report as to Senate Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill No. 3.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 3, 30000, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 3 is re-referred to the **Finance Committee**.

May 31, 2011

By Senator Hartsell for the **Finance Committee**:

H.B. 200 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, with a favorable report.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-FOURTH DAY

Senate Chamber
Wednesday, June 1, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"As we come before you, Lord, we must take a minute to quiet our hearts and our minds. There are lots of hard decisions before this body today, Almighty God. And we look to you, and we kneel before you, Lord, because you made us. Almighty God, to be our guide, be our vision, and be our 'calm' in the stormy blast. Help us not to be undone by suffering, but, in everything, trust you and see your grace, disguised. It is sometimes so very hard, but you, Lord, know our pain, and you know our joy. Come and abide with us on this day. In the name and for the sake of Jesus, Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Beth McCawley from Graham, North Carolina, who is serving the Senate as Nurse of the Day.

June 1, 2011

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 98, AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 120, AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM.

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. 474, AN ACT TO PROTECT ADULT CARE HOME RESIDENTS BY INCREASING MINIMUM CONTINUING EDUCATION, TRAINING, AND COMPETENCY EVALUATION REQUIREMENTS FOR ADULT CARE HOME MEDICATION AIDES, STRENGTHENING ADULT CARE HOME INFECTION CONTROL REQUIREMENTS, AND REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO ANNUALLY INSPECT ADULT CARE HOMES FOR COMPLIANCE WITH SAFE INFECTION CONTROL STANDARDS. (Became law upon approval of the Governor, May 31, 2011 - S.L. 2011-99.)

H.B. 280, AN ACT TO CHANGE THE QUALIFICATION REQUIREMENT FOR A COUNTY SERVICE DISTRICT ESTABLISHED FOR LAW ENFORCEMENT. (Became law upon approval of the Governor, May 31, 2011 - S.L. 2011-100.)

WITHDRAWAL FROM COMMITTEE

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES, CLARIFYING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO ENFORCEMENT ACTIONS OR ADMINISTRATIVE APPEALS AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-

June 1, 2011

FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS, referred to the **State and Local Government Committee** on May 16.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Commerce Committee**.

S.B. 415, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE COST OF REDUCED PRICE LUNCHES FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED PRICE MEALS, referred to the **Appropriations/Base Budget Committee** on March 24.

Pursuant to Rule 47(a), Senator Apodaca 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**.

S.B. 159, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 2.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Education/Higher Education Committee**.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 7.

June 1, 2011

H.B. 200 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, upon second reading.

Pursuant to Rule 28, Senator Graham offers a motion to divide Section 6.16 of H.B. 200. The motion fails by a vote of (19-31).

Senator Blue offers Amendment No. 1. Senator Apodaca offers a motion that Amendment No. 1 lie upon the table, seconded by Senator Brunstetter, which motion prevails (31-19).

Senator Jenkins offers Amendment No. 2 which fails of adoption (19-31).

Senator Berger, D. offers Amendment No. 3 which fails of adoption (19-31).

Senator Garrou offers Amendment No. 4 which fails of adoption (19-31).

Senator Blue offers Amendment No. 5 which fails of adoption (19-31).

Senator Jenkins offers Amendment No. 6 which fails of adoption (19-31).

Senator McKissick offers Amendment No. 7. Senator Apodaca offers a motion that Amendment No. 7 lie upon the table, seconded by Senator Brunstetter, which motion prevails (31-19).

Senator Apodaca offers Amendment No. 8 which fails of adoption (3-47).

Senator Rucho offers Amendment No. 9 which is adopted (50-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Dannelly.

The Senate Committee Substitute bill No. 3, as amended, passes its second reading, by roll-call vote, ayes 31, noes 18, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---31.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Garrou, Graham, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---18.

The Senate Committee Substitute bill No. 3, as amended, remains on the calendar for Thursday, June 2, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 499, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS THE DUTY OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADMINISTER AND SUPERVISE THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT, with a favorable report.

June 1, 2011

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 710, A BILL TO BE ENTITLED AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE SWINE WASTE OR POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE SWINE WASTE SET-ASIDE AND THE POULTRY WASTE SET-ASIDE, with a favorable report.

S.B. 562, A BILL TO BE ENTITLED AN ACT TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15163, is adopted and engrossed.

Upon motion of Senator Phil Berger, seconded by Senator Clodfelter, the Senate adjourns at 2:26 p.m., subject to the receipt of messages from the House of Representatives, to meet Thursday, June 2, at 12:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 501 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE

June 1, 2011

CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, June 2.

H.B. 233, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CORRECTION TO DESIGNATE ITS OFFICE OF RESEARCH AND PLANNING AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES; AND TO ENCOURAGE THE DEPARTMENT OF CORRECTION TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON EX-OFFENDER REINTEGRATION INTO SOCIETY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 242 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE AMOUNT OF THE BOND REQUIRED UPON REGISTRATION IN ORDER TO DRILL FOR OIL OR NATURAL GAS IN THE STATE; (2) INCREASE THE AMOUNT OF FEES APPLICABLE TO DRILLING AND ABANDONING OIL OR GAS WELLS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ISSUE OF OIL AND GAS EXPLORATION IN THE STATE, AND SPECIFICALLY THE USE OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (4) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AT LEAST TWO PUBLIC HEARINGS ON THE ISSUE IN THE AREA IN WHICH EXPLORATION FOR NATURAL GAS BY MEANS OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING MAY OCCUR; AND (5) APPROPRIATE THE SUM OF ONE HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE CONDUCT OF THE STUDY AND THE HEARINGS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY NORTH CAROLINA'S MECHANICS' LIEN AND BOND LAWS.

Referred to the **Judiciary I Committee**.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES, TO PROVIDE FOR ADDITIONAL DISCIPLINE OF MAGISTRATES, TO PROVIDE FOR A STUDY ON THE METHOD OF APPOINTING MAGISTRATES, AND TO PROVIDE FOR CERTAIN CONTROL OF CALENDARING IN SUPERIOR COURT BY THE SENIOR RESIDENT SUPERIOR COURT JUDGE.

Referred to the **Judiciary I Committee**.

June 1, 2011

H.B. 619 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STIMULATE ECONOMIC ACTIVITY AND JOB GROWTH BY TEMPORARILY REDUCING THE INCOME TAX BURDEN ON BUSINESS.

Referred to the **Finance Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-FIFTH DAY

Senate Chamber
Thursday, June 2, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, it's a great day to be here, it's just fantastic; we're thankful for that. Holy Spirit, you are the teacher. Would you lead us this day? Would you help us be balanced? Not just in our budget, but in our lives. And in helping us, we will be brought to our knees, to repent, to rest. In your complete reliance. And we rely on you, O Lord. Amen."

Senator Forrester, Deputy President *Pro Tempore*, announces that the Senate Journal of Wednesday, June 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Debra Ezzell from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 19, AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.

June 2, 2011

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. 120, AN ACT AMENDING THE CHARTER OF THE CITY OF NEW BERN RELATING TO THE MAYOR AND MAYOR PRO TEM. (Became law upon ratification, June 1, 2011 - S.L. 2011-101.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 743 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE AND BY LIMITING LIABILITY FOR NONPROFIT COMMUNITY HEALTH REFERRAL SERVICES, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

S.B. 237, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, 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 15166, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

S.B. 446, A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED 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 55307, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

June 2, 2011

S.B. 532, A BILL TO BE ENTITLED AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2 OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15167, which changes the title to read **S.B. 532** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed at the end of today's calendar.

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM POPULATION THRESHOLD FOR LOCAL MANAGEMENT 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 85208, which changes the title to read **S.B. 578** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF BEDS FROM A STATE PSYCHIATRIC HOSPITAL TO A COMMUNITY FACILITY WITHIN CERTAIN LMES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

June 2, 2011

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 200 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS, upon third reading.

The Senate Committee Substitute bill No. 3, as amended on June 1, passes its third reading, by roll-call vote, ayes 31, noes 19, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman and Tucker---31.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Garrou, Graham, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---19.

The Senate Committee Substitute bill No. 3, as amended, is ordered sent to the House of Representatives by special message with the Senate Amendment No. 9 unengrossed and attached.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Monday, June 6.

S.B. 659, A BILL TO BE ENTITLED AN ACT TO EXEMPT TAXICAB DRIVERS WHO ARE INDEPENDENT CONTRACTORS FROM COVERAGE UNDER THE WORKERS' COMPENSATION 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 15168, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

June 2, 2011

S.B. 684, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAW PROVIDING FOR A FIVE-YEAR PERIOD OF POST-RELEASE SUPERVISION FOR SEX OFFENDERS BY INCREASING THE MAXIMUM SENTENCE FOR SEX OFFENDERS AND PROVIDING FOR THEIR RELEASE ON POST-RELEASE SUPERVISION WITH FIVE YEARS REMAINING ON THEIR SENTENCES, AND TO PROVIDE THAT WILLFUL REFUSAL TO ACCEPT OR COMPLY WITH THE TERMS OF POST-RELEASE SUPERVISION IS PUNISHABLE AS CONTEMPT OF COURT, 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, which changes the title to read **S.B. 684** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAW PROVIDING FOR A FIVE-YEAR PERIOD OF POST-RELEASE SUPERVISION FOR SEX OFFENDERS BY INCREASING THE MAXIMUM SENTENCE FOR SEX OFFENDERS AND PROVIDING FOR THEIR RELEASE ON POST-RELEASE SUPERVISION WITH FIVE YEARS REMAINING ON THEIR SENTENCES AND TO PROVIDE THAT WILLFUL REFUSAL TO ACCEPT OR COMPLY WITH THE TERMS OF POST-RELEASE SUPERVISION IS PUNISHABLE AS CONTEMPT OF COURT, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

CALENDAR *(continued)*

S.B. 499, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IT IS THE DUTY OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADMINISTER AND SUPERVISE THE AGRICULTURAL DEVELOPMENT AND FARMLAND PRESERVATION ENABLING ACT.

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. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.

June 2, 2011

Without objection, Senator Meredith and Senator Stevens 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 (44-3).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50 and upon motion of Senator Apodaca, the President orders the measure placed on the calendar for Monday, June 6, upon third reading.

S.B. 710, A BILL TO BE ENTITLED AN ACT TO ALLOW RENEWABLE ENERGY CERTIFICATES (RECS) DERIVED FROM THE THERMAL ENERGY OUTPUT OF COMBINED HEAT AND POWER FACILITIES THAT USE SWINE WASTE OR POULTRY WASTE AS A FUEL TO MEET THE REQUIREMENTS OF THE SWINE WASTE SET-ASIDE AND THE POULTRY WASTE SET-ASIDE.

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. 501 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

The Senate recessed at 1:00 p.m., subject to the receipt of messages from the House of Representatives, to reconvene at 1:20 p.m.

RECESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 97, A BILL TO BE ENTITLED AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANNED COMMUNITY ACT AND THE CONDOMINIUM ACT CONCERNING THE TIME PERIOD FOR FORECLOSURE OF A CLAIM OF LIEN FOR UNPAID ASSESSMENTS, TO AMEND THE LAW CONCERNING DISCLOSURE OF INFORMATION ABOUT HOMEOWNERS

June 2, 2011

ASSOCIATIONS TO POTENTIAL PURCHASERS, AND TO REQUIRE THE REAL ESTATE COMMISSION TO PREPARE AND MAKE AVAILABLE INFORMATION ABOUT RESTRICTIVE COVENANTS TO POTENTIAL PURCHASERS.

Referred to the **Judiciary I Committee**.

H.B. 209, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN FINANCIAL ASSURANCE REQUIREMENTS APPLICABLE TO OWNERS AND OPERATORS OF SANITARY LANDFILLS TO (1) DECREASE THE MINIMUM AMOUNT OF FINANCIAL ASSURANCE THAT MUST BE ESTABLISHED TO COVER COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY; AND (2) AUTHORIZE THE USE OF A TRUST FUND PAY-IN PERIOD AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF INSURANCE PREMIUMS USING DEBIT CARDS, TO FACILITATE THE PAYMENT OF INSURANCE PREMIUMS USING CREDIT AND DEBIT CARDS, AND TO PERMIT THE COMMISSIONER OF INSURANCE TO APPROVE NONTRADITIONAL GROUPS FOR GROUP LIFE INSURANCE.

Referred to the **Insurance Committee**.

H.B. 603 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES ALLOWING INDIVIDUALS WHO OWE CIVIL FINES FOR OVERWEIGHT VEHICLES TO MAKE PAYMENT ARRANGEMENTS AND TO PROVIDE NOTICE OF THOSE RULES.

Referred to the **Transportation Committee**.

H.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT PHARMACIES TO REQUIRE PHOTO IDENTIFICATION PRIOR TO DISPENSING SCHEDULE II CONTROLLED SUBSTANCES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAKE A COMMERCIAL DRIVERS LICENSE AND A HAZARDOUS MATERIALS ENDORSEMENT EXPIRE AT THE SAME TIME.

Referred to the **Transportation Committee**.

June 2, 2011

H.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT.

Referred to the **Insurance Committee**.

H.B. 755 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO STUDY FOX AND COYOTE POPULATIONS AND REPORT ITS RECOMMENDATIONS ON MANAGEMENT METHODS AND CONTROLS TO THE 2012 GENERAL ASSEMBLY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 816 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE SPAY/NEUTER ADVISORY BOARD AND THE SPAY/NEUTER DONATION AND MEMORIAL FUND.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 837 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUCCESSFUL COMPLETION OF INSTRUCTION IN CPR AVAILABLE TO ALL STUDENTS WITH A PLAN TO PHASE IN COMPLETION OF CPR INSTRUCTION AS A HIGH SCHOOL GRADUATION REQUIREMENT BY 2014.

Referred to the **Education/Higher Education Committee**.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PUBLIC SCHOOLS TO PROVIDE A PERSONAL LEARNING PLAN FOR EVERY STUDENT.

Referred to the **Education/Higher Education Committee**.

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 Dannelly.

CALENDAR *(continued)*

S.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING

June 2, 2011

CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE, placed earlier on today's calendar.

Senator Clary offers Amendment No. 1 which is adopted (48-0).

Senator McKissick offers Amendment No. 2. Senator Apodaca offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Brunstetter, which motion prevails (31-17).

The Committee Substitute bill, as amended, passes its second reading (43-5) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

WITHDRAWAL FROM COMMITTEE

S.B. 309, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNING BOARD OF ANY SOIL AND WATER CONSERVATION DISTRICT TO ESTABLISH A SPECIAL RESERVE FUND TO BE USED FOR MAINTAINING CONSERVATION EASEMENTS, referred to the **Appropriations/Base Budget Committee** on March 10.

Pursuant to Rule 47(a), Senator Apodaca 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**.

MOTION TO FILE RESOLUTION

Upon motion of Senator Apodaca a notice is given pursuant to Rule 77A that a Senate Resolution amending Rule 41 pertaining to crossover will be filed in the Senate Principal Clerk's office. The Amendment confirms that bills related to redistricting will not be subject to crossover.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

S.B. 203, 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, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Monday, June 6.

June 2, 2011

S.B. 635, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR LITTERING OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95093, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Vaughan, the Senate adjourns at 1:51 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to meet Saturday, June 4, at 10:00 a.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.J.R. 778, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Monday, June 6.

S.B. 438, A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING 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 35254, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

S.B. 745, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S

June 2, 2011

WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE 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 35253, which changes the title to read **S.B. 745** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; REVERSION OF SMALL BREWERIES' SELF-DISTRIBUTION RIGHTS UNDER CERTAIN CIRCUMSTANCES; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE LAW, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 6.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

June 2, 2011

SEVENTY-SIXTH DAY

Senate Chamber
Saturday, June 4, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Richard Y. Stevens, Senator from Wake County.

Prayer is offered by The Honorable Bob Atwater, Senator from Chatham County, as follows:

"Our Father, we thank you for the blessings of this beautiful day. Our Father, we pray that as we come before you, you will humble us and also, at the same time, Father, strengthen us for the great task that is before us. We pray this prayer in your holy name, Amen."

Senator Blake announces that the Senate Journal of Thursday, June 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 307, AN ACT TO ESTABLISH THE NORTH CAROLINA SMART CARD PILOT PROGRAM TO COMBAT FRAUD.

S.B. 501, AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS.

H.B. 200, AN ACT TO SPUR THE CREATION OF PRIVATE SECTOR JOBS; REORGANIZE AND REFORM STATE GOVERNMENT; MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS AND INSTITUTIONS; AND TO ENACT BUDGET RELATED AMENDMENTS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 145, AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS.

June 4, 2011

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. 316, AN ACT TO AUTHORIZE DHHS TO IMPLEMENT ADDITIONAL 1915(B)(C) MEDICAID WAIVER SITES AND TO ALLOW STATE FACILITIES TO DISCLOSE CERTAIN INFORMATION FOR PURPOSES OF COLLECTING PAYMENT AND TO DIRECT THE DISTRIBUTION OF A FUND BALANCE UPON THE DISSOLUTION OF AN AREA AUTHORITY. (Became law upon approval of the Governor, June 2, 2011 - S.L. 2011-102.)

S.B. 608, AN ACT TO EXEMPT HEALTH CARE SHARING ORGANIZATIONS FROM THE HEALTH INSURANCE REGULATORY LAWS. (Became law upon approval of the Governor, June 2, 2011 - S.L. 2011-103.)

S.B. 512, AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PILOT AN OVERNIGHT RESPITE PROGRAM IN FACILITIES THAT OFFER ADULT DAY CARE. (Became law upon approval of the Governor, June 2, 2011 - S.L. 2011-104.)

S.B. 19, AN ACT TO REPEAL THE SUNSET ON FIRE PROTECTION FEES IN UNION COUNTY. (Became law upon ratification, June 2, 2011 - S.L. 2011-105.)

S.B. 247, AN ACT TO ELIMINATE THE INCOME THRESHOLD FOR CONTRIBUTIONS TO AN ACCOUNT IN THE PARENTAL SAVINGS TRUST FUND OF THE STATE EDUCATION ASSISTANCE AUTHORITY. (Became law upon approval of the Governor, June 3, 2011 - S.L. 2011-106.)

H.B. 98, AN ACT TO ALLOW ALCOHOLIC BEVERAGE PERMITTEES WHO HAVE BEEN ISSUED BREWERY PERMITS TO SELL MALT BEVERAGES BREWED AT THE BREWERY ON THE PREMISES OF THE BREWERY. (Became law upon approval of the Governor, June 3, 2011 - S.L. 2011-107.)

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

S.R. 780, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE CROSSOVER RULE.

Placed on the calendar for Monday, June 6.

June 4, 2011

Upon motion of Senator Atwater, seconded by Senator Blake, the Senate adjourns at 10:03 a.m. to meet Monday, June 6, at 7:00 p.m.

SEVENTY-SEVENTH DAY

Senate Chamber
Monday, June 6, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“As we come before you tonight, Lord, some of us never even imagined us to serve in this body. But, Lord, you do not make mistakes. Though we're small, you're great. Though decisions before us are impactful, with your measure of grace, all things can be redeemed. Lord, open our lips. Give us your perseverance during this long week. And, Lord, because you hold all things in space, each star and planet in its place. Because the days and the years are your design, we know that this change of season you define, for Christ's sake. Amen.”

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Saturday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Nina Davis from Silver Spring, North Carolina and Donna White from Clayton, North Carolina, who are serving the Senate as Nurses 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. 145, AN ACT TO ALLOW THE TOWN OF SOUTHERN SHORES TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE AND TO ASSESS FOR NAVIGATION PROJECTS. (Became law upon ratification, June 4, 2011 - S.L. 2011-108.)

June 6, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NO CLEANUP WILL BE REQUIRED FOR ANY DISCHARGE OR RELEASE FROM A PETROLEUM UNDERGROUND STORAGE TANK WHEN A PUBLIC WATER SYSTEM IS AVAILABLE TO THOSE AFFECTED BY THE DISCHARGE OR RELEASE AND NO SURFACE WATERS ARE LOCATED WITHIN ONE THOUSAND FEET OF THE DISCHARGE OR RELEASE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95094, which changes the title to read **S.B. 181** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS GOVERNING THE STATE'S UNDERGROUND STORAGE TANK PROGRAM AND PETROLEUM DISCHARGES, is adopted and engrossed.

Upon motion of Senator Rouzer, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Blake for the **Health Care Committee**:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO PROVIDE FRAUD AND ABUSE PROVISIONS REQUIRED BY THE PATIENT PROTECTION AND AFFORDABLE CARE 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 15170, which changes the title to read **S.B. 496** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REQUIREMENTS OF MEDICAID AND HEALTH CHOICE PROVIDERS, is adopted and engrossed.

S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE LOCAL PUBLIC HEALTH DELIVERY SYSTEM BY DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE INCENTIVES FOR SMALL COUNTY HEALTH DEPARTMENTS TO BECOME REGIONAL PUBLIC HEALTH AUTHORITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95095, which changes the title to read **S.B. 552** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE PUBLIC HEALTH SYSTEM BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM, STRENGTHENING LOCAL PUBLIC HEALTH INFRASTRUCTURE, AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, is adopted and engrossed.

June 6, 2011

S.B. 617, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY IMPLEMENTATION OF FEDERAL FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES IN 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 15169, which changes the title to read **S.B. 617** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY IMPLEMENTATION OF FEDERAL FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES IN PUBLIC SCHOOLS, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 717, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ISSUE TO PARTICIPANTS IN THE SUPPLEMENTAL FOOD AND NUTRITION PROGRAM (SNAP) DEBIT CARDS THAT CONTAIN PHOTO IDENTIFICATION ON THE CARD, referred to the **Agriculture/Environment/Natural Resources Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Health Care 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 **Health Care Committee**.

S.B. 303, A BILL TO BE ENTITLED AN ACT TO REQUIRE A RED BORDER OR BACKGROUND ON LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005, referred to the **Rules and Operations of the Senate Committee** on March 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

S.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CAMPAIGN SIGNS IN HIGHWAY RIGHTS-OF-WAY WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS, referred to the **Finance Committee** on May 18.

June 6, 2011

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the calendar for Tuesday, June 7, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the calendar for Tuesday, June 7.

S.R. 565, A SENATE RESOLUTION ENCOURAGING THE CITIZENS OF THIS STATE TO OBSERVE JULY OF EACH YEAR AS WATERMELON MONTH, referred to the **Rules and Operations of the Senate Committee** on April 12.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Tuesday, June 14, which motion prevails with unanimous consent.

The Chair orders the Senate Resolution withdrawn from the **Rules and Operations of the Senate Committee** and places it on the calendar for Tuesday, June 14.

S.B. 696, A BILL TO BE ENTITLED AN ACT TO ADDRESS PRIMARY CARE PHYSICIAN SHORTAGES IN NORTH CAROLINA BY MODIFYING THE ENROLLMENT CHANGE FUNDING MODEL AND THE BOARD OF GOVERNORS' MEDICAL SCHOLARSHIP LOAN PROGRAM, referred to the **Appropriations/Base Budget Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Health Care 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 **Health Care Committee**.

S.B. 205, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary II Committee**.

S.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR LITTERING OFFENSES, referred to the **Finance Committee** on June 2.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on the calendar for Wednesday, June 8, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and places it on the calendar for Wednesday, June 8.

June 6, 2011

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 745 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; REVERSION OF SMALL BREWERIES' SELF-DISTRIBUTION RIGHTS UNDER CERTAIN CIRCUMSTANCES; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE LAW.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 7.

WITHDRAWAL FROM COMMITTEE

H.B. 595, A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES, referred to the **Rules and Operations of the Senate Committee** on April 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Program Evaluation 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 **Program Evaluation Committee**.

June 6, 2011

INTRODUCTION OF A BILL

Upon motion of Senator Apodaca, the rules are suspended to allow S.B. 781, which was filed today, to be introduced and referred.

SUSPENSION OF RULE 45.1

Upon motion of Senator Apodaca, Rule 45.1 is suspended from Tuesday, June 7, through Thursday, June 9, to allow all bills being reported out of committees to be placed on the current day's calendar.

BILLS SENT BY SPECIAL MESSAGE

Upon motion of Senator Apodaca, all Senate bills sent to the House of Representatives this week and next week are to be sent by special message.

CALENDAR (*continued*)

S.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Tuesday, June 7, upon third reading.

S.B. 148, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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 by special message.

S.B. 203, 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.

The bill passes its second reading (49-1).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 7, upon third reading.

June 6, 2011

S.B. 438 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW.

Without objection, Senator Blue, Senator Brown, and Senator Jackson request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator Apodaca 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 by special message.

S.B. 446 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

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 by special message.

S.B. 578 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF BEDS FROM A STATE PSYCHIATRIC HOSPITAL TO A COMMUNITY FACILITY WITHIN CERTAIN LMES.

Without objection, Senator Graham requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its second reading (47-2).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 7, upon third reading.

S.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT TAXICAB DRIVERS WHO ARE INDEPENDENT CONTRACTORS FROM COVERAGE UNDER THE WORKERS' COMPENSATION 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 by special message.

S.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAW PROVIDING FOR A FIVE-YEAR PERIOD OF POST-RELEASE SUPERVISION FOR SEX OFFENDERS BY INCREASING THE MAXIMUM SENTENCE FOR SEX OFFENDERS AND PROVIDING FOR THEIR RELEASE ON POST-RELEASE SUPERVISION WITH FIVE YEARS REMAINING ON THEIR SENTENCES AND TO

PROVIDE THAT WILLFUL REFUSAL TO ACCEPT OR COMPLY WITH THE TERMS OF POST-RELEASE SUPERVISION IS PUNISHABLE AS CONTEMPT OF COURT.

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 by special message.

S.B. 743 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE AND BY LIMITING LIABILITY FOR NONPROFIT COMMUNITY HEALTH REFERRAL SERVICES.

The Committee Substitute bill passes its second reading (50-0).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 7, upon third reading.

S.J.R. 778, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION.

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 sent to the House of Representatives by special message.

S.B. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT EVERY COMMUNITY APPEARANCE COMMISSION, CITY, AND COUNTY FROM REQUIRING THAT NURSERY STOCK THAT IS PURCHASED WITHIN THE JURISDICTION OF THE COMMISSION, CITY, OR COUNTY RESPECTIVELY MEET ANY STANDARD FOR NURSERY STOCK THAT IS STRICTER THAN THE AMERICAN STANDARD FOR NURSERY STOCK ADOPTED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, UNLESS THE STRICTER STANDARD IS NECESSARY TO PROTECT PUBLIC HEALTH OR SAFETY.

Without objection, Senator Meredith and Senator Stevens request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

The Committee Substitute bill passes its third reading (45-3) and is ordered sent to the House of Representatives by special message.

S.R. 780, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE CROSSOVER RULE.

The Senate Resolution is adopted (50-0).

June 6, 2011

CONFERENCE REPORT

Senator Mansfield, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 31** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, 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 31, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE, Judiciary I Committee Substitute Adopted 3/3/11, submit the following report:

The House recedes from House Amendment #1 and the House and Senate agree to the following amendment:

on page 1, lines 12-19, by rewriting the lines to read:

" collect any fee for such services. ~~The~~Any person so practicing without ~~license being duly licensed and registered in this State~~ shall be guilty of a Class I misdemeanor, ~~except that if the person so practicing without a license is an out-of-state practitioner who has not been licensed and registered to practice medicine or surgery in this State, the person~~ Class I misdemeanor. Any person so practicing without being duly licensed and registered in this State and who is falsely representing himself or herself in a manner as being licensed or registered under this Article or any Article of this Chapter shall be guilty of a Class I felony. Any person so practicing without being duly licensed and registered in this State and who is an out-of-state practitioner shall be guilty of a Class I felony."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: May 25, 2011.

Conferees for the Senate
S/Eric Mansfield, Chair
S/William R. Purcell
S/Ralph Hise

Conferees for the House of Representatives
S/Sarah Stevens, Chair
S/John Faircloth
S/Rick Glazier
S/Paul Stam

The Conference Report is placed on the calendar for Tuesday, June 7, for adoption.

June 6, 2011

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Jake Anthony, Raleigh; Mariah Bishop, Apex; Chris Brasier, Jr., Durham; Davidson Brooks, Waxhaw; Nicole M. Day, Raleigh; Johnathon Garwood, Waxhaw; Randi Gibbs, Youngsville; Ashley Gorman, Greensboro; Addie Griffin, Louisburg; Ben Hinson, Lexington; Blythe Layne, Cary; Hannah Lee Leidy, Elizabeth City; Tucker Loflin, Greensboro; Metta Longo, Holly Springs; Corinne May, Raleigh; Lee Payne, Jr., Lexington; Nick Pruthi, Durham; Vincent Ragland II, Henderson; Nathan Ravenel, Cary; Lizzy Sirkin, New Bern; Ryder Smith, Burlington; Bethany Spivey, Greensboro; and Brad Yovanovich, Raleigh.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 7:55 p.m., subject to the introduction of bills, and receipt of committee reports, and messages from the House of Representatives, to meet Tuesday, June 7, at 3:00 p.m.

INTRODUCTION OF A BILL

A bill is filed for introduction is presented to the Senate, read the first time, and disposed of, as follows:

By Senators Rouzer, Brown (Primary Sponsors) and East:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Agriculture/Environment/Natural Resources Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF CLAYTON, SELMA, AND SMITHFIELD SHALL USE REVENUE DERIVED FROM RATES FOR ELECTRIC SERVICE FOR PAYING THE DIRECT AND INDIRECT COSTS OF OPERATING THE ELECTRIC SYSTEM, TRANSFERRING AMOUNTS THAT REPRESENT A RATE OF RETURN ON THE INVESTMENT IN THE ELECTRIC SYSTEM, AND MAKING DEBT SERVICE PAYMENTS.

Referred to the **Commerce Committee**.

H.B. 119 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

June 6, 2011

H.B. 177 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR DISMEMBERING HUMAN REMAINS.

Referred to the **Judiciary II Committee**.

H.B. 340 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO OBTAIN CRIMINAL HISTORY RECORD CHECKS OF APPLICANTS FOR AND CURRENT HOLDERS OF A CERTIFICATE TO TRANSPORT HOUSEHOLD GOODS.

Referred to the **Judiciary II Committee**.

H.B. 374, A BILL TO BE ENTITLED AN ACT TO PROTECT THOSE IMPACTED BY THE NORTH CAROLINA EUGENICS BOARD PROGRAM FROM 1929 TO 1975 BY PROVIDING THAT CERTAIN INFORMATION PERTAINING TO THEM IS NOT A PUBLIC RECORD.

Referred to the **Judiciary II Committee**.

H.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME PERIOD FOR HOLDING REAL PROPERTY AS A FUTURE SITE FOR HOUSING FOR LOW- OR MODERATE-INCOME INDIVIDUALS AND FAMILIES.

Referred to the **Commerce Committee**.

H.B. 462, A BILL TO BE ENTITLED AN ACT TO STUDY THE ADEQUACY OF CURRENT CONSUMER PROTECTIONS FOR BUSINESS OPPORTUNITY AND FRANCHISE SALES.

Referred to the **Commerce Committee**.

H.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT AND TO INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 503 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES FOR OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS

AND TO REQUIRE CHARTER SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM AND LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE RULES BY THE 2012-2013 SCHOOL YEAR.

Referred to the **Education/Higher Education Committee**.

H.B. 518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN ADDITIONAL ONE PERCENT OCCUPANCY TAX FOR PERSON COUNTY.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 538, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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**.

H.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TORT REFORM FOR NORTH CAROLINA CITIZENS AND BUSINESSES.

Referred to the **Judiciary I Committee**.

H.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE CLEAN WATER MANAGEMENT TRUST FUND TO PROVIDE THAT THE FUND MAY BE USED TO PRESERVE LANDS FOR THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 607 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A PERSON MAY APPLY FOR A RESTORATION OF THE PERSON'S LICENSE AFTER A HABITUAL DWI CONVICTION.

Referred to the **Judiciary II Committee**.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS AND OTHER WATER SUPPLY RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF PORTABLE ELECTRONICS INSURANCE.

Referred to the **Finance Committee**.

June 6, 2011

H.B. 627, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE EFFICIENCY AND COST-SAVINGS IN STATE GOVERNMENT STUDY COMMISSION.

Referred to the **State and Local Government Committee**.

H.B. 641 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CERTIFICATE OF RELIEF THAT WILL ASSIST INDIVIDUALS CONVICTED OF LESS SERIOUS CRIMES IN DEALING WITH COLLATERAL SANCTIONS AND DISQUALIFICATIONS THAT RESULT FROM A CRIMINAL CONVICTION AND A PROCEDURE FOR ISSUING THAT CERTIFICATE.

Referred to the **Judiciary II Committee**.

H.B. 642 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011."

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PHARMACY AUDIT RIGHTS AND TO ESTABLISH STANDARDS FOR RECOUPMENT OF CLAIMS AND AUTHORIZING A THIRTY- DAY PERIOD TO SUBMIT A WRITTEN REQUEST FOR A RECONSIDERATION REVIEW TO THE DIVISION OF MEDICAL ASSISTANCE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 654, A BILL TO BE ENTITLED AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

Referred to the **Commerce Committee**.

H.B. 662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES THAT PROVIDE ELECTRONIC MONITORING FOR OFFENDERS TO COLLECT A FEE TO RECOVER THE ACTUAL COSTS OF PROVIDING THAT MONITORING.

Referred to the **Finance Committee**.

H.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD A PENALTY FOR ASSAULT INFLICTING PHYSICAL INJURY ON LAW ENFORCEMENT, PROBATION OR PAROLE OFFICERS, OR DETENTION PERSONNEL.

Referred to the **Judiciary II Committee**.

H.J.R. 704 (Committee Substitute), A JOINT RESOLUTION TO AUTHORIZE A STUDY OF THE STATE'S FUTURE ENERGY NEEDS, INCLUDING ALTERNATIVE FUEL FOR VEHICLES.

Referred to the **Commerce Committee**.

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW RELATING TO ALIMONY AND POSTSEPARATION SUPPORT, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

Referred to the **Judiciary II Committee**.

H.B. 707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE AND ENACT CERTAIN PROVISIONS REGARDING DEEDS OF TRUST, INCLUDING RELEASES, SHORT SALES, FUTURE ADVANCE PROVISION TERMINATIONS AND SATISFACTIONS, TERMINATIONS AND SATISFACTIONS FOR EQUITY LINE LIENS, RELEASE OF ANCILLARY DOCUMENTS, ELIMINATING TRUSTEE OF DEED OF TRUST AS NECESSARY PARTY FOR CERTAIN TRANSACTIONS AND LITIGATION, AND INDEXING OF SUBSEQUENT INSTRUMENTS RELATED THERETO.

Referred to the **Judiciary I Committee**.

H.B. 713 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, AND FORESTRY EQUIPMENT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 772 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON FEDERAL SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) COMPLIANCE.

Referred to the **Judiciary II Committee**.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO INCREASE CONSUMER ACCESS AND CREDIT MARKET PARITY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA BY CREATING THE DIVISION OF EMPLOYMENT SECURITY WITHIN THE DEPARTMENT OF COMMERCE, TRANSFERRING THE FUNCTIONS OF THE EMPLOYMENT SECURITY COMMISSION TO THAT DIVISION, MAKING THE DIVISION SUBJECT TO RULE MAKING

June 6, 2011

UNDER ARTICLE 2A OF CHAPTER 150B OF THE GENERAL STATUTES, AND BY MAKING OTHER MODIFICATIONS AND CONFORMING CHANGES TO ALIGN THE EMPLOYMENT SECURITY FUNCTIONS OF STATE GOVERNMENT UNDER THE DIRECT LEADERSHIP OF THE SECRETARY OF COMMERCE.

Referred to the **Program Evaluation Committee**.

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC LISTING OF PERSONAL PROPERTY FOR PROPERTY TAX PURPOSES.

Referred to the **Finance Committee**.

H.B. 914, A BILL TO BE ENTITLED AN ACT TO PLACE AUTOMATIC EXTERNAL DEFIBRILLATORS (AEDS) IN ALL BUILDINGS AND FACILITIES THAT HOUSE STATE SERVICES, AGENCIES, AND INSTITUTIONS AND PROVIDE TRAINING FOR STATE EMPLOYEES IN THOSE FACILITIES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL MANAGEMENT ENTITIES WITH RESPECT TO STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

Referred to the **Mental Health & Youth Services Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 3, 2011

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. 31** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 6, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 321 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar for Tuesday, June 7.

S.B. 155 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON AND THE CITIES OF DURHAM AND WINSTON-SALEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 7.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 7.

H.B. 749 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE NORTH CAROLINA STATE PORTS AUTHORITY DEVELOPS BUSINESSES RATHER THAN COMPETING WITH BUSINESSES; AND TO STUDY A PROJECT TO FACILITATE SHIPPING UP THE CAPE FEAR RIVER.

Referred to the **Commerce Committee**.

June 6, 2011

H.B. 384 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE FEES CHARGED FOR REGISTERING INSTRUMENTS WITH A REGISTER OF DEEDS IN THIS STATE AND TO MODIFY THE INSTRUMENT PAGE REQUIREMENTS.

Referred to the **Finance Committee**.

H.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM OR AS A VOLUNTEER FOR A STATE HISTORICAL AND CULTURAL ORGANIZATION IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAPITAL TRIAL, SENTENCING, AND POSTCONVICTION PROCEDURES FOR A PERSON WITH A SEVERE MENTAL DISABILITY AND TO PROVIDE THAT INSANITY IS NOT AVAILABLE AS A DEFENSE TO A CRIMINAL ACTION IF PRIOR ALCOHOL OR DRUG USE OR BOTH ARE THE SOLE CAUSE OF THE PSYCHOSIS OR IF VOLUNTARY INTOXICATION, A VOLUNTARY DRUGGED CONDITION, OR BOTH COMBINED ARE THE SOLE SUPPORT FOR THE DEFENSE.

Referred to the **Judiciary I Committee** and upon a favorable report, referred to the **Appropriations/Base Budget Committee**.

H.B. 778 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LAWS RELATING TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AND THE PRESERVATION OF BIOLOGICAL EVIDENCE.

Referred to the **Judiciary I Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-EIGHTH DAY

Senate Chamber
Tuesday, June 7, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, you know my heart, and you know our hearts. And I know you have devoted me wholly to the service of your servants. As we all draw near to you, would you inspire these Senators by your fountain of mercy. 'Come thou fount of every blessing, tune our hearts to sing your grace.' For my part, oh Lord, I commit them into your hands and loving providence. May no one snatch them from your hand, nor from your servants, unto whom you have committed them. May they persevere with gladness in their holy purpose unto the attainment of everlasting life with you, our most sweet Lord, their helper always, who lives and reigns to ages of ages. Amen."

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, June 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Lt. Nina Davis from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 309, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNING BOARD OF ANY SOIL AND WATER CONSERVATION DISTRICT TO ESTABLISH A SPECIAL RESERVE FUND TO BE USED FOR MAINTAINING CONSERVATION EASEMENTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 491, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS

June 7, 2011

CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 599, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION AND PROCESSING OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF 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 35259, which changes the title to read **S.B. 599** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO NO LONGER REQUIRE, FOR ANY PERSON REQUIRED TO REGISTER A PESTICIDE IN THE OFFICE OF THE NORTH CAROLINA PESTICIDE BOARD, THE SUBMISSION OF THE MATERIAL SAFETY DATA SHEET TO BE FILED WITH THE PESTICIDE 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 75165, which changes the title to read **S.B. 603** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT TO SUBMIT A MATERIAL SAFETY DATA SHEET TO THE NORTH CAROLINA PESTICIDE BOARD IN CONNECTION WITH REGISTRATION OF A PESTICIDE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 628, A BILL TO BE ENTITLED AN ACT TO PROVIDE (1) THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL DENY A WATER QUALITY PERMIT OR CERTIFICATION WHEN THE APPLICANT KNOWINGLY FALSIFIES INFORMATION OR FAILS TO DISCLOSE RELEVANT INFORMATION IN THE APPLICATION OR SUPPORTING INFORMATION AND (2) THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL CONDUCT AN ENVIRONMENTAL COMPLIANCE REVIEW OF AN APPLICANT FOR A WATER QUALITY PERMIT OR CERTIFICATION PRIOR TO ISSUANCE OF A PERMIT OR CERTIFICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 7, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55308, which changes the title to read **S.B. 628** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CRIMINAL PENALTY FOR THE INTENTIONAL WITHHOLDING OF INFORMATION MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION, AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DENY A WATER QUALITY PERMIT OR CERTIFICATION IF AN APPLICANT INTENTIONALLY WITHHOLDS INFORMATION OR KNOWINGLY PROVIDES FALSE INFORMATION THAT IS MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 750 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER MANAGEMENT SYSTEM FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS' ASSOCIATION UPON REQUEST OF THE PERMITTEE AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED AND (2) PROVIDE THAT THE RULES OF A SANITARY DISTRICT MAY NOT BE MORE RESTRICTIVE THAN OR CONFLICT WITH THE REQUIREMENTS OR ORDINANCES OF A COUNTY WITH JURISDICTION OVER THE AREA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90122, which changes the title to read **H.B. 750** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER MANAGEMENT SYSTEM FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS ASSOCIATION UPON REQUEST OF THE PERMITTEE AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED, (2) PROVIDE THAT THE RULES OF A SANITARY DISTRICT MAY NOT BE MORE RESTRICTIVE THAN OR CONFLICT WITH THE REQUIREMENTS OR ORDINANCES OF A COUNTY WITH JURISDICTION OVER THE AREA; AND (3) PROHIBIT ANY PERSON FROM CONTRACTING OR SUBCONTRACTING TO RENT OR LEASE TO ANOTHER A PORTABLE TOILET OR MANAGE OR DISPOSE OF WASTE FROM A PORTABLE TOILET UNLESS THAT PERSON IS PERMITTED TO OPERATE A SEPTAGE MANAGEMENT FIRM, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 7, 2011

By Senator Blake for the **Health Care Committee**:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

By Senator Brown for the **Commerce Committee**:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Commerce Committee**.

H.B. 181, A BILL TO BE ENTITLED AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 293, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ECOCOMPLEX RENEWABLE ENERGY DEMONSTRATION PARKS IN CATAWBA 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 35264, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 533, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES THAT ALLOW A LESSOR OF A RESIDENTIAL BUILDING OR COMPLEX HAVING INDIVIDUALLY METERED UNITS FOR ELECTRIC SERVICE IN THE LESSOR'S NAME TO CHARGE FOR THE ACTUAL COSTS OF PROVIDING ELECTRIC SERVICE TO EACH TENANT WHEN THE

LESSOR HAS A SEPARATE LEASE FOR EACH BEDROOM IN THE UNIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35265, which changes the title to read **S.B. 533** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES THAT ALLOW A LESSOR OF A RESIDENTIAL BUILDING OR COMPLEX HAVING INDIVIDUALLY METERED UNITS FOR ELECTRIC SERVICE IN THE LESSOR'S NAME TO CHARGE FOR THE ACTUAL COSTS OF PROVIDING ELECTRIC SERVICE TO EACH TENANT WHEN THE LESSOR HAS A SEPARATE LEASE FOR EACH BEDROOM IN THE UNIT, AND TO MAKE OTHER CONFORMING CHANGES, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Insurance Committee**:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75172, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 609, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15172, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 647, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING 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 35268, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

June 7, 2011

S.B. 702, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE TREASURER TO PURCHASE 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 85213, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 738, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON OR ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGE CONTROL PERMIT HAVE AT LEAST ONE MILLION DOLLARS IN 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 85212, which changes the title to read **S.B. 738** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON THAT HOLDS CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS HAVE AT LEAST ONE MILLION DOLLARS IN LIABILITY INSURANCE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Hartsell for the **Finance Committee**:

S.B. 542, A BILL TO BE ENTITLED AN ACT EXEMPTING COMMUNITY COLLEGES FROM THE NORTH CAROLINA E-PROCUREMENT SYSTEM AND REPEALING A SECTION OF THE E-PROCUREMENT STATUTE THAT HAS EXPIRED, with a favorable report.

Upon motion of Senator Hartsell, the bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 45 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 206, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

June 7, 2011

S.B. 312, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55310, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Walters for the **State and Local Government Committee**:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 528, 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, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 151, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH 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 95090, which changes the title to read **S.B. 151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAKE COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS AND TO BRING WAKE COUNTY UNDER THE GENERAL LAW CONCERNING FILLING OF VACANCIES ON ITS COUNTY BOARD OF COMMISSIONERS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 250, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 7, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35212, which changes the title to read **S.B. 250** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HARKERS ISLAND SANITARY DISTRICT BOARD ON THE SAME DATE AS GENERAL ELECTIONS IN EVEN-NUMBERED YEARS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 260, A BILL TO BE ENTITLED AN ACT RELATING TO THE 5TH 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 75116, which changes the title to read **S.B. 260** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY RECEIVE FOREIGN LANGUAGE CREDIT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 334, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 7, 2011

S.B. 159, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH 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 75164, which changes the title to read **S.B. 159** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE BLUE RIDGE CORRECTIONAL FACILITY TO MAYLAND COMMUNITY COLLEGE FOR THE EXPANSION OF EXISTING COMMUNITY COLLEGE PROGRAMS AND THE DEVELOPMENT OF NEW PROGRAMS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 726, A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS OR GUARDIANS TO MAKE THE DECISION REGARDING CLASSROOM PLACEMENT FOR MULTIPLE BIRTH SIBLINGS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95096, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 758, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ARTS EDUCATION 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 30371, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 736 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO, AND CLARIFYING AMBIGUITIES IN, THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50367, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

June 7, 2011

S.B. 268, A BILL TO BE ENTITLED AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85215, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 324, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR AND FORTIFIED WINES FROM THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75173, which changes the title to read **S.B. 324** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR FROM THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 349, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35269, which changes the title to read **S.B. 349** (Committee Substitute), A BILL TO BE ENTITLED AN ACT WHICH ALLOWS THE NORTH CAROLINA STATE

BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL, REQUIRES LICENSEES TO COOPERATE WITH LAW ENFORCEMENT AGENCIES, AND REQUIRES LICENSEES TO SELF-REPORT CERTAIN INDICTMENTS, ARRESTS, MEDICAL JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 356, A BILL TO BE ENTITLED AN ACT TO LIMIT A PARTY NOMINEE FROM FILING AS AN UNAFFILIATED CANDIDATE FOR ANOTHER OFFICE EXCEPT IN CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75171, which changes the title to read **S.B. 356** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE, EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 435, A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT ON CIVIL ACTIONS FILED AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95098, which changes the title to read **S.B. 435** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT IN CIVIL ACTIONS OR ARBITRATION PROCEEDINGS BROUGHT AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 712, A BILL TO BE ENTITLED AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75170, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 7, 2011

By Senator Newton for the **Judiciary II Committee**:

S.B. 756, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE OR LOCAL FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE 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 95099, which changes the title to read **S.B. 756** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 762, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85214, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 31 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

Upon motion of Senator Apodaca, the Conference Report is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 8.

June 7, 2011

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE PUBLIC HEALTH SYSTEM BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM, STRENGTHENING LOCAL PUBLIC HEALTH INFRASTRUCTURE, AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

Upon motion of Senator Hartsell, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 8.

S.B. 237 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

S.B. 155 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON AND THE CITIES OF DURHAM AND WINSTON-SALEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled.

S.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT CAMPAIGN SIGNS IN HIGHWAY RIGHTS-OF-WAY WITH REASONABLE TIME, PLACE, AND MANNER RESTRICTIONS.

The Committee Substitute bill passes its second reading (48-2) 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.

S.B. 496 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REQUIREMENTS OF MEDICAID AND HEALTH CHOICE PROVIDERS.

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 by special message.

June 7, 2011

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

Upon motion of Senator Phil Berger, the Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 8.

S.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY IMPLEMENTATION OF FEDERAL FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES IN PUBLIC SCHOOLS.

Senator Atwater 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 by special message.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.B. 447, A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD 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 55311, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (*continued*)

S.B. 745 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN NORTH CAROLINA BY CLARIFYING PROVISIONS OF THE BEER FRANCHISE LAW TO PROVIDE: A FRANCHISE AGREEMENT APPLIES TO ALL SUPPLIER PRODUCTS UNDER THE SAME BRAND NAME; A WHOLESALER MUST SELL MALT BEVERAGES TO ALL RETAILERS IN ITS TERRITORY AT THE SAME PRICE AT THE TIME OF DELIVERY; PROHIBITED ACTS OF SUPPLIERS WITH RESPECT TO THEIR DEALINGS WITH WHOLESALERS; GOOD CAUSE FOR TERMINATION MAY NOT BE MODIFIED BY AN AGREEMENT THAT DEFINES GOOD CAUSE IN A MANNER DIFFERENT THAN PROVIDED BY STATE LAW; REVERSION OF

June 7, 2011

SMALL BREWERIES' SELF-DISTRIBUTION RIGHTS UNDER CERTAIN CIRCUMSTANCES; CERTAIN ACTS THAT DO NOT AMOUNT TO GOOD CAUSE FOR TERMINATION OF A FRANCHISE; REMEDIES FOR A SUPPLIER'S WRONGFUL TERMINATION OF A FRANCHISE; INCLUSION OF A WHOLESALER MERGER, THE FACTORS THAT MAY BE CONSIDERED BY THE SUPPLIER IN APPROVING A MERGER OR TRANSFER, AND REMEDIES FOR UNLAWFUL REFUSAL TO APPROVE A MERGER OR TRANSFER; THE BEER FRANCHISE LAW MAY NOT BE WAIVED BY AN AGREEMENT CONTRARY TO STATE LAW; AND MEDIATION OF DISPUTES ARISING UNDER THE BEER FRANCHISE LAW.

Senator Allran offers Amendment No. 1 which is adopted (49-1).

Senator Allran offers Amendment No. 2 which is adopted (48-1).

Senator Allran offers Amendment No. 3 which is adopted (49-1).

The Committee Substitute bill, as amended, passes its second reading (49-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 203, 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.

Senator McKissick offers Amendment No. 1 which is adopted (48-2).

The bill, as amended, passes its third reading (47-3) and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 578 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF BEDS FROM A STATE PSYCHIATRIC HOSPITAL TO A COMMUNITY FACILITY WITHIN CERTAIN LMES.

The Committee Substitute bill passes its third reading (48-1) and is ordered sent to the House of Representatives by special message.

S.B. 743 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVISION OF MEDICAL SERVICES TO INDIGENT PERSONS BY PROVIDING FOR A RETIRED LIMITED VOLUNTEER LICENSE AND BY BROADENING THE APPLICABILITY OF A LIMITED VOLUNTEER LICENSE AND BY LIMITING LIABILITY FOR NONPROFIT COMMUNITY HEALTH REFERRAL SERVICES.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special message.

S.B. 16 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE

June 7, 2011

CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator East, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 321 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill No. 2, (50-0) and the bill is ordered enrolled and sent to the Governor.

The Senate recesses at 4:00 p.m. to reconvene at 5:15 p.m., subject to the receipt of committee reports and messages from the House of Representatives.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Senate recesses at 5:15 p.m. to reconvene at 5:45 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary II Committee**:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES; TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A ONE-YEAR REVOCATION OF A PROVISIONAL LICENSEE'S OR SUPERVISING DRIVERS LICENSE IF A DRIVING LOG IS FALSIFIED; TO REQUIRE AN

IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS CHARGED WITH A VIOLATION OF THE RESTRICTIONS FOR A PROVISIONAL LICENSEE, A MOVING VIOLATION, OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF 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 15174, which changes the title to read **S.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES; TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF DRIVING TIME BY A PERSON WITH A LIMITED LEARNER'S PERMIT BEFORE A LEVEL 2 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A DRIVING LOG SHOWING TWELVE HOURS OF DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE AN IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS CHARGED WITH CERTAIN MOVING VIOLATIONS OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF THIS ACT, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 8.

S.B. 707, 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 95100, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 8.

SUPPLEMENTAL CALENDAR

Bills on today's supplemental calendar are taken up and disposed of, as follows:

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE-CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Wednesday, June 8.

June 7, 2011

H.B. 750 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER MANAGEMENT SYSTEM FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS ASSOCIATION UPON REQUEST OF THE PERMITTEE AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED, (2) PROVIDE THAT THE RULES OF A SANITARY DISTRICT MAY NOT BE MORE RESTRICTIVE THAN OR CONFLICT WITH THE REQUIREMENTS OR ORDINANCES OF A COUNTY WITH JURISDICTION OVER THE AREA; AND (3) PROHIBIT ANY PERSON FROM CONTRACTING OR SUBCONTRACTING TO RENT OR LEASE TO ANOTHER A PORTABLE TOILET OR MANAGE OR DISPOSE OF WASTE FROM A PORTABLE TOILET UNLESS THAT PERSON IS PERMITTED TO OPERATE A SEPTAGE MANAGEMENT FIRM.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 758 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ARTS EDUCATION COMMISSION.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 334, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE RESULTS OF FITNESS TESTING IN EACH LOCAL SCHOOL ADMINISTRATIVE UNIT.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Clary for the **Program Evaluation Committee**:

S.B. 409, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PROGRAM EVALUATION DIVISION OF THE NORTH CAROLINA GENERAL ASSEMBLY SHALL CONDUCT A COMPREHENSIVE

June 7, 2011

PROGRAM AND FINANCIAL REVIEW OF THE NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35262, which changes the title to read **S.B. 409** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEATS FUND TO THE GLOBAL TRANSPARK, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 593, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ANDREW JACKSON HISTORIC MEMORIAL 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 15171, which changes the title to read **S.B. 593** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 8.

H.B. 595, A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80254, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Wednesday, June 8.

WITHDRAWAL FROM COMMITTEE

S.B. 697, A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE OR WHO ENGAGES IN PATIENT ADVOCACY, referred to the **Rules and Operations of the Senate Committee** on April 20.

Pursuant to Rule 47(a), Senator Apodaca 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.

June 7, 2011

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**.

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is re-referred to the **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary II Committee**:

S.B. 205, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC 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 15176, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 8.

S.B. 679, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAW PROHIBITING COCKFIGHTING AND RELATED 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 95097, which changes the title to read **S.B. 679** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CASTLE DOCTRINE, TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO CARRY A HANDGUN IN A PARK, AND TO AUTHORIZE DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, OR THEIR INVESTIGATORS WHO HAVE A VALID CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 8.

S.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

June 7, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 95102, which changes the title to read **S.B. 170** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS IN RESPONSE TO THE NORTH CAROLINA COURT OF APPEALS DECISION IN SALISBURY V. CAMPBELL, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is placed on the calendar for Wednesday, June 8.

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAKE COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS AND TO BRING WAKE COUNTY UNDER THE GENERAL LAW CONCERNING FILLING OF VACANCIES ON ITS COUNTY BOARD OF 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 by special message.

S.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE BLUE RIDGE CORRECTIONAL FACILITY TO MAYLAND COMMUNITY COLLEGE FOR THE EXPANSION OF EXISTING COMMUNITY COLLEGE PROGRAMS AND THE DEVELOPMENT OF NEW PROGRAMS.

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 by special message.

S.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HARKERS ISLAND SANITARY DISTRICT BOARD ON THE SAME DATE AS GENERAL ELECTIONS IN EVEN-NUMBERED 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 sent to the House of Representatives by special message.

S.B. 293 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF ECOCOMPLEX RENEWABLE ENERGY DEMONSTRATION PARKS IN CATAWBA 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 by special message.

S.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO SEVEN, TO PROVIDE FOR FOUR-YEAR

June 7, 2011

TERMS RATHER THAN SIX-YEAR TERMS AND TO ADD AN AT-LARGE MEMBER.

Senator Jenkins offers Amendment No. 1 which fails of adoption (19-31).

The Committee Substitute bill passes its second reading (39-11) 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. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO.

The Committee Substitute bill passes its second reading (31-19) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 528, 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 bill passes its second reading (47-3) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

RECONSIDERATION

S.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE BLUE RIDGE CORRECTIONAL FACILITY TO MAYLAND COMMUNITY COLLEGE FOR THE EXPANSION OF EXISTING COMMUNITY COLLEGE PROGRAMS AND THE DEVELOPMENT OF NEW PROGRAMS.

Upon motion of Senator Apodaca, having voted in the majority on the passage of **S.B. 159** upon its second and third reading, the measure is reconsidered, without objection, and placed on the calendar for Wednesday, June 8. The Committee Substitute bill is changed from a local bill to a public bill.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE ENHANCED PROTECTIONS FOR VICTIMS AND WITNESSES BY ADDING AN EXCEPTION TO THE HEARSAY RULE THAT ALLOWS THE STATEMENT OF AN UNAVAILABLE WITNESS TO BE INTRODUCED INTO EVIDENCE IN CERTAIN CIRCUMSTANCES AND BY INCREASING THE CRIMINAL PENALTY FOR THE OFFENSE OF INTIMIDATING OR INTERFERING WITH A WITNESS.

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 by special message.

June 7, 2011

S.B. 309, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNING BOARD OF ANY SOIL AND WATER CONSERVATION DISTRICT TO ESTABLISH A SPECIAL RESERVE FUND TO BE USED FOR MAINTAINING CONSERVATION EASEMENTS.

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 by special message.

S.B. 324 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS, A FEDERALLY RECOGNIZED INDIAN TRIBE AND SOVEREIGN NATION, TO RECEIVE SHIPMENTS OF SPIRITUOUS LIQUOR FROM THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION AND TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TO ESTABLISH A TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO REGULATE THE PURCHASE, POSSESSION, CONSUMPTION, SALE, AND DELIVERY OF ALCOHOLIC BEVERAGES AT RETAIL.

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 by special message.

S.B. 349 (Committee Substitute), A BILL TO BE ENTITLED AN ACT WHICH ALLOWS THE NORTH CAROLINA STATE BOARD OF EXAMINERS IN OPTOMETRY TO CONSIDER CERTAIN INVESTIGATIVE INFORMATION AS CONFIDENTIAL, REQUIRES LICENSEES TO COOPERATE WITH LAW ENFORCEMENT AGENCIES, AND REQUIRES LICENSEES TO SELF-REPORT CERTAIN INDICTMENTS, ARRESTS, MEDICAL JUDGMENTS, AWARDS, PAYMENTS, AND SETTLEMENTS.

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 by special message.

S.B. 356 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE, EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM.

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 by special message.

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

The bill passes its second reading (31-19).

June 7, 2011

Senator Graham objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 8, upon third reading.

S.B. 435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A CERTIFICATE OF MERIT IN CIVIL ACTIONS OR ARBITRATION PROCEEDINGS BROUGHT AGAINST A PERSON OR FIRM PROVIDING ARCHITECTURE OR ENGINEERING SERVICES IN THIS STATE.

The Committee Substitute bill passes its second reading (36-14) 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. 491, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT THE AGRICULTURAL USE EXEMPTION FROM SEDIMENTATION POLLUTION CONTROL ACT PERMITTING REQUIREMENTS CONTINUES TO APPLY WHEN THE LAND IS TRANSFERRED INTO A WETLANDS RESTORATION PROGRAM OR OTHER WATER QUALITY, WATER RESOURCES, OR WILDLIFE HABITAT ENHANCEMENT PROGRAM.

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 by special message.

S.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.

The Committee Substitute bill passes its second reading (38-12) 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. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT PROCEDURES THAT ALLOW A LESSOR OF A RESIDENTIAL BUILDING OR COMPLEX HAVING INDIVIDUALLY METERED UNITS FOR ELECTRIC SERVICE IN THE LESSOR'S NAME TO CHARGE FOR THE ACTUAL COSTS OF PROVIDING ELECTRIC SERVICE TO EACH TENANT WHEN THE LESSOR HAS A SEPARATE LEASE FOR EACH BEDROOM IN THE UNIT, AND TO MAKE OTHER CONFORMING 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 by special message.

June 7, 2011

S.B. 603 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT TO SUBMIT A MATERIAL SAFETY DATA SHEET TO THE NORTH CAROLINA PESTICIDE BOARD IN CONNECTION WITH REGISTRATION OF A PESTICIDE.

The Committee Substitute bill passes its second reading (49-0).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 8, upon third reading.

S.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION.

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 by special message.

S.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CRIMINAL PENALTY FOR THE INTENTIONAL WITHHOLDING OF INFORMATION MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION, AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DENY A WATER QUALITY PERMIT OR CERTIFICATION IF AN APPLICANT INTENTIONALLY WITHHOLDS INFORMATION OR KNOWINGLY PROVIDES FALSE INFORMATION THAT IS MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION.

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 by special message.

S.B. 631, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY RECEIVE FOREIGN LANGUAGE CREDIT.

Senator Brock offers Amendment No. 1 which is adopted (49-0), and changes the title to read **S.B. 631**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION.

The bill, as amended, passes its second reading (45-4) 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.

June 7, 2011

S.B. 655, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES DO NOT COMPROMISE THE FUNDAMENTAL PUBLIC PURPOSE OF THE DENTAL PRACTICE ACT, WHICH IS ENSURING THAT CITIZENS HAVE ACCESS TO HIGH QUALITY DENTAL CARE THAT IS OWNED, CONTROLLED, AND SUPERVISED BY LICENSED AND PROFESSIONAL DENTISTS WITH DEMONSTRATED CLINICAL SKILLS AND WHO ARE ACCOUNTABLE FOR THEIR DENTAL DECISIONS.

Without objection, Senator Brunstetter request to be excused from voting on the bill due to a conflict of interest.

The 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 by special message.

S.B. 702 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE TREASURER TO PURCHASE LIABILITY INSURANCE.

Senator Meredith offers Amendment No. 1 which is adopted (48-0).

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 by special message.

S.B. 712 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE CALENDAR PERIODS COVERED BY QUARTERLY REPORTS OF CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

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 by special message.

S.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS OR GUARDIANS TO MAKE THE DECISION REGARDING CLASSROOM PLACEMENT FOR MULTIPLE BIRTH SIBLINGS.

The Committee Substitute bill passes its second reading (44-5) 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. 738 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON THAT HOLDS CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS HAVE AT LEAST ONE MILLION DOLLARS IN LIABILITY INSURANCE.

The Committee Substitute bill passes its second reading (49-0).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 8, upon third reading.

S.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM.

Upon motion of Senator Clary, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Wednesday, June 8.

S.B. 762 (Committee Substitute), 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.

The Committee Substitute bill passes its second reading (38-11).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 8, upon third reading.

H.B. 45 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 181, A BILL TO BE ENTITLED AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY 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.

June 7, 2011

H.B. 206, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS.

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. 736 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO, AND CLARIFYING AMBIGUITIES IN, THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE.

Senator Pate 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 by special message for concurrence in the Senate Committee Substitute bill.

S.B. 603 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT TO SUBMIT A MATERIAL SAFETY DATA SHEET TO THE NORTH CAROLINA PESTICIDE BOARD IN CONNECTION WITH REGISTRATION OF A PESTICIDE.

Upon motion of Senator Stein, the third reading objection is removed and the Committee Substitute bill is placed on the calendar for immediate consideration.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Phil Berger, seconded by Senator Jackson, the Senate adjourns at 8:30 p.m., subject to the receipt of committee reports and the receipt of messages from the House of Representatives, to meet Wednesday, June 8, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 342 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING ANY PUBLIC INSTITUTION OF HIGHER EDUCATION FROM SOLICITING OR USING INFORMATION REGARDING THE ACCREDITATION OF A SECONDARY SCHOOL LOCATED IN NORTH CAROLINA THAT IS ATTENDED BY A STUDENT AS A FACTOR AFFECTING ADMISSIONS, LOANS, SCHOLARSHIPS, OR OTHER EDUCATIONAL ACTIVITY AT THE PUBLIC INSTITUTION, UNLESS THE ACCREDITATION WAS CONDUCTED BY A STATE AGENCY; AUTHORIZING THE STATE BOARD OF EDUCATION TO ACCREDIT SCHOOLS IN A LOCAL SCHOOL ADMINISTRATIVE UNIT

June 7, 2011

AT THE REQUEST OF AND AT THE EXPENSE OF THAT UNIT; AND MODIFYING THE BUDGET OF THE DEPARTMENT OF PUBLIC INSTRUCTION ACCORDINGLY.

Referred to the **Education/Higher Education Committee**.

H.B. 552 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 571 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE.

Referred to the **Finance Committee**.

H.B. 799, A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Walters for the **State and Local Government Committee**:

S.B. 294, A BILL TO BE ENTITLED AN ACT TO AMEND THE TREE ORDINANCE AUTHORITY OF THE TOWN OF MATTHEWS TO CLARIFY THAT THE GENERAL LAW ON MUNICIPAL AUTHORITY OVER FORESTRY ACTIVITY APPLIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35263, which changes the title to read **S.B. 294** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF MADISON REGARDING THE CONDUCTION OF ELECTIONS, is adopted and engrossed.

June 7, 2011

S.B. 675, A BILL TO BE ENTITLED AN ACT REQUIRING APPLICANTS FOR THE WORK FIRST PROGRAM TO PERFORM COMMUNITY SERVICE BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC 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 95101, which changes the title to read **S.B. 675** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE CHANGES TO THE WORK FIRST PROGRAM FOR STANDARD AND ELECTING COUNTIES AND TO DIRECT THE DEPARTMENT TO EXEMPT ONLY ONE VEHICLE PER HOUSEHOLD WHEN CONSIDERING RESOURCES FOR THE PURPOSES OF ELIGIBILITY FOR PUBLIC ASSISTANCE, is adopted and engrossed.

By Senator Newton for the **Judiciary II Committee**:

S.B. 303, A BILL TO BE ENTITLED AN ACT TO REQUIRE A RED BORDER OR BACKGROUND ON LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65053, which changes the title to read **S.B. 303** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME BEAR A DISTINGUISHING MARK OR OTHER DESIGNATION TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005, is adopted and engrossed.

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE RULES FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK, with a favorable report.

Upon motion of Senator Newton, the bill is re-referred to the **Finance Committee**.

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75174, is adopted and engrossed.

June 7, 2011

S.B. 456, A BILL TO BE ENTITLED AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15175, is adopted and engrossed.

S.B. 580, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO CLARIFY THE CONDITIONS OF PRETRIAL RELEASE WHEN A DNA SAMPLE IS REQUIRED, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO DECREASE THE PERIOD OF TIME THAT STATE EMPLOYEES MUST BE SEPARATED FROM EMPLOYMENT PRIOR TO BEING SELECTED TO SERVE IN A POSITION WITHIN THE JUDICIAL BRANCH, TO ELIMINATE THE NECESSITY OF A HEARING TO REMOVE A PERSONAL REPRESENTATIVE IN ESTATE CASES, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO CHANGE THE DATE ON WHICH A NEWLY ELECTED CLERK OF SUPERIOR COURT TAKES OFFICE, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75175, which changes the title to read **S.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE

June 7, 2011

FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING, is adopted and engrossed.

Upon motion of Senator Brunstetter, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Commerce Committee**.

S.B. 571, A BILL TO BE ENTITLED AN ACT TO REPEAL THE RESIDENT SUBSISTENCE UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE WAIVER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15164, is adopted and engrossed.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-NINTH DAY

Senate Chamber
Wednesday, June 8, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, first we come to you on behalf of Senator Walters' family. We ask for you to go to them as only you can to be with them, and strengthen them, and lift them up. Lord we ask you to be with them. As we come here, would you remind us that these proceedings, while they are mundane, while we pass paper, we talk, we make motions, we argue, we can even drink lots of milk and lose to the House, you still delight in us over these small things. Help us as we go about these tasks. Brand us with the sense that our words and our votes may glorify you and honor your presence here among us. Amen."

June 8, 2011

The Chair grants a leave of absence for today to Senator Walters.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, June 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Kathie Smith from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 16, AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED.

S.B. 321, AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW.

S.B. 513, AN ACT TO ALLOW CREDIT UNIONS TO CONDUCT SAVINGS PROMOTION RAFFLES.

H.B. 181, AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 155, AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON AND THE CITIES OF DURHAM AND WINSTON-SALEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

June 8, 2011

S.B. 431, AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM.

H.B. 150, AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO.

H.B. 528, 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.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

S.B. 170 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS IN RESPONSE TO THE NORTH CAROLINA COURT OF APPEALS DECISION IN SALISBURY V. CAMPBELL.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Thursday, June 9.

S.B. 576 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FEES FOR TEACHER CERTIFICATION AND ADMINISTRATIVE CHANGES TO CERTIFICATION.

Upon motion of Senator Apodaca, 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**.

S.B. 707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF MADISON REGARDING THE CONDUCTION OF ELECTIONS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 9.

S.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The Committee Substitute bill passes its second reading (36-13) 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.

June 8, 2011

S.B. 159 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE BLUE RIDGE CORRECTIONAL FACILITY TO MAYLAND COMMUNITY COLLEGE FOR THE EXPANSION OF EXISTING COMMUNITY COLLEGE PROGRAMS AND THE DEVELOPMENT OF NEW PROGRAMS.

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 by special message.

S.B. 205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS.

Upon motion of Senator Allran, the President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO INDIVIDUALS WHO ARE LEGALLY PRESENT IN THE UNITED STATES FOR A LIMITED DURATION OF TIME BEAR A DISTINGUISHING MARK OR OTHER DESIGNATION TO ENSURE COMPLIANCE WITH THE REAL ID ACT OF 2005.

The Committee Substitute bill 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 by special message.

S.B. 456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

The Committee Substitute bill passes its second reading (45-4) 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. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE PUBLIC HEALTH SYSTEM BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM, STRENGTHENING LOCAL PUBLIC HEALTH INFRASTRUCTURE, AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (40-9).

Senator Newton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

Upon the appearance of Senator Walters in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

June 8, 2011

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE RESIDENT SUBSISTENCE UNIFIED INLAND/COASTAL RECREATIONAL FISHING LICENSE WAIVER.

The Committee Substitute bill fails its second reading (22-27).

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

The Committee Substitute bill passes its second reading (44-5).

Senator Garrou objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

S.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINES FOR LITTERING OFFENSES.

The Committee Substitute bill passes its second reading (39-11) 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 COMMITTEE

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPTACLES, referred to the **Commerce Committee** on May 2.

Pursuant to Rule 47(a), Senator Apodaca 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. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO GRANT THE COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING, referred to the **Pensions & Retirement and Aging Committee** on June 7.

June 8, 2011

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Pensions & Retirement and Aging Committee** and placed on today's supplemental calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill be withdrawn from the **Pensions & Retirement and Aging Committee** and places it on today's supplemental calendar.

The Senate recesses at 3:10 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to reconvene at 3:40 p.m.

RECESS

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 231, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75168, which changes the title to read **S.B. 231** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS LOCATED IN THE SAME SUBBASIN WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH APPLICABLE RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM OR WASTEWATER SYSTEM, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 425, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REORGANIZE THE ECOSYSTEM ENHANCEMENT PROGRAM TO IMPROVE OPERATIONAL EFFICIENCY, AND TO MAKE CLARIFYING CHANGES TO THE STATUTES GOVERNING COMPENSATORY MITIGATION AND THE CLEAN WATER MANAGEMENT TRUST FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 8, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15177, which changes the title to read **S.B. 425** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REORGANIZE THE ECOSYSTEM ENHANCEMENT PROGRAM TO IMPROVE OPERATIONAL EFFICIENCY, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 492, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY 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 95103, which changes the title to read **S.B. 492** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY ACT, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Pate for the **Health Care Committee**:

H.B. 792 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS 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 70240, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO THE DEPARTMENT OF CORRECTION TO COMPLETE THE CONSTRUCTION OF AN AUTHORIZED PRISON HOSPITAL, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's supplemental calendar.

June 8, 2011

S.B. 770, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the bill, as amended, is placed on today's supplemental calendar.

H.B. 808, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO WAIVE ANNUAL INSPECTIONS OF ADULT CARE HOMES THAT ACHIEVE THE HIGHEST RATING, AND TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCEDURE THAT ALLOWS ADULT CARE HOMES TO DISPUTE CITED INSPECTION DEFICIENCIES, 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 60075, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA AUTHORITIES ORGANIZED UNDER CHAPTER 122C OF THE GENERAL STATUTES THAT ARE OPERATING UNDER MEDICAID MANAGED CARE WAIVERS TO ORGANIZE UNDER CHAPTER 131E OF THE GENERAL STATUTES, THE HOSPITAL AUTHORITIES 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 15178, which changes the title to read **S.B. 465** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE CURRENT STRUCTURE OF GOVERNANCE AMONG AREA AUTHORITIES ORGANIZED UNDER CHAPTER 122C OF THE GENERAL STATUTES, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Stevens for the **Appropriations/Base Budget Committee**:

S.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEATS FUND TO THE GLOBAL TRANSPARK, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 8, 2011

By Senator Rucho for the **Finance Committee**:

S.B. 131, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 167 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 292, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 8, 2011

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 532, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 545 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MOORE COUNTY OCCUPANCY TAX, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 571 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE, with a favorable report.

June 8, 2011

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 447 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the bill, as amended, is placed on today's supplemental calendar.

By Senator Brown for the **Commerce Committee**:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EMPLOYEE OF A PERSON OR BUSINESS ENTITY WHO PERFORMS REAL ESTATE BROKER ACTS AS RELATED TO PROPERTY OWNED OR LEASED BY THE PERSON OR BUSINESS ENTITY TO BE EXEMPT FROM THE REQUIREMENTS OF LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 55309, which changes the title to read **S.B. 507** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT OFFICERS AND EMPLOYEES OF A PERSON OR BUSINESS ENTITY WHO PERFORMS REAL ESTATE BROKER ACTS AS RELATED TO PROPERTY OWNED OR LEASED BY THE PERSON OR BUSINESS ENTITY ARE EXEMPT FROM THE REQUIREMENTS OF LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 8, 2011

S.B. 683, A BILL TO BE ENTITLED AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35261, is adopted and engrossed.

Upon motion of Senator Brown, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Hise for the **Pensions & Retirement and Aging Committee**:

H.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WHO REMARRIED PRIOR TO THE EFFECTIVE DATE OF A TECHNICAL CORRECTION TO THE RETIREMENT LAWS TO NOMINATE THEIR NEW SPOUSES TO RECEIVE THE SURVIVOR BENEFITS IN ACCORDANCE WITH THAT TECHNICAL CORRECTION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 701, A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RECEIVE, UPON LEAVING THE SYSTEM FOR REASONS OTHER THAN DEATH OR RETIREMENT, BOTH THEIR CONTRIBUTIONS TO THE SYSTEM AND THE ACCUMULATED REGULAR INTEREST ON THOSE CONTRIBUTIONS, 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.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

S.B. 755, A BILL TO BE ENTITLED AN ACT TO ENACT THE EQUAL ACCESS ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 224, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON ACTING AS, FOR, OR ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR AGENT TO CONTACT ANY

June 8, 2011

TEAM MEMBER, ATHLETE, COACH, OR MEMBER OF A COACHING STAFF FOR THE PURPOSES OF RECRUITING A STUDENT ATHLETE PRIOR TO THE END OF THE LAST SEASON OF THE SPORT IN WHICH THE STUDENT ATHLETE IS ELIGIBLE TO PLAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75176, which changes the title to read **S.B. 224** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OUT-OF-STATE APPLICANTS AS ATHLETE AGENTS TO FILE A NORTH CAROLINA APPLICATION; TO CHANGE BONDING REQUIREMENTS FOR ATHLETE AGENTS; TO STRENGTHEN EXISTING ATHLETE SIGNATURE REQUIREMENTS BY REQUIRING NOTARIZED SIGNATURES ON STUDENT-ATHLETE CONTRACTS; TO CLARIFY RECORD-KEEPING REQUIREMENTS; TO EXPAND REQUIREMENTS FOR RECORDS ACCESS FOR THE SECRETARY OF STATE; TO REQUIRE ATHLETE AGENTS TO PROVIDE SIGNED CONTRACTS FOR STUDENT-ATHLETES TO THE SECRETARY OF STATE WITHIN A CERTAIN TIME PERIOD; TO REQUIRE ATHLETE AGENTS TO PROVIDE THE SECRETARY OF STATE WITH NOTARIZED CONTRACTS REGARDING STUDENT-ATHLETES BY A PERSON OTHER THAN AN EDUCATIONAL INSTITUTION EMPLOYEE, FAMILY MEMBER, OR INDIVIDUAL ACTING SOLELY ON BEHALF OF A PROFESSIONAL SPORTS TEAM OR ORGANIZATION WHERE THE CONTRACTING PERSON MAY HAVE AN EXPECTATION OF BENEFIT; TO CLARIFY THE PROHIBITION ON ATHLETE AGENTS PROVIDING THINGS OF VALUE TO STUDENT-ATHLETES BEFORE THE STUDENT-ATHLETES HAVE SIGNED CONTRACTS WITH THE ATHLETE AGENTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 686, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35270, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 762 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30382, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 8, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 7, 2011

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Shepard and Owens have been added as conferees to House Committee Substitute for **S.B. 110** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 32 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO PROVIDE THAT THE RESULTS OF PRIMARIES OF POLITICAL PARTIES WITH LESS THAN TEN PERCENT OF THE REGISTERED VOTERS ARE DETERMINED BY A PLURALITY UNLESS THE PARTY CHOOSES TO NOMINATE BY CONVENTION; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; AND TO REDUCE THE NUMBER OF SIGNATURES REQUIRED FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

Referred to the **Judiciary I Committee**.

H.B. 96 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee**.

June 8, 2011

H.B. 176 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REVIEW OF A DEFENDANT'S PARTICIPATION IN A COURT-ORDERED ABUSER TREATMENT PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, AND TO EXPAND THE TYPES OF OFFENSES REPORTED BY THE CLERK.

Referred to the **Judiciary II Committee**.

H.B. 320, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF PUBLIC-PRIVATE PARTNERSHIPS BY A LEGISLATIVE STUDY COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 440 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA AND DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA.

Referred to the **State and Local Government Committee**.

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, TO REPEAL PUBLIC CAMPAIGN FINANCING FOR COUNCIL OF STATE RACES, AND TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

Referred to the **Judiciary I Committee**.

H.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AUTHORIZATION TO LEVY AN OCCUPANCY TAX IN THE CITY OF LUMBERTON AND THE TOWN OF ST. PAULS.

Referred to the **Finance Committee**.

H.B. 491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE STATE CAPITAL FACILITIES FINANCE ACT.

Referred to the **Finance Committee**.

H.B. 507, A BILL TO BE ENTITLED AN ACT AUTHORIZING PROPERTY OWNERS ASSOCIATIONS THAT OWN STREETS THAT ARE LOCATED OUTSIDE INCORPORATED MUNICIPALITIES AND THAT HAVE NOT BEEN ACCEPTED FOR MAINTENANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF THIRTY YEARS TO FILE, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, A DECLARATION WITHDRAWING THE DEDICATION TO PUBLIC USE OF SUCH STREETS.

Referred to the **Transportation Committee**.

June 8, 2011

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INDIVIDUAL WHO HAS BEEN AWARDED UNEMPLOYMENT INSURANCE BENEFITS BY THE EMPLOYMENT SECURITY COMMISSION, BUT DOES NOT RECEIVE THOSE BENEFITS AS THE RESULT OF AN ACT OR OMISSION OF THE COMMISSION, IS DEEMED AN AGGRIEVED PARTY FOR THE PURPOSES OF JUDICIAL REVIEW WITHOUT THE REQUIREMENT TO EXHAUST ADMINISTRATIVE REMEDIES.

Referred to the **Judiciary I Committee**.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CRIMINAL PENALTY FOR THE THEFT OF ANY FINANCIAL TRANSACTION CARD SHALL BE THE SAME AS THE CRIMINAL PENALTY FOR THE THEFT OF A CREDIT CARD WHICH IS A CLASS I FELONY.

Referred to the **Judiciary II Committee**.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STUDIES BY THE HOUSE OF REPRESENTATIVES AND THE SENATE, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 787 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE EFFICIENCY OF USE OF NORTH CAROLINA'S WATER RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 853, A BILL TO BE ENTITLED AN ACT NO LONGER REQUIRING A COURT ORDER TO ESTABLISH LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES AND AUTHORIZING THE DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION TO MONITOR COUNTY DETENTION CENTERS.

Referred to the **Judiciary II Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Transportation Committee**:

S.B. 771, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ISSUANCE OF A SINGLE TRIP PERMIT BY THE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORT AND DELIVERY OF

June 8, 2011

SIXTEEN-FOOT-WIDE MANUFACTURED AND MODULAR HOMES SUBJECT TO CERTAIN RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 311, A BILL TO BE ENTITLED AN ACT REQUIRING THAT MOTOR CARRIERS OF HOUSEHOLD GOODS MARK OR IDENTIFY THEIR VEHICLES AND MAKING IT UNLAWFUL FOR A PERSON NOT CERTIFIED BY THE UTILITIES COMMISSION AS A MOTOR CARRIER OF HOUSEHOLD GOODS TO ADVERTISE OR OTHERWISE REPRESENT THAT THE PERSON IS AUTHORIZED TO ENGAGE IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION IN THIS STATE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 214, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE PROPERTY OR INITIATE CONDEMNATION PROCEEDINGS AGAINST THE 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 15179, which changes the title to read **S.B. 214** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE PROPERTY OR RELEASE THE PROPERTY FROM ANY ENCUMBRANCES DUE TO FILING OF THE CORRIDOR MAP, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR *(continued)*

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ROANOKE RAPIDS TO LEVY A ONE-CENT LOCAL SALES AND USE TAX TO REPAY TAX INCREMENT FINANCING BONDS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

June 8, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 236, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 8.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Insurance 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 **Insurance Committee**.

S.B. 597, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET, referred to the **Appropriations/Base Budget Committee** on April 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Health Care 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 **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW ALLOWING CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 823 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION A MEMBER OF THE STATE BOARD OF EDUCATION, TO REQUIRE THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAKE ALL STATE-LEVEL APPOINTMENTS NECESSARY FOR SUPERVISION AND ADMINISTRATION OF THE FREE PUBLIC SCHOOLS, TO MODIFY THE MEMBERSHIP OF THE STATE BOARD OF EDUCATION TO INCLUDE AN ADDITIONAL AT-LARGE MEMBER, TO REQUIRE THE GENERAL ASSEMBLY TO ELECT ALL AT-LARGE MEMBERS, TO REQUIRE THE GOVERNOR TO APPOINT THE CHAIR OF THE STATE BOARD OF EDUCATION, TO ELIMINATE THE REQUIREMENT THAT

June 8, 2011

APPOINTMENTS BY THE GOVERNOR TO THE STATE BOARD OF EDUCATION ARE SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY, AND TO CREATE A SIX-YEAR TERM OF OFFICE FOR STATE BOARD OF EDUCATION MEMBERS, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is referred to the **Rules and Operations of the Senate Committee**.

S.B. 166, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75179, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 415, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE COST OF REDUCED PRICE LUNCHESES FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED PRICE MEALS, 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. 415** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SCHOOL BREAKFASTS AT NO COST FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED-PRICE MEALS AT SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL BREAKFAST PROGRAM; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE PUBLIC SCHOOL NUTRITION PROGRAMS OPERATED BY THE LOCAL SCHOOL ADMINISTRATIVE UNITS UNDER THE JURISDICTION OF CHILD NUTRITION SERVICES OF THE DEPARTMENT OF PUBLIC INSTRUCTION; AND TO DIRECT THE STATE AUDITOR TO AUDIT CHILD NUTRITION SERVICES OF THE DEPARTMENT OF PUBLIC INSTRUCTION, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Hise for the **Pensions & Retirement and Aging Committee**:

S.B. 443, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 8, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75182, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR (*continued*)

S.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LEVEL 2 RESTRICTIONS FOR PROVISIONAL LICENSES; TO REQUIRE A DRIVING LOG SHOWING ONE HUNDRED TWENTY HOURS OF DRIVING TIME BY A PERSON WITH A LIMITED LEARNER'S PERMIT BEFORE A LEVEL 2 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE A DRIVING LOG SHOWING TWELVE HOURS OF DRIVING TIME BY A PROVISIONAL LICENSEE BEFORE A LEVEL 3 PROVISIONAL LICENSE MAY BE ISSUED; TO REQUIRE AN IMMEDIATE REVOCATION OF A PROVISIONAL LICENSE IF THE PROVISIONAL LICENSEE IS CHARGED WITH CERTAIN MOVING VIOLATIONS OR A SEAT BELT VIOLATION; AND TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REPORT ON THE EFFECTIVENESS OF THE PROVISIONS OF THIS ACT.

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 by special message.

S.B. 675 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE CHANGES TO THE WORK FIRST PROGRAM FOR STANDARD AND ELECTING COUNTIES AND TO DIRECT THE DEPARTMENT TO EXEMPT ONLY ONE VEHICLE PER HOUSEHOLD WHEN CONSIDERING RESOURCES FOR THE PURPOSES OF ELIGIBILITY FOR PUBLIC ASSISTANCE.

The Committee Substitute bill passes its second reading (42-7).

Senator Rouzer objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 8, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35272, which changes the title to read **S.B. 708** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECONCILE THE EFFECTIVE DATES OF CERTAIN RULES ADOPTED BY THE BUILDING CODE COUNCIL RELATED TO THE 2012 ENERGY CONSERVATION CODE AND THE 2012 NC RESIDENTIAL CODE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR (*continued*)

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CASTLE DOCTRINE, TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO CARRY A HANDGUN IN A PARK, AND TO AUTHORIZE DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, OR THEIR INVESTIGATORS WHO HAVE A VALID CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

Without objection, Senator Apodaca requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator Clary offers Amendment No. 1 which is adopted (44-5).

Senator Brock offers Amendment No. 2 which is adopted (39-10), and changes the title to read **S.B. 679** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CASTLE DOCTRINE, TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO CARRY A HANDGUN IN A PARK, TO AUTHORIZE THE PURCHASE OF RIFLES, SHOTGUNS AND AMMUNITION IN OTHER STATES, TO IMPOSE CRIMINAL PENALTIES FOR PROVIDING FALSE INFORMATION IN CONNECTION WITH FIREARM OR AMMUNITION TRANSFER, AND TO AUTHORIZE DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, OR THEIR INVESTIGATORS WHO HAVE A VALID CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

The Committee Substitute bill, as amended, passes its second reading (38-11).

Senator Doug Berger objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

S.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S BAIL LAWS WITH REGARD TO PRETRIAL RELEASE PROGRAMS, TO ELIMINATE UNSECURED APPEARANCE BOND AS A PRETRIAL RELEASE CONDITION, TO AMEND HOUSE ARREST AND ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE, AND TO PROVIDE THAT NO STATE FUNDS MAY BE APPROPRIATED TO OR USED FOR THE SUPPORT OF A PRETRIAL RELEASE PROGRAM.

June 8, 2011

Without objection, Senator Apodaca 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 (33-16) 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. 595 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

The Senate Committee Substitute bill passes its second reading (50-0).

Senator Garrou objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

Upon motion of Senator Apodaca, the President orders, without objection, the bill temporarily displaced and placed on today's supplemental calendar.

S.B. 738 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON THAT HOLDS CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS HAVE AT LEAST ONE MILLION DOLLARS IN LIABILITY INSURANCE.

Senator Goolsby offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 762 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF ASSAULT CAUSING PHYSICAL INJURY AGAINST A LAW ENFORCEMENT OFFICER OR DETENTION PERSONNEL AND TO INCREASE THE PENALTY FOR ASSAULT CAUSING PHYSICAL INJURY, AND FOR ASSAULT WITH A DEADLY WEAPON OR INFLECTING SERIOUS BODILY INJURY ON EMERGENCY PERSONNEL.

Senator Brock offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its third reading (49-1) and is ordered engrossed and sent to the House of Representatives by special message.

June 8, 2011

S.B. 31 (Conference Report), AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

Upon motion of Senator Mansfield, the Senate adopts the Conference Report (50-0) and is ordered enrolled and sent to the Governor.

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

H.B. 218, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY, 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 11235, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR *(continued)*

S.B. 205 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ILLEGAL ALIENS ARE NOT ELIGIBLE FOR PUBLIC BENEFITS.

The Committee Substitute bill passes its second reading (45-5) 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.

WITHDRAWAL FROM COMMITTEE

H.B. 352, A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY, referred to the **State and Local Government Committee** on May 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **State and 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 and Local Government Committee** and re-refers the measure to the **Finance Committee**.

The Senate recesses at 5:10 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to reconvene at 6:30 p.m.

June 8, 2011

RECESS**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS, 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, is adopted and engrossed.

Upon motion of Senator Pate, the Committee Substitute bill is re-referred to the **Finance Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

SUPPLEMENTAL CALENDAR

Bills on today's supplemental calendar are taken up and disposed of, as follows:

H.B. 292, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 9, upon third reading.

H.B. 414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 38, noes 12, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Garrou, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins,

June 8, 2011

Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---38.

Voting in the negative: Senators Brock, Daniel, Forrester, Goolsby, Harrington, Newton, Pate, Rouzer, Rucho, Soucek, Tillman and Tucker---12.

The bill remains on the calendar for Thursday, June 9, upon third reading.

H.B. 532, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 42, noes 8, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, East, Garrou, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---42.

Voting in the negative: Senators Daniel, Forrester, Goolsby, Rouzer, Rucho, Soucek, Tillman and Tucker---8.

The bill remains on the calendar for Thursday, June 9, upon third reading.

H.B. 545 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MOORE COUNTY OCCUPANCY TAX.

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. 571 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---50.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 9, upon third reading.

June 8, 2011

S.B. 131, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EXPANDED METHODS OF COLLECTING FINES, FEES, COSTS, AND RESTITUTION FROM OFFENDERS NOT SENTENCED TO SUPERVISED PROBATION OR ACTIVE TIME AND TO PERMIT THE COUNTY IN WHICH THE COLLECTION ASSISTANCE FEE IS COLLECTED TO RETAIN THE FEE, PROVIDING THE FEE IS COLLECTED BY A COLLECTIONS PROGRAM FUNDED BY THE COUNTY GOVERNMENT.

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 by special message.

S.B. 166 (Committee Substitute), 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.

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 by special message.

S.B. 214 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME LAND MAY BE ENCUMBERED BY A TRANSPORTATION CORRIDOR OFFICIAL MAP BEFORE THE ENTITY ESTABLISHING, ADOPTING, OR AMENDING THE TRANSPORTATION CORRIDOR OFFICIAL MAP IS REQUIRED BY LAW TO PURCHASE THE PROPERTY OR RELEASE THE PROPERTY FROM ANY ENCUMBRANCES DUE TO FILING OF THE CORRIDOR MAP.

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 by special message.

S.B. 224 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE OUT-OF-STATE APPLICANTS AS ATHLETE AGENTS TO FILE A NORTH CAROLINA APPLICATION; TO CHANGE BONDING REQUIREMENTS FOR ATHLETE AGENTS; TO STRENGTHEN EXISTING ATHLETE SIGNATURE REQUIREMENTS BY REQUIRING NOTARIZED SIGNATURES ON STUDENT-ATHLETE CONTRACTS; TO CLARIFY RECORD-KEEPING REQUIREMENTS; TO EXPAND REQUIREMENTS FOR RECORDS ACCESS FOR THE SECRETARY OF STATE; TO REQUIRE ATHLETE AGENTS TO PROVIDE SIGNED CONTRACTS FOR STUDENT-ATHLETES TO THE SECRETARY OF STATE WITHIN A CERTAIN TIME PERIOD; TO REQUIRE ATHLETE AGENTS TO PROVIDE THE SECRETARY OF STATE WITH NOTARIZED CONTRACTS REGARDING STUDENT-ATHLETES BY A PERSON OTHER THAN AN EDUCATIONAL INSTITUTION EMPLOYEE, FAMILY MEMBER, OR INDIVIDUAL ACTING SOLELY ON BEHALF OF A

June 8, 2011

PROFESSIONAL SPORTS TEAM OR ORGANIZATION WHERE THE CONTRACTING PERSON MAY HAVE AN EXPECTATION OF BENEFIT; TO CLARIFY THE PROHIBITION ON ATHLETE AGENTS PROVIDING THINGS OF VALUE TO STUDENT-ATHLETES BEFORE THE STUDENT-ATHLETES HAVE SIGNED CONTRACTS WITH THE ATHLETE AGENTS.

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 by special message.

S.B. 231 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS LOCATED IN THE SAME SUBBASIN WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH APPLICABLE RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM OR WASTEWATER SYSTEM.

The Committee Substitute bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading (48-2) and is ordered sent to the House of Representatives by special message.

S.B. 243, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW ALLOWING CAPITAL LEASE FINANCING FOR PUBLIC SCHOOLS.

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 by special message.

S.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEATS FUND TO THE GLOBAL TRANSPARK.

Senator Tillman offers Amendment No. 1 which he subsequently withdraws.

Senator Pate offers Amendment No. 2 which is adopted (49-1).

The Committee Substitute 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 by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

S.B. 415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SCHOOL BREAKFASTS AT NO COST FOR SCHOOL CHILDREN WHO QUALIFY FOR REDUCED-PRICE MEALS AT

SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL BREAKFAST PROGRAM; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT ON THE PUBLIC SCHOOL NUTRITION PROGRAMS OPERATED BY THE LOCAL SCHOOL ADMINISTRATIVE UNITS UNDER THE JURISDICTION OF CHILD NUTRITION SERVICES OF THE DEPARTMENT OF PUBLIC INSTRUCTION; AND TO DIRECT THE STATE AUDITOR TO AUDIT CHILD NUTRITION SERVICES OF THE DEPARTMENT OF PUBLIC INSTRUCTION.

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 by special message.

S.B. 425 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REORGANIZE THE ECOSYSTEM ENHANCEMENT PROGRAM TO IMPROVE OPERATIONAL EFFICIENCY.

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 by special message.

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS.

Upon motion of Senator Clodfelter, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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.

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 by special message.

S.B. 447 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING LANDSCAPE CONTRACTORS AND AUTHORIZING THE NORTH CAROLINA LANDSCAPE CONTRACTORS' LICENSING BOARD TO INCREASE CERTAIN FEES.

Without objection, Senator Meredith and Senator Stevens 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 engrossed and sent to the House of Representatives by special message.

June 8, 2011

S.B. 465 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE CURRENT STRUCTURE OF GOVERNANCE AMONG AREA AUTHORITIES ORGANIZED UNDER CHAPTER 122C OF THE GENERAL STATUTES.

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 by special message.

S.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS AND TO EXEMPT AGRICULTURAL PONDS FROM THE DAM SAFETY 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 by special message.

S.B. 507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT OFFICERS AND EMPLOYEES OF A PERSON OR BUSINESS ENTITY WHO PERFORMS REAL ESTATE BROKER ACTS AS RELATED TO PROPERTY OWNED OR LEASED BY THE PERSON OR BUSINESS ENTITY ARE EXEMPT FROM THE REQUIREMENTS OF LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS.

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 by special message.

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE.

Upon motion of Senator Hartsell, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMATIC REINSTATEMENT OF CASES THAT WERE DISMISSED WITH LEAVE IF THOSE CASES ARE WAIVABLE, TO ALLOW FOR SERVICE OF CRIMINAL PROCESS BY A LAW ENFORCEMENT OFFICER BEFORE A MAGISTRATE EVEN WHEN THE OFFICER IS OUTSIDE THE OFFICER'S TERRITORIAL JURISDICTION, TO ADD TO THE STATUTORY DUTIES OF THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS, TO REPEAL THE REQUIREMENT THAT MAGISTRATES BE RESIDENTS OF THE COUNTY TO WHICH THEY ARE APPOINTED TO SERVE, TO CLARIFY WHEN A CLERK OF SUPERIOR COURT MAY RELEASE FUNDS HELD UNDER A CLAIM OF LIEN ON REAL PROPERTY, TO GRANT THE

COURT THE DISCRETION TO FIND THAT DISTANCE FROM THE COURT IS GOOD CAUSE TO EXEMPT A PARTY FROM CUSTODY MEDIATION, AND TO PROVIDE THAT FEES COLLECTED BY THE DISPUTE RESOLUTION COMMISSION ARE NONREVERTING.

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 by special message.

S.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Without objection, Senator Mansfield and Senator Soucek 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 by special message.

S.B. 701 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO RECEIVE, UPON LEAVING THE SYSTEM FOR REASONS OTHER THAN DEATH OR RETIREMENT, BOTH THEIR CONTRIBUTIONS TO THE SYSTEM AND THE ACCUMULATED REGULAR INTEREST ON THOSE CONTRIBUTIONS.

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 by special message.

S.B. 708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECONCILE THE EFFECTIVE DATES OF CERTAIN RULES ADOPTED BY THE BUILDING CODE COUNCIL RELATED TO THE 2012 ENERGY CONSERVATION CODE AND THE 2012 NC RESIDENTIAL CODE.

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 by special message.

S.B. 755, A BILL TO BE ENTITLED AN ACT TO ENACT THE EQUAL ACCESS ACT.

Senator Tucker offers Amendment No. 1 which is adopted (41-7).

Senator Nesbitt offers Amendment No. 2 which fails of adoption (18-30).

The bill, as amended, passes its second reading (32-16) 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.

June 8, 2011

The Senate recesses at 8:30 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to reconvene at 9:30 p.m.

RECESS

REPORT OF COMMITTEE

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 619 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STIMULATE ECONOMIC ACTIVITY AND JOB GROWTH BY TEMPORARILY REDUCING THE INCOME TAX BURDEN ON BUSINESS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80256, which changes the title to read **H.B. 619** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Thursday, June 9.

S.B. 246 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 647 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 352, A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

June 8, 2011

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS GOVERNING THE STATE'S UNDERGROUND STORAGE TANK PROGRAM AND PETROLEUM DISCHARGES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's supplemental calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 174 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE COMMERCIAL REAL ESTATE BROKER LIEN ACT.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO APPLY FOR ELDERLY AND DISABLED TRANSPORTATION AND ASSISTANCE FUNDS ON BEHALF OF THE COUNTIES THAT THE PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY SERVES.

Referred to the **Transportation Committee**.

H.B. 344 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR CHILDREN WITH DISABILITIES WHO REQUIRE SPECIAL EDUCATION AND TO CREATE A FUND FOR SPECIAL EDUCATION AND RELATED SERVICES.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GUILFORD TECHNICAL COMMUNITY COLLEGE TO LEASE A PORTION OF ITS PROPERTY TO THE NORTH CAROLINA CENTER FOR GLOBAL LOGISTICS.

Referred to the **Finance Committee**.

June 8, 2011

H.B. 459 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WHILE IMPAIRED ON PRIVATE LAND IN ROCKINGHAM COUNTY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 590 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES REGARDING CUED SPEECH UNDER THE LAWS REGULATING THE PRACTICE OF INTERPRETERS AND TRANSLITERATORS.

Referred to the **Health Care Committee**.

H.B. 622 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO THE FREQUENCY OF FOOD SERVICE INSPECTIONS IN NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER 131E OF THE GENERAL STATUTES THAT ARE ALSO CERTIFIED BY MEDICARE AND MEDICAID.

Referred to the **Health Care Committee**.

H.B. 650 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE AND TO AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR CARRY A FIREARM IN NORTH CAROLINA.

Referred to the **Judiciary II Committee**.

H.B. 666 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS IN ORDER TO FACILITATE THE USE OF LOCUM TENENS PHYSICIANS TO ENSURE NORTH CAROLINA'S MEDICAL PROFESSIONALS ARE CAPABLE OF SERVING THE STATE'S EXPANDING POPULATION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 677 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADULT CARE HOMES WITH GREATER FLEXIBILITY IN THE TRANSFER AND DISCHARGE OF RESIDENTS AND TO ENACT APPEAL RIGHTS FOR ADULT CARE HOME RESIDENTS AND ADULT CARE HOMES WITH RESPECT TO DISCHARGE DECISIONS AND TO CREATE ADULT CARE HOME RESIDENT DISCHARGE TEAMS WITHIN EVERY COUNTY WHICH CONTAINS AN ADULT CARE HOME LICENSED UNDER CHAPTER 131D OF THE GENERAL STATUTES.

Referred to the **Health Care Committee**.

H.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF CORRECTION, TO

ESTABLISH A PILOT PROGRAM TO ALLOW CERTAIN INMATES RELEASED FROM CONFINEMENT TO BE PLACED IN ADULT CARE HOMES TO RECEIVE PERSONAL CARE SERVICES AND MEDICATION MANAGEMENT.

Referred to the **Health Care Committee**.

H.B. 693 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE TRANSPORTER PLATES TO AN INDIVIDUAL OR BUSINESS THAT HAS A CONTRACT TO REPOSSESS VEHICLES FOR A FINANCIAL INSTITUTION THAT HOLDS A SECURITY INTEREST IN THE VEHICLES BEING REPOSSESSED OR TO A BUSINESS OR DEALER TO MOVE A BOAT TRAILER BEING USED TO TRANSPORT A NEWLY MANUFACTURED BOAT BETWEEN A MANUFACTURER AND DEALER.

Referred to the **Transportation Committee**.

H.B. 742 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE WEIGHT OF MARIJUANA AND CONTROLLED SUBSTANCES AND TO INCLUDE ANYTHING MANUFACTURED FROM A MARIJUANA PLANT FOR THE PURPOSES OF TAX COLLECTION.

Referred to the **Judiciary II Committee**.

H.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM.

Referred to the **Health Care Committee**.

REPORT OF COMMITTEE

A standing committee reports is submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPTACLES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE RULES

June 8, 2011

FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RELEASE OF A SUBDIVIDED TRACT OF LAND FROM A TAX LIEN UPON PAYMENT OF TAXES DUE ON THAT TRACT, 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, 85216, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

S.B. 781, A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75183, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

The Chair grants a leave of absence for the remainder of today's session to Senator Tillman.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 770, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

Upon motion of Senator Brock, the President orders, without objection, the bill temporarily displaced and placed on today's supplemental calendar.

June 8, 2011

S.B. 771, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE ISSUANCE OF A SINGLE TRIP PERMIT BY THE DEPARTMENT OF TRANSPORTATION FOR THE TRANSPORT AND DELIVERY OF SIXTEEN-FOOT-WIDE MANUFACTURED AND MODULAR HOMES SUBJECT TO CERTAIN RULES ADOPTED BY THE DEPARTMENT OF TRANSPORTATION.

The bill passes its second reading (38-9) 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Bingham for the **Health Care Committee**:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF MEDICAL AND RELIGIOUS VACCINE EXEMPTIONS TO THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 397 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 509, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING SERVICES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 597, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES 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 85220, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 8, 2011

S.B. 696, A BILL TO BE ENTITLED AN ACT TO ADDRESS PRIMARY CARE PHYSICIAN SHORTAGES IN NORTH CAROLINA BY MODIFYING THE ENROLLMENT CHANGE FUNDING MODEL AND THE BOARD OF GOVERNORS' MEDICAL SCHOLARSHIP LOAN 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 85221, which changes the title to read **S.B. 696** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 697, A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE OR WHO ENGAGES IN PATIENT ADVOCACY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15181, which changes the title to read **S.B. 697** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CROSSOVER DEADLINE EXTENDED

Senator Apodaca offers a motion that the rules be suspended and that the crossover deadline be extended until Sunday, June 12. The motion prevails without objection.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 167 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 218 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

June 8, 2011

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WHO REMARRIED PRIOR TO THE EFFECTIVE DATE OF A TECHNICAL CORRECTION TO THE RETIREMENT LAWS TO NOMINATE THEIR NEW SPOUSES TO RECEIVE THE SURVIVOR BENEFITS IN ACCORDANCE WITH THAT TECHNICAL CORRECTION.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION

June 8, 2011

APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO THE DEPARTMENT OF CORRECTION TO COMPLETE THE CONSTRUCTION OF AN AUTHORIZED PRISON HOSPITAL.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS.

Upon motion of Senator Apodaca, the Joint Resolution is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 792 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS ACT.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

H.B. 808 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO WAIVE ANNUAL INSPECTIONS OF ADULT CARE HOMES THAT ACHIEVE THE HIGHEST RATING, AND TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCEDURE THAT ALLOWS ADULT CARE HOMES TO DISPUTE CITED INSPECTION DEFICIENCIES.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 14.

June 8, 2011

H.B. 762 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT LANDOWNER RIGHTS.

The Senate Committee Substitute bill passes its second reading (43-4) 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 the Senate Committee Substitute bill.

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

The bill passes its third reading (30-17) and is ordered sent to the House of Representatives by special message.

S.B. 770, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH.

The bill 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.

WITHDRAWAL FROM COMMITTEE

H.B. 367, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION, referred to the **State and Local Government Committee** on May 24.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **State and 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 and Local Government Committee** and re-refers the measure to the **Finance Committee**.

CALENDAR *(continued)*

S.B. 675 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAKE CHANGES TO THE WORK FIRST PROGRAM FOR STANDARD AND ELECTING COUNTIES AND TO DIRECT THE DEPARTMENT TO EXEMPT ONLY ONE VEHICLE PER HOUSEHOLD WHEN CONSIDERING RESOURCES FOR THE PURPOSES OF ELIGIBILITY FOR PUBLIC ASSISTANCE.

Upon motion of Senator Rouzer, the third reading objection is withdrawn and the Committee Substitute bill is placed on the calendar for immediate consideration.

Senator Rouzer offers Amendment No. 1 which is adopted (46-0).

Senator Rouzer offers Amendment No. 2 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its third reading (45-2) and is ordered engrossed and sent to the House of Representatives by special message.

June 8, 2011

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 352, A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

S.B. 508, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF MEDICAL AND RELIGIOUS VACCINE EXEMPTIONS TO THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPTACLES.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 9.

S.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE RULES

FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 9.

H.B. 509, AN ACT TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING SERVICES.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

S.B. 181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE LAWS GOVERNING THE STATE'S UNDERGROUND STORAGE TANK PROGRAM AND PETROLEUM DISCHARGES.

The Committee Substitute bill passes its second reading (41-6) 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. 246 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.

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.

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE RELEASE OF A SUBDIVIDED TRACT OF LAND FROM A TAX LIEN UPON PAYMENT OF TAXES DUE ON THAT TRACT.

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.

S.B. 647 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES.

Without objection, Senator Walters 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 by special message.

June 8, 2011

S.B. 781 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION.

The Committee Substitute bill passes its second reading (47-0).

Senator Tucker objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Thursday, June 9, upon third reading.

Upon motion of Senator Phil Berger, seconded by Senator White, the Senate adjourns at 11:04 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to meet Thursday, June 9, at 11:00 a.m.

EIGHTIETH DAY

Senate Chamber
Thursday, June 9, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Almighty God, lift our eyes to your hills. Show favor to your people here gathered. Before we ever knew you, God, while we were even your enemies, you, God, took us in. You took on flesh, and you, God, loved us, so much that you even called us your friends. He who dwells in the shelter of the most high will rest in the shadow of the Almighty. Would you reign in our hearts today oh incarnate word of the Father? Would you reign in these proceedings and would you show us again, and help us marvel, that you would call us, poor and needy sinners, to be your servants. In your forgiving name we pray, Amen."

The Chair grants a leave of absence for today to Senator Tillman.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, June 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

June 9, 2011

H.B. 45, AN ACT TO ALLOW THE USE OF RISK-BASED REMEDIATION TO ACCELERATE THE CLEANUP OF CONTAMINATED INDUSTRIAL SITES FOR THE PURPOSE OF LIMITING HUMAN AND ENVIRONMENTAL EXPOSURE TO SAFE LEVELS, TO PROTECT CURRENT AND LIKELY FUTURE USES OF GROUNDWATER, AND TO ENSURE THE COST-EFFECTIVE APPLICATION OF LIMITED PUBLIC AND PRIVATE RESOURCES.

H.B. 206, AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 545, AN ACT TO MODIFY THE MOORE COUNTY OCCUPANCY TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 155, AN ACT TO ALLOW THE TOWNS OF GARNER, KNIGHTDALE, MORRISVILLE, WENDELL, AND ZEBULON AND THE CITIES OF DURHAM AND WINSTON-SALEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS THEY MAY COLLECT DELINQUENT PERSONAL AND REAL PROPERTY TAXES. (Became law upon ratification, June 8, 2011 - S.L. 2011-109.)

S.B. 431, AN ACT TO INCORPORATE THE TOWN OF FONTANA DAM. (Became law upon ratification, June 8, 2011 - S.L. 2011-110.)

H.B. 150, AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO. (Became law upon ratification, June 8, 2011 - S.L. 2011-111.)

H.B. 528, 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. (Became law upon ratification, June 8, 2011 - S.L. 2011-112.)

June 9, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Meredith for the **Insurance Committee**:

H.B. 298 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 236, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75181, which changes the title to read **S.B. 236** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE PRIORITY TO LOCAL EVENTS AT SPECIFIED PUBLICLY OWNED CONVENTION CENTERS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 9, 2011

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35271, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO ALLOW EMPLOYERS ACCESS TO INFORMATION ABOUT THEIR GROUP HEALTH PLANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85222, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 518, A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY REQUIRING BUYER'S CHOICE OF TITLE INSURER AND SETTLEMENT AGENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35275, which changes the title to read **S.B. 518** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY REQUIRING NOTICE OF BUYER'S RIGHT TO CHOOSE TITLE INSURER AND CLOSING ATTORNEY, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR

Bills on today's calendar are taken up and disposed of, as follows:

H.B. 292, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter,

June 9, 2011

Daniel, Dannelly, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 414, A BILL TO BE ENTITLED AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 33, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Graham, Gunn, Hartsell, Hunt, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---33.

Voting in the negative: Senators Brock, Daniel, East, Forrester, Garrou, Goolsby, Harrington, Hise, Jackson, Meredith, Newton, Pate, Rouzer, Rucho, Soucek and Tucker---16.

The bill is ordered enrolled.

H.B. 532, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 4, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Soucek, Stein, Stevens, Tucker, Walters and White---45.

Voting in the negative: Senators Graham, McKissick, Rucho and Vaughan---4.

The bill is ordered enrolled.

S.B. 294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF MADISON REGARDING THE CONDUCTION OF ELECTIONS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-

DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES, referred to the **Finance Committee** on June 1.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and placed on today's supplemental calendar, which motion prevails with unanimous consent.

The Chair orders the bill be withdrawn from the **Finance Committee** and places it on today's supplemental calendar.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 14.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

H.B. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL MANAGEMENT ENTITIES WITH RESPECT TO STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR *(continued)*

H.B. 571 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN

June 9, 2011

THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE, upon third reading.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tucker, Vaughan, Walters and White---49.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

S.B. 170 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE THE NUISANCE ABATEMENT LAWS IN RESPONSE TO THE NORTH CAROLINA COURT OF APPEALS DECISION IN SALISBURY V. CAMPBELL.

Upon motion of Senator Hartsell, the Committee Substitute bill No. 2 is withdrawn from today's calendar and is re-referred to the **Judiciary II Committee**.

S.B. 508, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICABILITY OF MEDICAL AND RELIGIOUS VACCINE EXEMPTIONS TO THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT.

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 by special message.

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE.

Upon motion of Senator Hartsell, the bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 14.

S.B. 556, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARITABLE SOLICITATIONS ACT TO ENSURE PUBLIC DISCLOSURE ON COLLECTION RECEPACLES.

June 9, 2011

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 by special message.

S.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE BEHAVIORAL HEALTH NEEDS OF MEMBERS OF THE MILITARY, VETERANS, AND THEIR FAMILIES ARE MET.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading (49-0) and is ordered sent to the House of Representatives by special message.

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS 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 sent to the House of Representatives by special message.

S.B. 697 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING RETALIATION AGAINST ANY NURSE WHO MAKES A GOOD FAITH REPORT CONCERNING PATIENT MEDICAL CARE.

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 by special message.

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE NAME OF THE DIVISION OF CRIMINAL INFORMATION; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO PROMULGATE RULES FOR USAGE OF THE CRIMINAL INFORMATION NETWORK; AND TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SET-UP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK.

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 by special message.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS.

Upon motion of Senator Pate, the Chair orders, without objection, the Joint Resolution temporarily displaced.

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE PUBLIC HEALTH SYSTEM BY ESTABLISHING A PUBLIC HEALTH

IMPROVEMENT INCENTIVE PROGRAM, STRENGTHENING LOCAL PUBLIC HEALTH INFRASTRUCTURE, AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

Upon motion of Senator Hartsell, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REDUCING STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES.

Senator Brown offers Amendment No. 1 which is adopted (47-2).

Senator Stevens offers Amendment No. 2 which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (46-3) 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANNED COMMUNITY ACT AND THE CONDOMINIUM ACT CONCERNING THE TIME PERIOD FOR FORECLOSURE OF A CLAIM OF LIEN FOR UNPAID ASSESSMENTS, TO AMEND THE LAW CONCERNING DISCLOSURE OF INFORMATION ABOUT HOMEOWNERS ASSOCIATIONS TO POTENTIAL PURCHASERS, AND TO REQUIRE THE REAL ESTATE COMMISSION TO PREPARE AND MAKE AVAILABLE INFORMATION ABOUT RESTRICTIVE COVENANTS TO POTENTIAL PURCHASERS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 9, 2011

H.B. 262, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 379 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERSTATE DEPOSITIONS AND DISCOVERY ACT AND TO MAKE CONFORMING AMENDMENTS TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80263, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 514 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30386, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 9, 2011

H.B. 642 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011", 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 30388, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hartsell for the **Finance Committee**:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

S.B. 599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 267, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35273, is adopted and engrossed.

The Committee Substitute bill is ruled to be material, which constitutes first reading.

The Committee Substitute bill is placed on the calendar for Monday, June 13, upon second reading.

INTRODUCTION OF A RESOLUTION

A resolution is filed for introduction, presented to the Senate, read the first time, and disposed of, as follows:

S.R. 782, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE CROSSOVER RULE.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Resolution is placed on today's supplemental calendar.

June 9, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 555, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, referred to the **Commerce Committee** on April 12.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

CALENDAR (*continued*)

S.B. 781 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE REGULATORY EFFICIENCY IN ORDER TO BALANCE JOB CREATION AND ENVIRONMENTAL PROTECTION.

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 by special message.

H.B. 595 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STRUCTURE OF CERTAIN LEGISLATIVE COMMITTEES AND COMMISSIONS, TRANSFERRING THE DUTIES OF CERTAIN COMMITTEES AND COMMISSIONS TO OTHER COMMITTEES AND COMMISSIONS, CHANGING THE COMPOSITION OF VARIOUS LEGISLATIVE COMMITTEES AND COMMISSIONS, AND MAKING CONFORMING CHANGES.

The Senate Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

CONFERENCE REPORT

Senator Stevens, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 8** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING

June 9, 2011

THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 8, A BILL TO BE ENTITLED AN ACT TO INCREASE EDUCATIONAL OPPORTUNITIES FOR THE CHILDREN OF NORTH CAROLINA BY REMOVING THE CAP ON CHARTER SCHOOLS, BY CREATING A NEW PUBLIC CHARTER SCHOOLS COMMISSION TO OVERSEE CHARTER SCHOOLS, BY STRENGTHENING THE STANDARDS FOR GRANTING AND RETAINING A CHARTER FOR A CHARTER SCHOOL, BY AUTHORIZING LOCAL BOARDS OF EDUCATION TO CONVERT SCHOOLS TO CHARTER SCHOOLS WITHOUT FORMING A NONPROFIT CORPORATION, BY CLARIFYING THE FUNDING FORMULA FOR CHARTER SCHOOLS, AND BY PROVIDING THAT COUNTIES MAY PROVIDE FUNDING FOR CHARTER SCHOOLS IN THEIR JURISDICTIONS; AND TO MAKE OTHER CHANGES TO THE GENERAL STATUTES GOVERNING CHARTER SCHOOLS, House Committee Substitute #2 Favorable 4/7/11, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 4/7/11, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #2 Favorable 4/7/11, and substitute the attached Proposed Committee Substitute S8-PCCS55312-TC-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 9, 2011.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Richard Stevens, Chair	S/Paul Stam, Chair
S/Malcolm Graham	S/Ruth Samuelson
S/Dan Soucek	S/Marcus Brandon

The text of the attached Proposed Conference Committee Substitute, S8-CCSTC-1 is as follows:

A BILL TO BE ENTITLED
AN ACT TO REMOVE THE CAP ON CHARTER SCHOOLS; TO ALLOW
STATE BOARD OF EDUCATION DISCRETION IN GRANTING

June 9, 2011

FINAL APPROVAL OF CHARTER SCHOOL APPLICATIONS; TO RAISE THE ENROLLMENT GROWTH CAP TO TWENTY PERCENT; TO PERMIT CHARTER SCHOOLS TO CHARGE FEES CHARGED BY THE LOCAL SCHOOL ADMINISTRATIVE UNIT; TO STRENGTHEN THE STANDARDS FOR RETAINING A CHARTER FOR A CHARTER SCHOOL; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT TO THE GENERAL ASSEMBLY ON CHARTER SCHOOLS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-238.29D(a) reads as rewritten:

"(a) The State Board ~~shall~~ may grant final approval of an application if it finds that the application meets the requirements set out in this Part or adopted by the State Board of Education and that granting the application would achieve one or more of the purposes set out in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all applications and appeals it receives prior to February 15 of that calendar year."

SECTION 2.(a) G.S. 115C-238.29D(b) is repealed.

SECTION 2.(b) G.S. 115C-105.37B(a)(2) reads as rewritten:

"(a) Notwithstanding any other provision of this Article, the State Board of Education is authorized to approve a local board of education's request to reform any school in its administrative unit which the State Board of Education has identified as one of the continually low-performing schools in North Carolina.

If the State Board of Education approves a local board of education's request to reform a school, the State Board of Education may authorize the local board of education to adopt one of the following models in accordance with State Board of Education requirements:

- ...
- (2) Restart model, in which the State Board of Education would authorize the local board of education to operate the school with the same exemptions from statutes and rules as a charter school authorized under Part 6A of Article 16 of this Chapter, or under the management of an educational management organization that has been selected through a rigorous review process. A school operated under this subdivision remains under the control of the local board of education, and employees assigned to the school are employees of the local school administrative unit with the protections provided by G.S. 115C-325. ~~This subdivision shall not be interpreted to increase the maximum number of charter schools provided in G.S. 115C 238.29D(b). No school authorized under this subsection shall count against the limit provided for charter schools in G.S. 115C 238.29D(b)."~~

SECTION 3. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant the initial charter for a

June 9, 2011

period not to exceed 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed 10 years each. The State Board of Education shall review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ~~ten~~twenty percent ~~(10%)~~(20%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ~~ten~~twenty percent ~~(10%)~~(20%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- (4) The charter school is not currently identified as low-performing;
- (5) The charter school meets generally accepted standards of fiscal management; and
- (6) It is otherwise appropriate to approve the enrollment growth."

SECTION 4. G.S. 115C-238.29F(b) reads as rewritten:

"(b) School Nonsectarian. – A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or ~~fees- fees, except that a charter school may charge any fees that are charged by the local school administrative unit in which the charter school is located.~~ A charter school shall not be affiliated with a nonpublic sectarian school or a religious institution."

SECTION 5. G.S. 115C-238.29G is amended by adding a new subsection to read:

"(a1) The State Board shall adopt criteria for adequate performance by a charter school and shall identify charter schools with inadequate performance. The criteria shall include a requirement that a charter school which demonstrates no growth in student performance and has annual performance composites below sixty percent (60%) in any two years in a three-year period is inadequate.

- (1) If a charter school is inadequate in the first five years of the charter, the charter school shall develop a strategic plan to meet specific goals for student performance that are consistent with State Board criteria and the mission approved in the charter school. The strategic plan shall be reviewed and approved by the State Board. The State Board is authorized to terminate or not renew a charter for failure to demonstrate improvement under the strategic plan.
- (2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate or not renew the charter."

SECTION 6. The State Board of Education shall submit a preliminary report and a final report to the General Assembly on the implementation of this act, including (i) the creation, composition, and function of an advisory committee; (ii) the charter school application process; (iii) a profile of applicants and the basis for acceptance or rejection; and (iv) resources required at the State level for implementation of the charter school laws in Part 6A of Article 16 of Chapter 115C of the North Carolina General Statutes. The preliminary report shall be submitted by May 10, 2012, and the final report shall be submitted by June 11, 2012.

SECTION 7. This act becomes effective July 1, 2011.

Upon motion of Senator Apodaca, the rules are suspended and the Conference Report, which changes the title, is placed on today's supplemental calendar for adoption.

CALENDAR *(continued)*

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS, temporarily displaced earlier today.

The Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

S.B. 552 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE PUBLIC HEALTH SYSTEM BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM, STRENGTHENING LOCAL PUBLIC HEALTH INFRASTRUCTURE, AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, as amended on second reading, Wednesday, June 8 and temporarily displaced earlier today.

Senator Hartsell offers Amendment No. 2 which is adopted (46-3).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives by special message.

June 9, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Finance Committee**:

S.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE, 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, 85223, which changes the title to read **S.B. 94** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST, is adopted and engrossed.

The Committee Substitute bill No. 2 is ruled to be material, which constitutes first reading.

The Committee Substitute bill No. 2, is placed on the calendar for Monday, June 13, upon second reading.

The Senate recesses at 12:15 p.m., subject to the receipt of committee reports and receipt of messages from the House of Representatives, to reconvene at 2:00 p.m.

RECESS**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Finance Committee**:

H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES AND THE TOWN OF GROVER TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

The Senate Committee Substitute bill is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill is placed on the calendar for Monday, June 13, upon second reading.

June 9, 2011

S.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES, 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, 35276, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

By Senator Rabon for the **Transportation Committee**:

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

SUPPLEMENTAL CALENDAR

Bills on today's supplemental calendar are taken up and disposed of, as follows:

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANNED COMMUNITY ACT AND THE CONDOMINIUM ACT CONCERNING THE TIME PERIOD FOR FORECLOSURE OF A CLAIM OF LIEN FOR UNPAID ASSESSMENTS, TO AMEND THE LAW CONCERNING DISCLOSURE OF INFORMATION ABOUT HOMEOWNERS ASSOCIATIONS TO POTENTIAL PURCHASERS, AND TO REQUIRE THE REAL ESTATE COMMISSION TO PREPARE AND MAKE AVAILABLE INFORMATION ABOUT RESTRICTIVE COVENANTS TO POTENTIAL PURCHASERS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

June 9, 2011

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 262, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 298 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

June 9, 2011

H.B. 379 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERSTATE DEPOSITIONS AND DISCOVERY ACT AND TO MAKE CONFORMING AMENDMENTS TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

H.B. 514 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Monday, June 13.

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tucker, Vaughan, Walters and White---47.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 13, upon third reading.

June 9, 2011

The Chair grants leaves of absence for the remainder of today's session to Senator Dannelly and Senator Jones.

RECONSIDERATION

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA.

Having voted with the majority, Senator Apodaca offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails (32-15).

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE PRIORITY TO LOCAL EVENTS AT SPECIFIED PUBLICLY OWNED CONVENTION CENTERS.

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.

S.B. 518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY REQUIRING NOTICE OF BUYER'S RIGHT TO CHOOSE TITLE INSURER AND CLOSING ATTORNEY.

The Committee Substitute bill passes its second reading (47-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, June 13, upon third reading.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MAXIMUM CUMULATIVE TOTAL CIVIL PENALTY PER LAND-DISTURBING PROJECT FOR A FIRST-TIME VIOLATION UNDER THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973, TO AUTHORIZE THE REMISSION OF CIVIL PENALTIES UNDER THIS ACT, TO REQUIRE THAT A PERSON ASSESSED A CIVIL PENALTY IS NOTIFIED OF THE OPTION TO REQUEST A REMISSION OF THE CIVIL PENALTY AND, FOR FIRST-TIME VIOLATORS, NOTIFIED THAT FIRST-TIME VIOLATORS CANNOT BE ASSESSED MORE THAN A MAXIMUM CIVIL PENALTY WHEN ANY CONTINUING ENVIRONMENTAL DAMAGE IS ABATED WITHIN ONE HUNDRED EIGHTY DAYS, AND TO REQUIRE THAT FIRST-TIME VIOLATORS BE OFFERED ASSISTANCE IN DEVELOPING CORRECTIVE MEASURES.

June 9, 2011

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 by special message.

S.B. 599 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO BRING THE COLLECTION OF WASTE KITCHEN GREASE WITHIN THE PURVIEW OF THE ACT.

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.

S.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS.

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.

S.B. 683 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING COUNTIES AND CITIES TO HAVE REASONABLE CAUSE BEFORE INSPECTING RESIDENTIAL BUILDINGS OR STRUCTURES.

The Committee Substitute bill No. 2 passes its second reading (40-7) 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. 792 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS ACT, placed on the calendar for Tuesday, June 14.

Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the calendar for Tuesday, June 14, and placed on today's supplemental calendar.

The Chair orders the Senate Committee Substitute bill withdrawn from the calendar for Tuesday, June 14 and places it on today's supplemental calendar.

S.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW EMPLOYERS ACCESS TO INFORMATION ABOUT THEIR GROUP HEALTH PLANS.

Senator Goolsby offers Amendment No. 1 which is adopted (44-2).

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.

June 9, 2011

CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 33** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY, 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 33, A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY, House Committee Substitute Favorable 4/19/11, Fifth Edition Engrossed 4/20/11, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 4/19/11, Fifth Edition Engrossed 4/20/11, as amended:

on page 2, line 47 and page 3, line 2, delete the words "and resulting injuries"; and

on page 4, lines 39 through 42, rewrite those lines to read:

"(b) In any medical malpractice action arising out of the furnishing or the failure to furnish professional services in the treatment of an emergency medical condition, as the term "emergency medical condition" is defined in 42 U.S.C. 1395dd(e)(1), the claimant must prove a violation of the standards of practice set forth in subsection (a) of this section by clear and convincing evidence.""; and

on page 4, line 46, rewrite that line to read:

"(a) Except as otherwise provided in subsection (b) of this section, in any medical malpractice action in which the plaintiff is entitled to an award of "; and

on page 4, line 48, insert the following after the period:

"Judgment shall not be entered against any defendant for noneconomic damages in excess of five hundred thousand dollars (\$500,000) for all claims brought by all parties arising out of the same professional services."; and

on page 5, line 1, insert the following after the period:

"The Administrative Office of the Courts shall inform the Revisor of Statutes of the reset limitation. The Revisor of Statutes shall publish this reset limitation as an editor's note to this section."; and

on page 5, line 2, delete "'G.S. 90-21.19B(1)" and substitute "G.S. 90-21.19B"; and

on page 5, lines 5 through 19, rewrite those lines to read:

June 9, 2011

"(b) Notwithstanding subsection (a) of this section, there shall be no limit on the amount of noneconomic damages for which judgment may be entered against a defendant if the trier of fact finds both of the following:

- (1) The plaintiff suffered disfigurement, loss of use of part of the body, permanent injury or death.
- (2) The defendant's acts or failures, which are the proximate cause of the plaintiff's injuries, were committed in reckless disregard of the rights of others, grossly negligent, fraudulent, intentional or with malice.

(c) The following definitions apply in this section:

- (1) Consumer Price Index. – The Consumer Price Index – All Urban Consumers, for the South urban area, as published by the Bureau of Labor Statistics of the United States Department of Labor.
- (2) Noneconomic damages. – Damages to compensate for pain, suffering, emotional distress, loss of consortium, inconvenience, and any other nonpecuniary compensatory damage. "Noneconomic damages" does not include punitive damages as defined in G.S. 1D-5.
- (3) Same professional services. – The transactions, occurrences, or series of transactions or occurrences alleged to have caused injury to the health care provider's patient.

(d) Any award of damages in a medical malpractice action shall be stated in accordance with G.S. 90-21.19B. If a jury is determining the facts, the court shall not instruct the jury with respect to the limit of noneconomic damages under subsection (a) of this section, and neither the attorney for any party nor a witness shall inform the jury or potential members of the jury panel of that limit."; and

on page 6, line 21, rewrite the line to read:

"jurisdiction, then Section 8 of this act is repealed, but the invalidity does not".

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 9, 2011.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Peter S. Brunstetter, Chair	S/Johnathan Rhyne, Jr.
S/Tom Apodaca	S/Daniel F. McComas
S/Harry Brown	S/Paul Stam
S/Bob Rucho	S/Tom Murry
S/Eric Mansfield	S/James W. Crawford, Jr.
	S/William D. Brisson
	S/Chuck McGrady

Upon motion of Senator Apodaca, the rules are suspended and the Conference Report is placed on today's supplemental calendar for adoption.

June 9, 2011

WITHDRAWAL FROM COMMITTEE

S.B. 554, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DATE ON WHICH CERTAIN PERSONNEL INFORMATION REQUIRED BY S.L. 2010-169 MUST BE RELEASED, referred to the **Judiciary I Committee** on April 12.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Finance 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 **Finance Committee**.

CALENDAR (*continued*)

H.B. 709 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROTECTING AND PUTTING NORTH CAROLINA BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION ACT.

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. 916 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH REQUIREMENTS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL MANAGEMENT ENTITIES WITH RESPECT TO STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

The Committee Substitute bill passes its second reading (29-16) 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

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** earlier today.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's supplemental calendar.

The Chair orders the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's supplemental calendar.

CALENDAR *(continued)*

S.B. 679 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CASTLE DOCTRINE, TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO CARRY A HANDGUN IN A PARK, TO AUTHORIZE THE PURCHASE OF RIFLES, SHOTGUNS AND AMMUNITION IN OTHER STATES, TO IMPOSE CRIMINAL PENALTIES FOR PROVIDING FALSE INFORMATION IN CONNECTION WITH FIREARM OR AMMUNITION TRANSFER, AND TO AUTHORIZE DISTRICT ATTORNEYS, ASSISTANT DISTRICT ATTORNEYS, OR THEIR INVESTIGATORS WHO HAVE A VALID CONCEALED HANDGUN PERMIT TO CARRY A CONCEALED WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES, as amended on second reading June 8.

The Chair grants a leave of absence for the remainder of today's session to Senator Blake.

Senator Clary offers Amendment No. 3 which is adopted (42-2).

The Committee Substitute bill, as amended, passes its third reading (35-9) and is ordered engrossed and sent to the House of Representatives by special message.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 727, AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES.

SUPPLEMENTAL CALENDAR *(continued)*

S.R. 782, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE TO CHANGE THE CROSSOVER RULE.

The Senate Resolution is adopted (43-0).

WITHDRAWAL FROM CALENDAR

H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES AND THE TOWNS OF GROVER AND SWANSBORO TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, placed earlier on the calendar for Monday, June 13.

Senator Apodaca offers a motion that the bill be withdrawn from the calendar for Monday, June 13, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

June 9, 2011

The Chair orders the bill withdrawn from the calendar for Monday, June 13, and re-refers the measure to the **Finance Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 567, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES, referred to the **State and Local Government Committee** on April 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME PERIOD FOR HOLDING REAL PROPERTY AS A FUTURE SITE FOR HOUSING FOR LOW- OR MODERATE-INCOME INDIVIDUALS AND FAMILIES, referred to the **Commerce Committee** on June 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 594 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH 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 11242, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 9, 2011

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 8 (Conference Committee Substitute), AN ACT TO REMOVE THE CAP ON CHARTER SCHOOLS; TO ALLOW STATE BOARD OF EDUCATION DISCRETION IN GRANTING FINAL APPROVAL OF CHARTER SCHOOL APPLICATIONS; TO RAISE THE ENROLLMENT GROWTH CAP TO TWENTY PERCENT; TO PERMIT CHARTER SCHOOLS TO CHARGE FEES CHARGED BY THE LOCAL SCHOOL ADMINISTRATIVE UNIT; TO STRENGTHEN THE STANDARDS FOR RETAINING A CHARTER FOR A CHARTER SCHOOL; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT TO THE GENERAL ASSEMBLY ON CHARTER SCHOOLS.

Upon motion of Senator Stevens, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 518 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT CONSUMERS BY REQUIRING NOTICE OF BUYER'S RIGHT TO CHOOSE TITLE INSURER AND CLOSING ATTORNEY.

Upon motion of Senator Apodaca, his third reading objection is withdrawn and the Committee Substitute bill is placed on today's supplemental calendar for immediate consideration.

The Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives by special message.

The Senate recesses at 3:35 p.m., subject to the receipt of committee reports and messages from the House of Representatives, 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 leaves of absence for the remainder of today's session to Senator Forrester, Senator Graham, and Senator Vaughan.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Finance Committee**:

H.B. 96 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with a favorable report, as amended.

June 9, 2011

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 13.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 594 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

The Senate Committee Substitute bill passes its second reading (42-0).

Senator Brock objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Monday, June 13, upon third reading.

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA.

The Committee Substitute bill passes its third reading (40-2) and is ordered sent to the House of Representatives by special message.

H.B. 792 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION AWARENESS ACT.

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 by special message for concurrence in the Senate Committee Substitute bill.

S.B. 33 (Conference Report), AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY.

Without objection, Senator Allran requests to be excused from voting on the Conference Report due to a conflict of interest.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Report (32-9).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

WITHDRAWAL FROM COMMITTEE

H.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAPITAL TRIAL, SENTENCING, AND POSTCONVICTION PROCEDURES FOR A PERSON WITH A SEVERE MENTAL DISABILITY AND TO PROVIDE THAT INSANITY IS NOT AVAILABLE AS A DEFENSE TO A CRIMINAL ACTION IF PRIOR ALCOHOL OR DRUG USE OR BOTH ARE THE SOLE CAUSE OF THE PSYCHOSIS OR IF VOLUNTARY INTOXICATION, A VOLUNTARY DRUGGED CONDITION, OR BOTH COMBINED ARE THE SOLE SUPPORT FOR THE DEFENSE, referred to the **Judiciary I Committee** on June 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Judiciary II Committee**.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR DISMEMBERING HUMAN REMAINS, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 13.

H.B. 374, A BILL TO BE ENTITLED AN ACT TO PROTECT THOSE IMPACTED BY THE NORTH CAROLINA EUGENICS BOARD PROGRAM FROM 1929 TO 1975 BY PROVIDING THAT CERTAIN INFORMATION PERTAINING TO THEM IS NOT A PUBLIC RECORD, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Monday, June 13.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT

June 9, 2011

ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Monday, June 13.

H.B. 382 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50395, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Monday, June 13.

H.B. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80261, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Monday, June 13.

H.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMAN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30389, which changes the title to read **H.B. 649** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMEN AND ALLOWING A BAIL AGENT ACTING ON BEHALF OF A SURETY COMPANY TO MAKE WRITTEN MOTIONS REGARDING SETTING ASIDE BAIL FORFEITURE AND RELIEF FROM FINAL JUDGMENT OF BAIL FORFEITURE UNDER THE LAWS PERTAINING TO CRIMINAL PROCEDURE, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Monday, June 13.

Upon motion of Senator Phil Berger, seconded by Senator Davis, the Senate adjourns in memory of Daniel "Dan" Joseph Stone at 4:36 p.m., subject to the ratification of bills, receipt of committee reports and messages from the House of Representatives, to meet Friday, June 10, at 11:00 a.m.

June 9, 2011

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 571, AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 292, AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT, SUBJECT TO A REFERENDUM.

H.B. 414, AN ACT TO MODIFY THE RUTHERFORD COUNTY OCCUPANCY TAX.

H.B. 532, AN ACT PROVIDING FOR THE MAINTENANCE OF CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES UNDER GENERAL LAW.

H.J.R. 647, A JOINT RESOLUTION TO ESTABLISH THE JOINT LEGISLATIVE TASK FORCE ON DIABETES PREVENTION AND AWARENESS. (Res. 6)

**SENATORIAL STATEMENT
SUBMITTED BY SENATOR EAST
HONORING THE LIFE AND MEMORY OF DANIEL STONE**

Whereas, Daniel "Dan" Joseph Stone was born on August 20, 1954 to Eleanor Sipe Stone and the late Dr. I. Frank Stone; and

Whereas, Dan Stone graduated from Hargrave Military Academy in 1972, where he served as captain of Corps of Cadets before graduating with honors from Elon University in 1976 and attending the Campbell University School of Law from 1976 through 1977; and

Whereas, Dan Stone was a Deputy Sheriff with the Surry County Sheriff's Department from 1975 to 1976; and

Whereas, Dan Stone retired from the North Carolina State Bureau of Investigation after 26 years as a special agent; and

Whereas, Dan Stone was a lifelong resident of Pilot Mountain in Surry County and was actively involved in Boy Scout Troop 545, where he earned his

June 9, 2011

Eagle Scout Award in 1968 and remained active in the troop as an adult; and

Whereas, Dan Stone was lifelong member of the First United Methodist Church in Pilot Mountain serving as a Sunday school teacher, president of the United Methodist Men, a member of the administrative board, and the board of trustees; and

Whereas, Dan Stone was a member of the Surry Community College Board of Trustees, during which time he served as both vice chair and chair; and

Whereas, Dan Stone died on May 23, 2011; and

Whereas, Dan Stone leaves to cherish his memory his wife, Sallie Arnold Stone; his daughter Eleanor Stone; his son, Andrew Joseph Stone; his mother, Eleanor S. Stone; his brothers, William and Terry Stone; and his mother-in-law, Sarah Arnold;

Now, Therefore, the North Carolina Senate honors Daniel "Dan" Joseph Stone.

In Witness Whereof, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the ninth day of June, 2011.

S/Sarah Clapp
Senate Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 8, 2011

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. 736** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO, AND CLARIFYING AMBIGUITIES IN, THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE, and requests conferees.

Speaker Tillis has appointed:

Representative Langdon
Representative Luebke
Representative Holloway, and
Representative Lucas

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 9, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 58 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS.

Referred to the **State and Local Government Committee**.

H.B. 134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GENERAL ASSEMBLY TO STUDY ISSUES RELATED TO HOMEOWNERS ASSOCIATION FORECLOSURE OF PROPERTY WHERE THE DEBT SECURING THE ASSOCIATION ASSESSMENT LIEN CONSISTS OF UNPAID HOMEOWNERS ASSOCIATION DUES OR OTHER COSTS ASSOCIATED WITH UNPAID HOMEOWNERS ASSOCIATION DUES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 244 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL AND THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Referred to the **Insurance Committee**.

June 9, 2011

H.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY ELIMINATING EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT AND TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE.

Referred to the **State and Local Government Committee**.

H.B. 289 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES.

Referred to the **Finance Committee**.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WHEN LAND USED FOR CONSERVATION PURPOSES IS TO BE EXCLUDED FROM THE PROPERTY TAX BASE.

Referred to the **Finance Committee**.

H.B. 389, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO STUDY THE NEED FOR A MOTOR VEHICLE REGISTRATION, INSPECTION, AND FINANCIAL RESPONSIBILITY PROGRAM FOR MOPEDS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE AUTOMATIC RENEWAL OF MERCHANT CREDIT CARD PROCESSING CONTRACTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 467 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTRUCTURE THE GUILFORD COUNTY BOARD OF COMMISSIONERS.

Referred to the **State and Local Government Committee**.

H.B. 541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 555, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 588 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FOUNDING PRINCIPLES ACT.

Referred to the **Education/Higher Education Committee**.

H.J.R. 612, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CURRENT CRIMINAL AND MENTAL HEALTH LAWS AND PROCEDURES REGARDING INCAPACITY TO PROCEED TO TRIAL AND INVOLUNTARY COMMITMENT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE CONSOLIDATION OF THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 760, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE OBSTACLES ENCOUNTERED IN SEEKING EMPLOYMENT BY PERSONS WHO HAVE COMMITTED RELATIVELY MINOR CRIMINAL OFFENSES, THE NEED FOR EMPLOYERS TO HAVE ACCURATE CRIMINAL INFORMATION ABOUT POTENTIAL EMPLOYEES, AND THE FEASIBILITY OF DEVELOPING AND IMPLEMENTING AN EXPUNCTION PROCEDURE THAT STRIKES THE APPROPRIATE BALANCE BETWEEN THOSE CONCERNS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 765, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE.

Referred to the **Education/Higher Education Committee**.

H.B. 774, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENTS OF AGRICULTURE AND INSURANCE TO STUDY OPTIONS FOR AGRICULTURAL CONTRACT GROWERS TO PROTECT THEMSELVES AGAINST FINANCIAL LOSSES DUE TO WEATHER, NATURAL DISASTERS, OR OTHER ACTS OF GOD.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

June 9, 2011

H.B. 796, A BILL TO BE ENTITLED AN ACT TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY THE METHODOLOGY OF VALUATION OF PROPERTY FOR PROPERTY TAX PURPOSES TO ENSURE THE PROCESS IS BOTH UNIFORM AND FAIR.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IMPLEMENT A DROPOUT RECOVERY PILOT PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 825, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON METHAMPHETAMINE LAB PREVENTION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 836, A BILL TO BE ENTITLED AN ACT CREATING THE STUDY COMMITTEE ON THE COMPENSATION OF STATE BOARD AND COMMISSION EMPLOYEES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 854 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Referred to the **Judiciary I Committee**.

H.B. 925 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER THE EFFICIENCY OF PROVIDING WATER AND SEWER SERVICES CAN BE IMPROVED BY REQUIRING LARGE CITIES LOCATED ENTIRELY WITHIN A METROPOLITAN SEWERAGE DISTRICT TO CONVEY THEIR WATER SYSTEM TO THAT DISTRICT WHICH CAN THEN OPERATE BOTH WATER AND SEWER.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Phil Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-FIRST DAY

Senate Chamber
Friday, June 10, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, give us this day our daily bread, lead us not into temptation, but deliver us from evil. In Christ's name we pray. Amen."

Senator Stevens announces that the Senate Journal of Thursday, June 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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
June 9, 2011

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. 8** (Conference Committee Substitute), AN ACT TO REMOVE THE CAP ON CHARTER SCHOOLS; TO ALLOW STATE BOARD OF EDUCATION DISCRETION IN GRANTING FINAL APPROVAL OF CHARTER SCHOOL APPLICATIONS; TO RAISE THE ENROLLMENT GROWTH CAP TO TWENTY PERCENT; TO PERMIT CHARTER SCHOOLS TO CHARGE FEES CHARGED BY THE LOCAL SCHOOL ADMINISTRATIVE UNIT; TO STRENGTHEN THE STANDARDS FOR RETAINING A CHARTER FOR A CHARTER SCHOOL; AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT TO THE GENERAL ASSEMBLY ON CHARTER SCHOOLS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The President orders the Conference Committee Substitute enrolled and sent to the Governor.

June 10, 2011

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 9, 2011

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. 33** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REFORM THE LAWS RELATING TO MONEY JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL CASES, AND MEDICAL LIABILITY.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The President orders the Conference Report enrolled and sent to the Governor.

Upon motion of Senator Brunstetter, seconded by Senator Hunt, the Senate adjourns at 11:03 a.m., subject to the receipt of committee reports and messages from the House of Representatives, to meet Monday, June 13, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

H.B. 12 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE REGULATION ON PSEUDOEPHEDRINE PRODUCTS TO CURTAIL METHAMPHETAMINE PRODUCTION AND TO REDUCE COSTS TO LOCAL GOVERNMENTS FOR LAB CLEANUP COSTS, AND TO STUDY THE EFFICACY OF ELECTRONIC RECORD KEEPING WITH A REPORT TO THE 2013 GENERAL ASSEMBLY.

Referred to the **Judiciary I Committee**.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SIGNAGE DIRECTING TRAFFIC TO THE VIETNAM VETERANS MEMORIAL, THE BEIRUT MEMORIAL, THE COASTAL CAROLINA STATE VETERANS CEMETERY, THE VETERANS PARK, AND THE NORTH CAROLINA VETERANS CEMETERY.

Referred to the **Appropriations/Base Budget Committee**.

June 10, 2011

H.B. 24, A BILL TO BE ENTITLED AN ACT TO MODIFY AND EXPAND THE DUTIES OF THE JOINT LEGISLATIVE ECONOMIC DEVELOPMENT OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

H.B. 36 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EMPLOYERS IN THIS STATE, AND ENTITIES WHO CONTRACT WITH A GOVERNMENT AGENCY IN THIS STATE, AND THEIR SUBCONTRACTORS TO USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

Referred to the **Commerce Committee**.

H.B. 93 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SELLER TO APPLY OVERCOLLECTED SALES TAX TO OFFSET A USE TAX LIABILITY ON A RELATED TRANSACTION.

Referred to the **Finance Committee**.

H.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COUNTIES TO OPEN ONLY APPROVED ONE-STOP SITES FOR A SECOND PRIMARY AND TO REQUIRE THE PROVISION OF A SUFFICIENT NUMBER OF BALLOTS FOR EACH ELECTION THAT IS NO LESS THAN TWENTY-FIVE PERCENT GREATER THAN THE VOTER TURNOUT IN THE MOST RECENT ELECTION WITH SIMILAR BALLOT ITEMS.

Referred to the **Judiciary I Committee**.

H.B. 203, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ALTERNATIVE MORTGAGE SATISFACTION FORM THAT ALLOWS A SECURED CREDITOR TO INDICATE THAT THE UNDERLYING OBLIGATION HAS BEEN EXTINGUISHED.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 237, A BILL TO BE ENTITLED AN ACT TO REQUIRE ECONOMIC IMPACT STATEMENTS ON ALL BILLS THAT PROPOSE REGULATORY CHANGES, SIMILAR TO THE FISCAL NOTES THAT AGENCIES MUST PREPARE DURING RULE MAKING.

Referred to the **Commerce Committee**.

H.B. 300 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS.

Referred to the **Judiciary I Committee**.

H.B. 351 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING.

Referred to the **Judiciary I Committee**.

June 10, 2011

H.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING UTILITY FRANCHISES IN THE CITY OF WINSTON-SALEM, AND TO OTHER INCORPORATED MUNICIPALITIES AS TO THEIR TERRITORY WITHIN FORSYTH COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 376 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 378, A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR THE CITY OF WINSTON-SALEM.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Transportation Committee**.

H.B. 391, A BILL TO BE ENTITLED AN ACT TO MODERNIZE PROCUREMENT METHODS USED BY THE SECRETARY OF ADMINISTRATION AND STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES.

Referred to the **Commerce Committee**.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF THE AIRPORT AUTHORITY APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

Referred to the **State and Local Government Committee**.

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE TOWN'S INVESTMENT AUTHORITY.

Referred to the **State and Local Government Committee**.

H.B. 457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE EASTERN JOINT MUNICIPAL POWER AGENCY SHALL HOLD A PUBLIC MEETING PRIOR TO CHANGING RATES AND THE MUNICIPAL ELECTRIC UTILITIES THAT ARE MEMBERS OF THE EASTERN POWER AGENCY SHALL HOLD A PUBLIC HEARING BEFORE CHANGING ELECTRIC RATES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 494 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF CONTINUOUS ALCOHOL MONITORING SYSTEMS AS A CONDITION OF PRETRIAL RELEASE, AS A CONDITION OF PROBATION, TO MITIGATE PUNISHMENTS FOR IMPAIRED DRIVING OFFENSES; AND TO ENSURE COMPLIANCE WITH CHILD CUSTODY AND VISITATION ORDERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN MECKLENBURG COUNTY LOCAL TAXES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 512 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO INCREASE THE PENALTY FOR LARCENY OF WASTE KITCHEN GREASE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 581, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO PROVIDE GRANTS TO PROMOTE BROADBAND IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT IN THE COUNTY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 606 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SHERIFF OR A DESIGNATED DEPUTY SHERIFF INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY OBTAIN DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 618 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STREAMLINE DUPLICATE OVERSIGHT OF CERTAIN DHHS SERVICE PROVIDERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 620, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO MAINTAIN OR PAVE CERTAIN ROADS IN A MANNER CONSISTENT WITH THE ORIGINAL CONSTRUCTION OF THE ROAD TO PRESERVE THE HISTORIC

June 10, 2011

APPEARANCE AND VALUE OF HISTORIC PROPERTIES ADJOINING THE ROAD OR TO PRESERVE HIGH SCENIC VALUE PROPERTIES OR ENHANCE LOW-VOLUME BUSINESS OR AGRIBUSINESS VENTURES.

Referred to the **Transportation Committee**.

H.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ESTABLISHING A PROPERTY OWNERS PROTECTION ACT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT.

Referred to the **Education/Higher Education Committee**.

H.B. 721 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING LANDLORDS AND TENANTS TO TAKE CERTAIN ACTIONS TO EXTERMINATE BEDBUGS IN DWELLING UNITS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF STATE TREASURER TO CREATE A CENTRALIZED 403(B) RETIREMENT ANNUITY PLAN AS AN OPTION FOR EMPLOYEES OF LOCAL BOARDS OF EDUCATION.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SAFE STUDENTS ACT.

Referred to the **Education/Higher Education Committee**.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROVIDE TAG SERVICES AT MILITARY BASES.

Referred to the **Program Evaluation Committee**.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEAT FUND TO THE GLOBAL TRANSPARK.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY DIVISION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 927 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO ENSURE THE FUTURE SOLVENCY OF THOSE SYSTEMS, TO AMEND THE PROVISIONS OF THE SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS FOR LAW ENFORCEMENT OFFICERS HIRED ON OR AFTER AUGUST 1, 2011, AND TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE THE RETIREMENT BENEFIT OF A DECEASED RETIREE AT LEAST TWO MONTHS AFTER THE RETIREE'S DEATH.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 928 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Referred to the **Insurance Committee**.

Pursuant to Senator Brunstetter's motion to adjourn having prevailed, the Senate stands adjourned.

June 10, 2011

EIGHTY-SECOND DAY

Senate Chamber
Monday, June 13, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Mr. Jay Denton from Midtown Community Church of Raleigh, as follows:

"Lord, we know that you hold this world in the palm of your hand. So this evening we come to you in great expectation that you have the power to accomplish in and through us, the work you have called us to do. In your divine plan you have placed these men and women in this room to serve the great state of North Carolina. And so, Lord, we lift them up to you at this hour. We pray tonight that you will grant them great wisdom as they seek the best for us. We pray tonight that you will protect them and their families as they serve in the public spotlight. We pray tonight that you will give them courage to stand and humility to listen as they interact and work with each other. And finally, Lord Jesus, sustain them as they labor this week and look toward a much needed break in the weeks to come. In the name of the Father, the Son and the Holy Spirit. Amen."

The Chair grants leaves of absence for tonight to Senator Phil Berger and Senator Rucho.

Senator Forrester, Deputy President *Pro Tempore*, announces that the Senate Journal of Friday, June 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 8, AN ACT TO REMOVE THE CAP ON CHARTER SCHOOLS; TO ALLOW STATE BOARD OF EDUCATION DISCRETION IN GRANTING FINAL APPROVAL OF CHARTER SCHOOL APPLICATIONS; TO RAISE THE ENROLLMENT GROWTH CAP TO TWENTY PERCENT; TO PERMIT CHARTER SCHOOLS TO CHARGE FEES CHARGED BY THE LOCAL SCHOOL ADMINISTRATIVE UNIT; TO STRENGTHEN THE

June 13, 2011

STANDARDS FOR RETAINING A CHARTER FOR A CHARTER SCHOOL;
AND TO REQUIRE THE STATE BOARD OF EDUCATION TO REPORT
TO THE GENERAL ASSEMBLY ON CHARTER SCHOOLS.

S.B. 33, AN ACT TO REFORM THE LAWS RELATING TO MONEY
JUDGMENT APPEAL BONDS, BIFURCATION OF TRIALS IN CIVIL
CASES, AND MEDICAL LIABILITY.

H.B. 709, AN ACT PROTECTING AND PUTTING NORTH CAROLINA
BACK TO WORK BY REFORMING THE WORKERS' COMPENSATION
ACT.

H.B. 792, AN ACT TO ENACT THE GFELLER-WALLER CONCUSSION
AWARENESS ACT.

H.B. 916, AN ACT TO ESTABLISH REQUIREMENTS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES AND LOCAL
MANAGEMENT ENTITIES WITH RESPECT TO STATEWIDE
EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

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. 545, AN ACT TO MODIFY THE MOORE COUNTY OCCUPANCY
TAX. (Became law upon ratification, June 9, 2011 - S.L. 2011-113.)

H.B. 292, AN ACT TO INCORPORATE THE TOWN OF ROUGEMONT,
SUBJECT TO A REFERENDUM. (Became law upon ratification, June 9, 2011
- S.L. 2011-114.)

H.B. 414, AN ACT TO MODIFY THE RUTHERFORD COUNTY
OCCUPANCY TAX. (Became law upon ratification, June 9, 2011 - S.L. 2011-
115.)

H.B. 532, AN ACT PROVIDING FOR THE MAINTENANCE OF
CEMETERIES IN GRAHAM COUNTY FROM AD VALOREM TAXES
UNDER GENERAL LAW. (Became law upon ratification, June 9, 2011 - S.L.
2011-116.)

S.B. 307, AN ACT TO ESTABLISH THE NORTH CAROLINA SMART
CARD PILOT PROGRAM TO COMBAT FRAUD. (Became law upon
approval of the Governor, June 13, 2011 - S.L. 2011-117.)

June 13, 2011

S.B. 501, AN ACT TO FACILITATE IMPROVED OPERATIONS AND CONDITIONS AT CERTAIN PREEXISTING SWINE FARMS BY PROVIDING FOR THE CONSTRUCTION OR RENOVATION OF SWINE HOUSES AT THOSE FARMS. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-118.)

S.B. 16, AN ACT TO REQUIRE THAT LAW ENFORCEMENT REQUEST A BLOOD SAMPLE UNDER THE STATE IMPLIED-CONSENT LAWS FROM ANY PERSON CRIMINALLY CHARGED IN ANY CASE INVOLVING DEATH BY VEHICLE AND CERTAIN OTHER OFFENSES AND TO SEEK A WARRANT IF THE DRIVER REFUSES AND THERE IS PROBABLE CAUSE TO BELIEVE THE OFFENSE INVOLVED IMPAIRED DRIVING OR IS ALCOHOL-RELATED. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-119.)

S.B. 321, AN ACT TO CONFORM PROVISIONS OF NORTH CAROLINA SURPLUS LINES INSURANCE LAWS TO THE FEDERAL NONADMITTED AND REINSURANCE REFORM ACT OF 2010, TO STREAMLINE APPLICATIONS FOR COMMERCIAL PURCHASERS, TO PREVENT ANY LOSS OF PREMIUM TAX REVENUE TO THE STATE, AND TO CONFORM THE DEFINITION OF RISK RETENTION GROUP TO FEDERAL LAW. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-120.)

H.B. 181, AN ACT TO ADD THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION TO THE ECONOMIC DEVELOPMENT BOARD, AS RECOMMENDED BY THE JOINT LEGISLATIVE JOINING OUR BUSINESSES AND SCHOOLS (JOBS) STUDY COMMISSION. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-121.)

H.B. 571, AN ACT IMPOSING A SERVICE CHARGE ON EACH RETAIL TRANSACTION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE FOR ANY PURPOSE OTHER THAN RESALE OCCURRING IN THIS STATE, REQUIRING THAT THE SERVICE CHARGE BE COLLECTED BY THE SELLER OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE AND REMITTED TO THE DEPARTMENT OF REVENUE, AND PROVIDING THAT THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL SERVICE CHARGES COLLECTED, MINUS THE COSTS OF COLLECTION, TO THE 911 FUND TO SUPPORT 911 SERVICES IN THE STATE. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-122.)

H.B. 206, AN ACT TO MODIFY THE PROPERTY TAX BASE EXCLUSIONS. (Became law upon approval of the Governor, June 13, 2011 - S.L. 2011-123.)

June 13, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Insurance Committee**:

H.B. 373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF INSURANCE PREMIUMS USING DEBIT CARDS, TO FACILITATE THE PAYMENT OF INSURANCE PREMIUMS USING CREDIT AND DEBIT CARDS, AND TO PERMIT THE COMMISSIONER OF INSURANCE TO APPROVE NONTRADITIONAL GROUPS FOR GROUP LIFE INSURANCE, with a favorable report.

H.B. 453, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PLACEMENT AND ISSUANCE OF SALARY PROTECTION INSURANCE UNDER THE SURPLUS LINES ACT, with a favorable report.

Upon motion of Senator Apodaca, the bill is re-referred to the **Finance Committee**.

H.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE OWNERSHIP OF INSURANCE COMPANIES BY CREDIT UNIONS, with a favorable report.

H.B. 575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN LIEU OF CONTRACTUAL LIABILITY INSURANCE, A SERVICE CONTRACT PROVIDER MAY MAINTAIN A FUNDED RESERVE ACCOUNT FOR ITS OBLIGATIONS UNDER SERVICE CONTRACTS ISSUED AND OUTSTANDING IN THIS STATE, with a favorable report.

H.B. 664, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S GROUP LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT, with a favorable report.

By Senator East for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, with a favorable report.

June 13, 2011

H.B. 492, A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY, with a favorable report.

H.B. 209, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN FINANCIAL ASSURANCE REQUIREMENTS APPLICABLE TO OWNERS AND OPERATORS OF SANITARY LANDFILLS TO (1) DECREASE THE MINIMUM AMOUNT OF FINANCIAL ASSURANCE THAT MUST BE ESTABLISHED TO COVER COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY; AND (2) AUTHORIZE THE USE OF A TRUST FUND PAY-IN PERIOD AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A 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 50397, which changes the title to read **H.B. 209** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN FINANCIAL ASSURANCE REQUIREMENTS APPLICABLE TO OWNERS AND OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES TO (1) AUTHORIZE THE USE OF A CORPORATE FINANCIAL TEST AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR CLOSURE, POST-CLOSURE MAINTENANCE AND MONITORING, AND ANY CORRECTIVE ACTION THAT MAY BE REQUIRED AT THE FACILITY; (2) DECREASE THE MINIMUM AMOUNT OF FINANCIAL ASSURANCE THAT MUST BE ESTABLISHED TO COVER COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY; AND (3) AUTHORIZE THE USE OF A TRUST FUND PAY-IN PERIOD AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

June 13, 2011

H.B. 242 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE AMOUNT OF THE BOND REQUIRED UPON REGISTRATION IN ORDER TO DRILL FOR OIL OR NATURAL GAS IN THE STATE; (2) INCREASE THE AMOUNT OF FEES APPLICABLE TO DRILLING AND ABANDONING OIL OR GAS WELLS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ISSUE OF OIL AND GAS EXPLORATION IN THE STATE, AND SPECIFICALLY THE USE OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (4) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AT LEAST TWO PUBLIC HEARINGS ON THE ISSUE IN THE AREA IN WHICH EXPLORATION FOR NATURAL GAS BY MEANS OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING MAY OCCUR; AND (5) APPROPRIATE THE SUM OF ONE HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE CONDUCT OF THE STUDY AND THE HEARINGS, 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 80264, which changes the title to read **H.B. 242** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) INCREASE THE AMOUNT OF THE BOND REQUIRED UPON REGISTRATION IN ORDER TO DRILL FOR OIL OR NATURAL GAS IN THE STATE; (2) INCREASE THE AMOUNT OF FEES APPLICABLE TO DRILLING AND ABANDONING OIL OR GAS WELLS; (3) ESTABLISH PROVISIONS FOR THE PROTECTION OF LANDOWNERS RELATIVE TO LEASES FOR OIL AND GAS EXPLORATION; (4) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ISSUE OF OIL AND GAS EXPLORATION IN THE STATE, AND SPECIFICALLY THE USE OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (5) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO CONDUCT AT LEAST TWO PUBLIC HEARINGS ON THE ISSUE IN THE AREA IN WHICH EXPLORATION FOR NATURAL GAS BY MEANS OF DIRECTIONAL AND HORIZONTAL DRILLING AND HYDRAULIC FRACTURING MAY OCCUR; AND (6) APPROPRIATE THE SUM OF ONE HUNDRED THOUSAND DOLLARS TO THE DEPARTMENT FOR THE CONDUCT OF THE STUDY AND THE HEARINGS, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 609 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS AND OTHER WATER SUPPLY RESOURCES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

June 13, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50396, which changes the title to read **H.B. 609** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS AND OTHER WATER SUPPLY RESOURCES, TO PROVIDE THAT FUNDS FROM THE CLEAN WATER MANAGEMENT TRUST FUND MAY BE USED TO PRESERVE LANDS FOR THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS, AND TO IMPROVE THE EFFICIENCY OF USE OF NORTH CAROLINA'S WATER RESOURCES, is adopted and engrossed.

H.B. 713 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, AND FORESTRY EQUIPMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70245, which changes the title to read **H.B. 713** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, COMMUNICATIONS, AND FORESTRY EQUIPMENT, is adopted and engrossed.

By Senator Hartsell for the **Finance Committee**:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS COUNTY BILL OF 2011, with a favorable report.

H.B. 160, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR EARLY DETECTION OF BREAST AND CERVICAL CANCER AS PROVIDED BY THE BREAST AND CERVICAL CANCER CONTROL PROGRAM, with a favorable report.

H.B. 164 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RELEASE OF FUNDS DEPOSITED BY AN UPSET BIDDER OR A HIGH BIDDER IN A FORECLOSURE PROCEEDING WHEN A BANKRUPTCY PETITION IS FILED, with a favorable report.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WHEN LAND USED FOR CONSERVATION PURPOSES IS TO BE EXCLUDED FROM THE PROPERTY TAX BASE, with a favorable report.

June 13, 2011

H.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AUTHORIZATION TO LEVY AN OCCUPANCY TAX IN THE CITY OF LUMBERTON AND THE TOWN OF ST. PAULS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed at the end of tonight's calendar.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF PORTABLE ELECTRONICS INSURANCE, with a favorable report.

H.B. 642 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011," with a favorable report.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC LISTING OF PERSONAL PROPERTY FOR PROPERTY TAX PURPOSES, with a favorable report.

S.B. 436, A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95105, which changes the title to read **S.B. 436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET AND TO EXTEND THE SALES TAX REFUND ALLOWED TO A JOINT GOVERNMENTAL AGENCY CREATED TO OPERATE A CABLE TELEVISION SYSTEM FOR ONE YEAR, is adopted and engrossed.

H.B. 397 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80269, is adopted and engrossed.

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO REMOVE A DESCRIBED AREA FROM THE CORPORATE LIMITS OF THE TOWN OF CAPE CARTERET, upon third reading.

June 13, 2011

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special message.

H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES AND THE TOWNS OF GROVER AND SWANSBORO TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 35, noes 13, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Garrou, Gunn, Hartsell, Hise, Hunt, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Tillman, Vaughan, Walters and White---35.

Voting in the negative: Senators Daniel, East, Forrester, Goolsby, Graham, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Soucek and Tucker---13.

The Senate Committee Substitute bill remains on the calendar for Tuesday, June 14, upon third reading.

H.B. 352, A BILL TO BE ENTITLED AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.

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. 94 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST.

Upon motion of Senator Hartsell, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 267 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-1).

June 13, 2011

The amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the calendar for Tuesday, June 14, upon second reading.

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

Senator Blue offers Amendment No. 1 which fails of adoption (20-28).

The Committee Substitute bill passes its second reading (29-19).

Senator Blue objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 14, upon third reading.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANNED COMMUNITY ACT AND THE CONDOMINIUM ACT CONCERNING THE TIME PERIOD FOR FORECLOSURE OF A CLAIM OF LIEN FOR UNPAID ASSESSMENTS, TO AMEND THE LAW CONCERNING DISCLOSURE OF INFORMATION ABOUT HOMEOWNERS ASSOCIATIONS TO POTENTIAL PURCHASERS, AND TO REQUIRE THE REAL ESTATE COMMISSION TO PREPARE AND MAKE AVAILABLE INFORMATION ABOUT RESTRICTIVE COVENANTS TO POTENTIAL PURCHASERS.

The Committee Substitute bill passes its second reading (35-13).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 14, upon third reading.

CONFERENCE REPORT

Senator Brown, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 110** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO THREE TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS, 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 110, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO THREE TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS, House Committee Substitute Favorable 4/19/11, submit the following report:

June 13, 2011

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 4/19/11, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 4/19/11, and substitute the attached Proposed Conference Committee Substitute S110-PCCS55313-SB-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 13, 2011.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Harry Brown, Chair	S/Pat McElraft, Chair
S/Jean Preston	Carolyn H. Justice
S/Thom Goolsby	Ruth Samuelson
S/Bill Rabon	S/Frank Iler
S/Stan White	William L. Wainwright
	S/Phil R. Shepard
	S/Bill Owens

The text of the attached Proposed Conference Committee Substitute, S110-PCCS55313-SB-3 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO FOUR TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

Whereas, it has been the policy of the State of North Carolina since 1985, as stated in the Coastal Area Management Act and rules adopted pursuant to the act, to give preference to nonstructural responses to erosion, including relocation of threatened structures, beach nourishment, inlet relocation, and the temporary use of sandbags for short-term stabilization; and

Whereas, a terminal groin is a permanent erosion control structure that is constructed on the side of an inlet at the terminus of an island generally perpendicular to the shoreline to limit or control sediment passage into the inlet channel; and

Whereas, a terminal groin may reduce beach erosion, reduce the frequency of beach nourishment projects, and slow the migration of inlets; and

Whereas, the use of terminal groins on inlet beaches may adversely impact the value and enjoyment of adjacent properties, damage the public beach, obstruct public access to the beach and to navigable waters, and result in increased erosion to adjacent and downdrift properties; and

Whereas, due to the uncertainties associated with the costs and benefits of terminal groins, it is reasonable to authorize the Coastal Resources Commission to establish a terminal groin pilot program under which the

June 13, 2011

Commission may permit the construction of up to four terminal groins under certain conditions; and

Whereas, it is reasonable to authorize the Coastal Resources Commission to permit the construction of a terminal groin under the pilot program if the Commission finds that (i) structures or infrastructure are imminently threatened by erosion and that nonstructural approaches to erosion control are impractical; (ii) the terminal groin will be accompanied by a concurrent beach fill project; (iii) construction and maintenance of the terminal groin will not result in significant adverse impacts to private property or to the public recreational beach; (iv) the terminal groin will be managed pursuant to an inlet management plan; and (v) there are sufficient financial resources to cover the costs associated with the terminal groin; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-115.1 reads as rewritten:

"§ 113A-115.1. Limitations on erosion control structures.

(a) As used in this section:

(1) "Erosion control structure" means a breakwater, bulkhead, groin, jetty, revetment, seawall, or any similar structure.

(1a) "Estuarine shoreline" means all shorelines that are not ocean shorelines that border estuarine waters as defined in G.S. 113A-113(b)(2).

(2) "Ocean shoreline" means the Atlantic Ocean, the oceanfront beaches, and frontal dunes. The term "ocean shoreline" includes an ocean inlet and lands adjacent to an ocean inlet but does not include that portion of any inlet and lands adjacent to the inlet that exhibits characteristics of estuarine shorelines.

(3) "Terminal groin" means a structure that is constructed on the side of an inlet at the terminus of an island generally perpendicular to the shoreline to limit or control sediment passage into the inlet channel.

(b) No person shall construct a permanent erosion control structure in an ocean shoreline. The Commission shall not permit the construction of a temporary erosion control structure that consists of anything other than sandbags in an ocean shoreline. This section shall not apply to ~~(i) any~~ any of the following:

(1) Any permanent erosion control structure that is approved pursuant to an exception set out in a rule adopted by the Commission prior to ~~1 July 2003~~ or ~~(ii) any~~ July 1, 2003.

(2) Any permanent erosion control structure that was originally constructed prior to ~~1 July 1974~~ July 1, 1974, and that has since been in continuous use to protect an inlet that is maintained for navigation.

(3) Any terminal groin permitted pursuant to this section.

(b1) This section shall not be construed to limit the authority of the Commission to adopt rules to designate or protect areas of environmental concern, to govern the use of sandbags, or to govern the use of erosion control structures in estuarine shorelines.

June 13, 2011

(c) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to ~~4 July~~July 1, 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to ~~4 July 1995~~July 1, 1995, if the Commission finds that: (i) the structure will not be enlarged beyond the dimensions set out in the original permit; (ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and (iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.

(d) Any rule that prohibits permanent erosion control structures shall not apply to terminal groins permitted pursuant to this section.

(e) In addition to the requirements of Part 4 of Article 7 of Chapter 113A of the General Statutes, an applicant for a permit for the construction of a terminal groin shall submit all of the following to the Commission:

- (1) Information to demonstrate that structures or infrastructure are imminently threatened by erosion, and nonstructural approaches to erosion control, including relocation of threatened structures, are impractical.
- (2) An environmental impact statement that satisfies the requirements of G.S. 113A-4.
- (3) A list of property owners and local governments that may be affected by the construction of the proposed terminal groin and its accompanying beach fill project and proof that the property owners and local governments have been notified of the application for construction of the terminal groin and its accompanying beach fill project.
- (4) A plan for the construction and maintenance of the terminal groin and its accompanying beach fill project prepared by a professional engineer licensed to practice pursuant to Chapter 89C of the General Statutes.
- (5) A plan for the management of the inlet and the estuarine and ocean shorelines immediately adjacent to and under the influence of the inlet. The inlet management plan shall do all of the following relative to the terminal groin and its accompanying beach fill project:
 - a. Describe the post-construction activities that the applicant will undertake to monitor the impacts on coastal resources.
 - b. Define the baseline for assessing any adverse impacts and the thresholds for when the adverse impacts must be mitigated.
 - c. Provide for mitigation measures to be implemented if adverse impacts reach the thresholds defined in the plan.

- d. Provide for modification or removal of the terminal groin if the adverse impacts cannot be mitigated.
- (6) Proof of financial assurance in the form of a bond, insurance policy, escrow account, or other financial instrument that is adequate to cover the cost of:
 - a. Long-term maintenance and monitoring of the terminal groin.
 - b. Implementation of mitigation measures as provided in the inlet management plan.
 - c. Modification or removal of the terminal groin as provided in the inlet management plan.
 - d. Restoration of public, private, or public trust property if the groin has an adverse impact on the environment or property.
- (f) The Commission shall issue a permit for the construction of a terminal groin if the Commission finds no grounds for denying the permit under G.S. 113A-120 and the Commission finds all of the following:
- (1) The applicant has complied with all of the requirements of subsection (e) of this section.
 - (2) The applicant has demonstrated that structures or infrastructure are imminently threatened by erosion and that nonstructural approaches to erosion control, including relocation of threatened structures, are impractical.
 - (3) The terminal groin will be accompanied by a concurrent beach fill project to prefill the groin.
 - (4) Construction and maintenance of the terminal groin will not result in significant adverse impacts to private property or to the public recreational beach. In making this finding, the Commission shall take into account mitigation measures, including the accompanying beach fill project, that will be incorporated into the project design and construction and the inlet management plan.
 - (5) The inlet management plan is adequate for purposes of monitoring the impacts of the proposed terminal groin and mitigating any adverse impacts identified as a result of the monitoring.
 - (6) Except to the extent expressly modified by this section, the project complies with State guidelines for coastal development adopted by the Commission pursuant to G.S. 113A-107.
- (g) The Commission may issue no more than four permits for the construction of a terminal groin pursuant to this section.
- (h) No permit may be issued where funds are generated from any of the following financing mechanisms and would be used for any activity related to the terminal groin or its accompanying beach fill project:

June 13, 2011

- (1) Special obligation bonds issued pursuant to Chapter 159I of the General Statutes.
- (2) Nonvoted general obligation bonds issued pursuant to G.S. 159-48(b)(4).
- (3) Financing contracts entered into under G.S. 160A-20 or G.S. 159-148."

SECTION 2. The Department of Environment and Natural Resources shall amend the management program it adopted pursuant to the federal Coastal Zone Management Act, 16 U.S.C. § 1451, et seq., to ensure the management program is consistent with G.S. 113A-115.1, as amended by Section 1 of this act, and shall seek approval of the proposed amended management plan by the United States Secretary of Commerce or the Secretary's authorized designee no later than six months after the effective date of this act.

SECTION 3. The Department shall adopt any rules necessary to implement this act.

SECTION 4. No State funds may be spent for any activities related to a terminal groin and its accompanying beach fill project permitted pursuant to G.S. 113A-115.1, as amended by Section 1 of this act, unless the General Assembly enacts legislation appropriating funds explicitly for such purpose. This section shall not apply to any beach fill or beach nourishment project initiated prior to the effective date of this act.

SECTION 5. No later than September 1 of each year, the Coastal Resources Commission shall report to the Environmental Review Commission on the implementation of this act. The report shall provide a detailed description of each proposed and permitted terminal groin and its accompanying beach fill project, including the information required to be submitted pursuant to subsection (e) of G.S. 113A-115.1, as amended by Section 1 of this act. For each permitted terminal groin and its accompanying beach fill project, the report shall also provide all of the following:

- (1) The findings of the Commission required pursuant to subsection (f) of G.S. 113A-115.1, as amended by Section 1 of this act.
- (2) The status of construction and maintenance of the terminal groin and its accompanying beach fill project, including the status of the implementation of the plan for construction and maintenance and the inlet management plan.
- (3) A description and assessment of the benefits of the terminal groin and its accompanying beach fill project, if any.
- (4) A description and assessment of the adverse impacts of the terminal groin and its accompanying beach fill project, if any, including a description and assessment of any mitigation measures implemented to address adverse impacts.

SECTION 6. This act is effective when it becomes law.

The Conference Report is placed on the calendar for Tuesday, June 14.

June 13, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Finance Committee**:

H.B. 49 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS, 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 50398, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 227 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR DISMEMBERING HUMAN REMAINS.

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. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, 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 enrolled and sent to the Governor.

H.B. 262, A BILL TO BE ENTITLED AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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.

June 13, 2011

H.B. 298 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

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. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION.

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. 374, A BILL TO BE ENTITLED AN ACT TO PROTECT THOSE IMPACTED BY THE NORTH CAROLINA EUGENICS BOARD PROGRAM FROM 1929 TO 1975 BY PROVIDING THAT CERTAIN INFORMATION PERTAINING TO THEM IS NOT A PUBLIC RECORD.

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. 379 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA INTERSTATE DEPOSITIONS AND DISCOVERY ACT AND TO MAKE CONFORMING AMENDMENTS TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

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 by special message for concurrence in the Senate Committee Substitute bill.

June 13, 2011

H.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

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. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.

Upon motion of Senator Daniel, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 14.

H.B. 427 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Tuesday, June 14, upon third reading.

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

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. 509, A BILL TO BE ENTITLED AN ACT TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING 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. 514 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT PROVISIONS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS ACT PROMULGATED BY THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAW, WHILE RETAINING EXISTING NORTH CAROLINA LAW MORE BENEFICIAL TO THOSE VOTERS.

June 13, 2011

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COSTS OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED 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 enrolled and sent to the Governor.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED.

Upon motion of Senator Newton, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 14.

H.B. 649 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO GROUNDS FOR REVOCATION OF LICENSURE UNDER THE LAWS REGULATING BAIL BONDSMEN AND ALLOWING A BAIL AGENT ACTING ON BEHALF OF A SURETY COMPANY TO MAKE WRITTEN MOTIONS REGARDING SETTING ASIDE BAIL FORFEITURE AND RELIEF FROM FINAL JUDGMENT OF BAIL FORFEITURE UNDER THE LAWS PERTAINING TO CRIMINAL PROCEDURE.

Without objection, Senator Apodaca requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second reading (43-3) 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 in the Senate Committee Substitute bill.

H.B. 750 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER A PERMIT FOR A STORMWATER MANAGEMENT SYSTEM FROM A DECLARANT OF A CONDOMINIUM OR PLANNED COMMUNITY TO AN OWNERS ASSOCIATION UPON REQUEST OF THE PERMITTEE AND SUBMISSION OF DOCUMENTATION THAT DECLARANT CONTROL HAS TERMINATED, (2) PROVIDE THAT THE RULES OF A SANITARY

DISTRICT MAY NOT BE MORE RESTRICTIVE THAN OR CONFLICT WITH THE REQUIREMENTS OR ORDINANCES OF A COUNTY WITH JURISDICTION OVER THE AREA; AND (3) PROHIBIT ANY PERSON FROM CONTRACTING OR SUBCONTRACTING TO RENT OR LEASE TO ANOTHER A PORTABLE TOILET OR MANAGE OR DISPOSE OF WASTE FROM A PORTABLE TOILET UNLESS THAT PERSON IS PERMITTED TO OPERATE A SEPTAGE MANAGEMENT FIRM.

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 in the Senate Committee Substitute bill.

H.B. 758 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ARTS EDUCATION COMMISSION.

Senator Garrou 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 594 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

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 in the Senate Committee Substitute bill.

S.B. 94 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 14.

WITHDRAWAL FROM COMMITTEE

S.B. 707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT, referred to the **Appropriations/Base Budget Committee** on June 8.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on the calendar for Tuesday, June 14, which motion prevails with unanimous consent.

June 13, 2011

The Chair orders the Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and places it on the calendar for Tuesday, June 14.

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE FROM THE CORPORATE LIMITS OF THE CITY OF RALEIGH AND ANNEX TO THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST PART OF THE RIGHT-OF-WAY OF THE HIGHWAY 98 BYPASS IN WAKE FOREST TOWNSHIP, AS REQUESTED BY THOSE MUNICIPALITIES, referred to the **State and Local Government Committee** on May 24.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Finance Committee**.

S.B. 621, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RESTAURANTS AND HOTELS TO PERMIT SIMULATED GAMING ON THE LICENSED PREMISES IF THE EVENT IS A SPONSORED EVENT AND THE PERMITTEE HAS REGISTERED THE EVENT WITH THE ALCOHOLIC BEVERAGE CONTROL COMMISSION PRIOR TO THE GAMING EVENT TAKING PLACE, referred to the **Commerce Committee** on April 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Commerce Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 5 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE, BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF KINSTON TO MAKE A CERTAIN ANNEXATION, referred to the **Rules and Operations of the Senate Committee** on March 3.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

June 13, 2011

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 417, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME PERIOD FOR HOLDING REAL PROPERTY AS A FUTURE SITE FOR HOUSING FOR LOW- OR MODERATE-INCOME INDIVIDUALS AND FAMILIES, referred to the **Rules and Operations of the Senate Committee** on June 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 512 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS AND TO INCREASE THE PENALTY FOR LARCENY OF WASTE KITCHEN GREASE, referred to the **Rules and Operations of the Senate Committee** on June 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 12 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE REGULATION ON PSEUDOEPHEDRINE PRODUCTS TO CURTAIL METHAMPHETAMINE PRODUCTION AND TO REDUCE COSTS TO LOCAL GOVERNMENTS FOR LAB CLEANUP COSTS, AND TO STUDY THE EFFICACY OF ELECTRONIC RECORD KEEPING WITH A REPORT TO THE 2013 GENERAL ASSEMBLY, referred to the **Judiciary I Committee** on June 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Health Care Committee**.

June 13, 2011

REMOVAL OF SEQUENTIAL REFERRAL

H.B. 174 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE COMMERCIAL REAL ESTATE BROKER LIEN ACT.

Upon motion of Senator Apodaca, the sequential referral to **Judiciary I Committee** is removed and the Committee Substitute bill No. 2 remains in the **Commerce Committee**.

SUSPENSION OF RULE 45.1

Upon motion of Senator Apodaca, Rule 45.1 is suspended from Tuesday, June 14 through Thursday, June 16 to allow all bills being reported out of committees to be placed on the current day's calendar.

INTRODUCTION OF A BILL

Upon motion of Senator Apodaca, the rules are suspended to allow S.R. 783 to be filed, introduced and referred today.

CALENDAR (*continued*)

H.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AUTHORIZATION TO LEVY AN OCCUPANCY TAX IN THE CITY OF LUMBERTON AND THE TOWN OF ST. PAULS, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 34, noes 13, as follows:

Voting in the affirmative are: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Garrou, Graham, Gunn, Hartsell, Hise, Hunt, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---34.

Voting in the negative: Senators Daniel, East, Forrester, Goolsby, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Soucek, Tillman and Tucker---13.

The Committee Substitute bill remains on the calendar for Tuesday, June 14, upon third reading.

Upon motion of Senator Apodaca, seconded by Senator Doug Berger, the Senate adjourns at 8:29 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to meet Tuesday, June 14, at 10:00 a.m.

June 13, 2011

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO POLITICAL COMMITTEE TREASURER TRAINING; LIMITING AN INDIVIDUAL FROM RUNNING ON THE SAME GENERAL ELECTION BALLOT FOR MORE THAN ONE OFFICE EXCEPT TO FILL A VACANCY FOR THE REMAINDER OF AN UNEXPIRED TERM; CREATING AN ADDITIONAL METHOD FOR REQUESTING AN ABSENTEE BALLOT; MAKING A TECHNICAL CHANGE TO CORRECT A STATUTORY REFERENCE; AND REQUIRING THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY THE FEASIBILITY OF REQUIRING CERTAIN REPORTS TO BE FILED ELECTRONICALLY.

Referred to the **Judiciary I Committee**.

H.B. 741 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EFFECTIVE DATE OF THE LAB ACCREDITATION REQUIREMENTS OF THE FORENSIC SCIENCES ACT OF 2011 AS THEY APPLY TO LABORATORIES OTHER THAN THE NORTH CAROLINA STATE CRIME LABORATORY.

Referred to the **Judiciary II Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 13, 2011

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. 31** (Conference Report), AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 13, 2011

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN NORTH CAROLINA'S OPEN-FILE DISCOVERY LAW, PROTECT CRIME STOPPERS INFORMANTS, PROTECT VICTIM INFORMATION, REQUIRE LAW ENFORCEMENT AND INVESTIGATORY AGENCIES TO MAKE TIMELY DISCLOSURE OF THEIR FILES TO PROSECUTORS, AND AVOID FRIVOLOUS CLAIMS OF PROFESSIONAL MISCONDUCT AGAINST PROSECUTORS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50389, is adopted and engrossed.

H.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TORT REFORM FOR NORTH CAROLINA CITIZENS AND BUSINESSES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11243, is adopted and engrossed.

Pursuant to Senator Apodaca's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-THIRD DAY

Senate Chamber
Tuesday, June 14, 2011

The Senate meets pursuant to adjournment and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

Prayer is offered by Reverend Doctor William Green from First United Methodist Church of Cary, North Carolina as follows:

"Everlasting God whose steadfast love is over all people and whose mercies are withheld from no one, we thank you for all the blessings we have received from your most generous hand. You are the wellspring of all our knowledge. You are the fountain of all our wisdom. You are the source of all our strength.

June 14, 2011

Grant us a spirit of unity that we may work together for the common good. Grant us a spirit of patience to respect one another when our opinions differ. Grant us a spirit of resolve to finish our work having done our best and grant us a spirit of hope to trust you to make right what needs to be made right and lead us into the brighter day of tomorrow. Amen."

The Chair grants a leave of absence for today to Senator Graham.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, June 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Kara Hedvig from Charlotte, North Carolina, who is serving the Senate as Nurse of the Day.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 15.

H.B. 134 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 15.

H.B. 342 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING ANY PUBLIC INSTITUTION OF HIGHER EDUCATION FROM SOLICITING OR USING INFORMATION REGARDING THE ACCREDITATION OF A SECONDARY SCHOOL LOCATED IN NORTH CAROLINA THAT IS ATTENDED BY A STUDENT AS A FACTOR AFFECTING ADMISSIONS, LOANS, SCHOLARSHIPS, OR OTHER EDUCATIONAL ACTIVITY AT THE PUBLIC INSTITUTION, UNLESS THE ACCREDITATION WAS CONDUCTED BY A STATE AGENCY; AUTHORIZING THE STATE BOARD OF EDUCATION TO

June 14, 2011

ACCREDIT SCHOOLS IN A LOCAL SCHOOL ADMINISTRATIVE UNIT AT THE REQUEST OF AND AT THE EXPENSE OF THAT UNIT; AND MODIFYING THE BUDGET OF THE DEPARTMENT OF PUBLIC INSTRUCTION ACCORDINGLY, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 344 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR CHILDREN WITH DISABILITIES WHO REQUIRE SPECIAL EDUCATION AND TO CREATE A FUND FOR SPECIAL EDUCATION AND RELATED SERVICES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 541 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 15.

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SAFE STUDENTS ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 822 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO IMPLEMENT A DROPOUT RECOVERY PILOT PROGRAM, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Wednesday, June 15.

H.B. 765, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE, 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 70247, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 58 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL

DIRECT LOAN PROGRAM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80268, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 588 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FOUNDING PRINCIPLES 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 11244, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

WITHDRAWAL FROM COMMITTEE

H.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN MECKLENBURG COUNTY LOCAL TAXES, referred to the **Rules and Operations of the Senate Committee** on June 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Finance Committee**.

H.B. 12 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE REGULATION ON PSEUDOEPHEDRINE PRODUCTS TO CURTAIL METHAMPHETAMINE PRODUCTION AND TO REDUCE COSTS TO LOCAL GOVERNMENTS FOR LAB CLEANUP COSTS, AND TO STUDY THE EFFICACY OF ELECTRONIC RECORD KEEPING WITH A REPORT TO THE 2013 GENERAL ASSEMBLY, referred to the **Health Care Committee** on June 13.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Health Care Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

June 14, 2011

The Senate recesses at 10:05 a.m., subject to the ratification of bills, receipt of committee reports and messages from the House of Representatives to reconvene at 3:00 p.m.

RECESS

ENROLLED BILLS AND A RESOLUTION

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 252, AN ACT TO APPLY THROUGHOUT THE GENERAL STATUTES THE DEFINITION OF "DEVISEE" FOUND IN CHAPTER 28A OF THE GENERAL STATUTES RELATING TO THE ADMINISTRATION OF DECEDENTS' ESTATES AND TO DEFINE "DEVISE" CONSISTENTLY WITH THAT DEFINITION, TO MAKE THE USAGE OF THESE TERMS MORE UNIFORM THROUGHOUT THE GENERAL STATUTES, AND TO MAKE TECHNICAL CHANGES TO SECTIONS OF THE GENERAL STATUTES OTHERWISE AMENDED BY THIS ACT, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

S.B. 378, AN ACT TO DIRECT THE INTERAGENCY GROUP TO ESTABLISH AGRONOMIC RATES FOR ENERGY CROPS FOR UTILIZATION BY BIOFUELS FACILITIES.

S.B. 493, AN ACT TO CODIFY THE NORTH CAROLINA CENTURY FARMS PROGRAM OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

H.B. 227, AN ACT TO CREATE A CRIMINAL PENALTY FOR DISTURBING OR DISMEMBERING HUMAN REMAINS.

H.B. 250, AN ACT TO MAKE REFERENCES IN CHAPTER 127A OF THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE OTHER CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 262, AN ACT TO MAKE REFERENCES IN THE NORTH CAROLINA GENERAL STATUTES TO FEDERAL AND STATE MILITARY ORGANIZATIONS PROPER AND UNIFORM, AS DIRECTED BY SESSION LAW 2009-281, AS AMENDED BY SESSION LAW 2010-152, AND TO MAKE CONFORMING CHANGES AND OTHER TECHNICAL CORRECTIONS TO THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

June 14, 2011

H.B. 298, AN ACT TO MAKE CHANGES IN THE INSURANCE LAWS TO PRIVATIZE ONLINE AND ADMINISTRATIVE PROCESSES FOR LICENSE APPLICANTS, CODIFY THE EXISTING SENIORS' HEALTH INSURANCE INFORMATION PROGRAM, ENSURE ACCURACY IN CERTIFICATES OF INSURANCE, REQUIRE PRIOR APPROVAL OF SMALL GROUP HEALTH INSURANCE RATES AND ENCOURAGE THE SALE OF CHILD-ONLY HEALTH INSURANCE POLICIES, AMEND THE RISK-BASED CAPITAL LAW TO MAINTAIN NAIC ACCREDITATION, PROVIDE AN EXEMPTION FOR LICENSING OF CLAIMS INPUT EMPLOYEES FOR PORTABLE ELECTRONIC DEVICES, PROHIBIT FEDERAL PREEMPTION OF CROP ADJUSTERS' REGULATION, AND EASE THE REGULATORY BURDEN ON THE NORTH CAROLINA SELF-INSURANCE SECURITY ASSOCIATION AND THE ASSOCIATION AGGREGATE SECURITY SYSTEM.

H.B. 331, AN ACT TO AUTHORIZE PHYSICIAN ASSISTANTS AND NURSE PRACTITIONERS TO COMPLETE MEDICAL CERTIFICATIONS AS TO THE CAUSE OF DEATH FOR DEATH REGISTRATION.

H.B. 374, AN ACT TO PROTECT THOSE IMPACTED BY THE NORTH CAROLINA EUGENICS BOARD PROGRAM FROM 1929 TO 1975 BY PROVIDING THAT CERTAIN INFORMATION PERTAINING TO THEM IS NOT A PUBLIC RECORD.

H.B. 380, AN ACT TO CLARIFY THE PROCEDURE FOR DISCOVERY OF ELECTRONICALLY STORED INFORMATION AND TO MAKE CONFORMING CHANGES TO THE NORTH CAROLINA RULES OF CIVIL PROCEDURE.

H.B. 468, AN ACT TO ALLOW AN EXEMPTION FROM VEHICLE WEIGHT LIMITS FOR A PERSON HAULING LIVE POULTRY FROM THE FARM WHERE THE LIVE POULTRY IS RAISED TO ANY PROCESSING FACILITY WITHIN ONE HUNDRED FIFTY MILES OF THAT FARM.

H.B. 509, AN ACT TO EXCLUDE FROM LICENSURE AS A FACILITY CONSUMERS LIVING IN THEIR OWN HOME AND RECEIVING SERVICES.

H.B. 515, AN ACT TO PERMIT COMMUNITY COLLEGES TO INCLUDE THE COST OF TEXTBOOKS IN THE TUITION CHARGED FOR MEMBERS OF THE ARMED SERVICES.

June 14, 2011

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. 352, AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY.

S.J.R. 778, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF EDWARD S. FINLEY, JR., TO THE UTILITIES COMMISSION. (Res. 7)

CHAPTERED BILL

The Enrolling Clerk reports the following bill properly enrolled, assigned the following Chapter Number, and presented to the Office of the Secretary of State:

H.B. 352, AN ACT AT THE REQUEST OF THE CITY OF KANNAPOLIS TO DELAY FOR TWO YEARS THE LEGISLATIVE ANNEXATION OF THE SOUTHLAND DEVELOPMENT TRACTS IN SOUTHERN ROWAN COUNTY. (Became law upon ratification, June 14, 2011 - S.L. 2011-124.)

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 White (Primary Sponsor); Atwater, Jenkins, Mansfield, Robinson and Walters:

S.R. 783, A SENATE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATING OCTOBER 2011 AS NORTH CAROLINA SOARING HERITAGE MONTH.

Pursuant to Rule 40(b), the Senate Resolution is placed on today's calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION OF CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST

June 14, 2011

OF THE ATTORNEY GENERAL, AND TO PROVIDE THAT CERTAIN STATE BAR RECORDS ON DISCIPLINARY MATTERS AND THE LAWYERS ASSISTANCE PROGRAM ARE NOT PUBLIC RECORD, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on today's supplemental calendar.

S.B. 194 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPRESSED NATURAL GAS VEHICLES AND FUEL CELL ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT FUEL CELL ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on today's supplemental calendar.

S.B. 438 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, for concurrence in the House Amendment No. 1.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

Referred to the **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 351 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY REQUIRING THAT VOTERS PROVIDE PHOTO IDENTIFICATION BEFORE VOTING, 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 50399, is adopted and engrossed.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

June 14, 2011

By Senator Pate for the **Health Care Committee**:

H.B. 622 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO THE FREQUENCY OF FOOD SERVICE INSPECTIONS IN NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER 131E OF THE GENERAL STATUTES THAT ARE ALSO CERTIFIED BY MEDICARE AND MEDICAID, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF CORRECTION, TO ESTABLISH A PILOT PROGRAM TO ALLOW CERTAIN INMATES RELEASED FROM CONFINEMENT TO BE PLACED IN ADULT CARE HOMES TO RECEIVE PERSONAL CARE SERVICES AND MEDICATION MANAGEMENT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 581, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JOHNSTON MEMORIAL HOSPITAL AUTHORITY TO FREEZE ITS PARTICIPATION AS AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with a favorable report.

June 14, 2011

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 927 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO ENSURE THE FUTURE SOLVENCY OF THOSE SYSTEMS, TO AMEND THE PROVISIONS OF THE SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS FOR LAW ENFORCEMENT OFFICERS HIRED ON OR AFTER AUGUST 1, 2011, AND TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE THE RETIREMENT BENEFIT OF A DECEASED RETIREE AT LEAST TWO MONTHS AFTER THE RETIREE'S DEATH, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF STATE TREASURER TO CREATE A CENTRALIZED 403(B) RETIREMENT ANNUITY PLAN AS AN OPTION FOR EMPLOYEES OF LOCAL BOARDS 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 70248, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Clary for the **Program Evaluation Committee**:

H.B. 393, A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, with a favorable report.

Upon motion of Senator Clary, the bill is re-referred to the **Finance Committee**.

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTION PROGRAM, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES'

June 14, 2011

COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROVIDE TAG SERVICES AT MILITARY BASES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill, as amended, is placed on today's calendar.

By Senator Rabon for the **Transportation Committee**:

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO APPLY FOR ELDERLY AND DISABLED TRANSPORTATION AND ASSISTANCE FUNDS ON BEHALF OF THE COUNTIES THAT THE PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY SERVES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 507, A BILL TO BE ENTITLED AN ACT AUTHORIZING PROPERTY OWNERS ASSOCIATIONS THAT OWN STREETS THAT ARE LOCATED OUTSIDE INCORPORATED MUNICIPALITIES AND THAT HAVE NOT BEEN ACCEPTED FOR MAINTENANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF THIRTY YEARS TO FILE, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, A DECLARATION WITHDRAWING THE DEDICATION TO PUBLIC USE OF SUCH STREETS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAKE A COMMERCIAL DRIVERS LICENSE AND A HAZARDOUS MATERIALS ENDORSEMENT EXPIRE AT THE SAME TIME, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

June 14, 2011

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

H.B. 113, A BILL TO BE ENTITLED AN ACT TO CREATE ADDITIONAL PROTECTIONS FOR MOTORCYCLISTS FROM UNSAFE MOVEMENTS BY OTHER VEHICLES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT LAW ENFORCEMENT AGENCIES FROM ESTABLISHING PATTERNS FOR VEHICLE STOPS AT CHECKING STATIONS BASED ON A PARTICULAR TYPE OF VEHICLE, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 846, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE LAW THAT ALLOWS AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF A BIOLOGICAL PARENT OR AN ADULT ADOPTEE TO INCLUDE A LINEAL ASCENDANT OF A BIOLOGICAL PARENT WHEN IT IS DETERMINED THE BIOLOGICAL PARENT, ADULT ADOPTEE, OR THE LINEAL ASCENDANT OF THE BIOLOGICAL PARENT IS DECEASED, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 659 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CAPITAL TRIAL, SENTENCING, AND POSTCONVICTION PROCEDURES FOR A PERSON WITH A SEVERE MENTAL DISABILITY AND TO PROVIDE THAT INSANITY IS NOT AVAILABLE AS A DEFENSE TO A CRIMINAL ACTION IF PRIOR ALCOHOL OR DRUG USE OR BOTH ARE THE SOLE CAUSE OF THE PSYCHOSIS OR IF VOLUNTARY INTOXICATION, A VOLUNTARY DRUGGED CONDITION, OR BOTH COMBINED ARE THE SOLE SUPPORT FOR THE DEFENSE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80267, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

June 14, 2011

By Senator Brown for the **Commerce Committee**:

H.B. 117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF CLAYTON, SELMA, AND SMITHFIELD SHALL USE REVENUE DERIVED FROM RATES FOR ELECTRIC SERVICE FOR PAYING THE DIRECT AND INDIRECT COSTS OF OPERATING THE ELECTRIC SYSTEM, TRANSFERRING AMOUNTS THAT REPRESENT A RATE OF RETURN ON THE INVESTMENT IN THE ELECTRIC SYSTEM, AND MAKING DEBT SERVICE PAYMENTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 174 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE COMMERCIAL REAL ESTATE BROKER LIEN ACT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE LAW, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 484, A BILL TO BE ENTITLED AN ACT TO TRANSFER MANAGEMENT OF THE STATE HOME FORECLOSURE PREVENTION PROJECT AND FUND TO THE NORTH CAROLINA HOUSING FINANCE AGENCY, TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE REQUIREMENTS OF ARTICLES 6 AND 7 OF CHAPTER 143 OF THE GENERAL STATUTES, AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO ACQUIRE PROPERTY SUBJECT TO APPROVAL OF THE STATE BANKING COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PAYABLE ON DEATH ACCOUNT NAMING AN ENTITY OTHER THAN A NATURAL PERSON AS BENEFICIARY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 14, 2011

H.B. 616, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE REGULATION OF ENGINEERING AND LAND SURVEYING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION, WITH THE ASSISTANCE OF THE DEPARTMENT OF COMMERCE, TO STUDY THE DEVELOPMENT OF NATURAL GAS, OIL, WIND, SOLAR, AND OTHER ENERGY SOURCES CAPABLE OF ENERGY PRODUCTION IN NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70254, which changes the title to read **H.B. 585** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CLARIFICATION FOR THE RETITLING OF A MANUFACTURED HOME THAT IS REMOVED FROM REAL PROPERTY AFTER THE ORIGINAL TITLE HAS BEEN CANCELLED, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30395, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

The Chair grants a leave of absence for the remainder of today's session to Senator Hartsell.

By Senator Davis for the **State and Local Government Committee**:

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

June 14, 2011

H.B. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS OF THE CITY COUNCIL, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHANGES TO LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 208, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF WINSTON-SALEM THE RIGHT TO ACQUIRE POSSESSION AND TITLE OF LAND CONDEMNED FOR PUBLIC TRANSPORTATION PROJECTS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 291 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 332, A BILL TO BE ENTITLED AN ACT CLARIFYING 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.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED OR NO ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 410, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

June 14, 2011

H.B. 411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE IREDELL COUNTY SHERIFF MAY LEASE THE FORMER IREDELL CORRECTIONAL FACILITY FROM THE DEPARTMENT OF TRANSPORTATION FOR ONE DOLLAR A YEAR FOR THIRTY YEARS UPON THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS BY THE IREDELL COUNTY SHERIFF TO THE DEPARTMENT OF TRANSPORTATION FOR THE RENOVATION OF THE NEWTON STORAGE FACILITY FOR THE DEPARTMENT OF TRANSPORTATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 416, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO EXPAND WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE TOWN'S INVESTMENT AUTHORITY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE TAKING OF FOXES WITH WEAPONS AND BY TRAPPING IN ROCKINGHAM COUNTY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 498 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 510, A BILL TO BE ENTITLED AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM, with a favorable report.

June 14, 2011

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 516, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENABLING LAWS RELATING TO CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.B. 567, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 536, A BILL TO BE ENTITLED AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE ITS RESIDENCY DISTRICTS AFTER EACH CENSUS AS IF THEY WERE ELECTORAL DISTRICTS, 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 70249, which changes the title to read **H.B. 536** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE ITS RESIDENCY DISTRICTS AFTER EACH DECENNIAL CENSUS AS IF THEY WERE ELECTORAL DISTRICTS AND REQUIRING THE CHATHAM COUNTY BOARD OF EDUCATION TO REVISE ITS ELECTION DISTRICTS AFTER EACH DECENNIAL CENSUS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 14, 2011

By Senator Pate for the **Health Care Committee**:

S.B. 467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS 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 35282, is adopted and engrossed.

Upon motion of Senator Pate, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 677 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADULT CARE HOMES WITH GREATER FLEXIBILITY IN THE TRANSFER AND DISCHARGE OF RESIDENTS AND TO ENACT APPEAL RIGHTS FOR ADULT CARE HOME RESIDENTS AND ADULT CARE HOMES WITH RESPECT TO DISCHARGE DECISIONS AND TO CREATE ADULT CARE HOME RESIDENT DISCHARGE TEAMS WITHIN EVERY COUNTY WHICH CONTAINS AN ADULT CARE HOME LICENSED UNDER CHAPTER 131D OF THE GENERAL STATUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70252, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 13, 2011

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. 31** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The President orders the Conference Report enrolled and sent to the Governor.

June 14, 2011

CALENDAR

Bills on tonight's calendar are taken up and disposed of, as follows:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO EXPAND EMPLOYMENT AND ENCOURAGE PRIVATE INVESTMENTS IN LIFE SCIENCE FACILITIES AND EQUIPMENT IN THIS STATE.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is re-referred to the **Finance Committee**.

H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALLEGHANY AND JACKSON COUNTIES AND THE TOWNS OF GROVER AND SWANSBORO TO LEVY AN ADDITIONAL THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 34, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Garrou, Gunn, Hise, Hunt, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---34.

Voting in the negative: Senators Daniel, East, Forrester, Goolsby, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Rucho, Soucek, Tillman and Tucker---14.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 469 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AUTHORIZATION TO LEVY AN OCCUPANCY TAX IN THE CITY OF LUMBERTON AND THE TOWN OF ST. PAULS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 34, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Dannelly, Davis, Garrou, Gunn, Hise, Hunt, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Vaughan, Walters and White---34.

Voting in the negative: Senators Daniel, East, Forrester, Goolsby, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Rucho, Soucek, Tillman and Tucker---14.

The Committee Substitute bill is ordered enrolled.

S.B. 94 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE

ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST.

Upon motion of Senator Rucho, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 267 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, 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 Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Wednesday, June 15, upon third reading.

S.B. 572, A BILL TO BE ENTITLED AN ACT TO ENACT THE OMNIBUS COUNTY BILL OF 2011, upon second reading.

Senator Davis offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---48.

Voting in the negative: None.

The bill, as amended, remains on the calendar for Wednesday, June 15, upon third reading.

H.B. 49 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PUNISHMENT FOR DWI OFFENDERS WITH THREE OR MORE GROSSLY AGGRAVATING FACTORS, TO AUTHORIZE THE COURT TO REQUIRE CONTINUOUS ALCOHOL MONITORING FOR CERTAIN OFFENDERS, AND TO INCREASE THE COURT COSTS FOR DWI OFFENDERS, 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, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter,

June 14, 2011

Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Wednesday, June 15, upon third reading.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY WHEN LAND USED FOR CONSERVATION PURPOSES IS TO BE EXCLUDED FROM THE PROPERTY TAX BASE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, Forrester, Garrou, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---47.

Voting in the negative: Senator East---1.

The Committee Substitute bill remains on the calendar for Wednesday, June 15, upon third reading.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN.

Upon motion of Senator Apodaca, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET AND TO EXTEND THE SALES TAX REFUND ALLOWED TO A JOINT GOVERNMENTAL AGENCY CREATED TO OPERATE A CABLE TELEVISION SYSTEM FOR ONE YEAR.

Upon motion of Senator Apodaca, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 707 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION 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 by special message.

H.B. 160, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE

DONATIONS FOR EARLY DETECTION OF BREAST AND CERVICAL CANCER AS PROVIDED BY THE BREAST AND CERVICAL CANCER CONTROL PROGRAM.

The bill passes its second reading (47-1).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 164 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE RELEASE OF FUNDS DEPOSITED BY AN UPSET BIDDER OR A HIGH BIDDER IN A FORECLOSURE PROCEEDING WHEN A BANKRUPTCY PETITION IS FILED.

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. 167 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE PERIOD FOR LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS.

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. 218 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE TASK FORCE ON CHILDHOOD OBESITY.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS.

Upon motion of Senator Apodaca, the Chair orders, without objection, the bill temporarily displaced.

H.B. 263, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN RETIRED MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM WHO REMARRIED PRIOR TO THE EFFECTIVE DATE OF A TECHNICAL CORRECTION TO THE RETIREMENT LAWS TO NOMINATE THEIR NEW SPOUSES TO RECEIVE THE SURVIVOR BENEFITS IN ACCORDANCE WITH THAT TECHNICAL CORRECTION.

June 14, 2011

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. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

Upon motion of Senator Apodaca, the Chair orders, without objection, the bill temporarily displaced.

H.B. 318 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATE TREASURER INVESTMENT STATUTE.

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. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Commerce Committee**:

H.B. 36 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE EMPLOYERS IN THIS STATE, AND ENTITIES WHO CONTRACT WITH A GOVERNMENT AGENCY IN THIS STATE, AND THEIR SUBCONTRACTORS TO USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES, 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 70253, which changes the title to read **H.B. 36** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES, CITIES, AND ENTITIES WHO CONTRACT WITH A GOVERNMENT AGENCY IN THIS STATE FOR CONSTRUCTION OR REPAIR WORK AND THEIR SUBCONTRACTORS TO USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES, is adopted and engrossed.

June 14, 2011

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES, CLARIFYING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO ENFORCEMENT ACTIONS OR ADMINISTRATIVE APPEALS AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30396, which changes the title to read **H.B. 806** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES, CLARIFYING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO ENFORCEMENT ACTIONS OR ADMINISTRATIVE APPEALS, AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

CALENDAR (*continued*)

H.B. 373 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PAYMENT OF INSURANCE PREMIUMS USING DEBIT CARDS, TO FACILITATE THE PAYMENT OF INSURANCE PREMIUMS USING CREDIT AND DEBIT CARDS, AND TO PERMIT THE COMMISSIONER OF INSURANCE TO APPROVE NONTRADITIONAL GROUPS FOR GROUP LIFE 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 enrolled and sent to the Governor.

H.B. 382 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE JUVENILE CODE UNDER THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY.

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 by special message for concurrence in the Senate Committee Substitute bill.

June 14, 2011

H.B. 397 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING PENALTIES AND REMEDIES CONCERNING HEALTH FACILITIES.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Upon motion of Senator Apodaca, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 408 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN NORTH CAROLINA'S OPEN-FILE DISCOVERY LAW, PROTECT CRIME STOPPERS INFORMANTS, PROTECT VICTIM INFORMATION, REQUIRE LAW ENFORCEMENT AND INVESTIGATORY AGENCIES TO MAKE TIMELY DISCLOSURE OF THEIR FILES TO PROSECUTORS, AND AVOID FRIVOLOUS CLAIMS OF PROFESSIONAL MISCONDUCT AGAINST PROSECUTORS.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 388 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, temporarily displaced earlier today.

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. 432 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE TRANSPORTATION OF LIVE SWINE UNLESS THE SWINE HAS AN OFFICIAL FORM OF IDENTIFICATION APPROVED BY THE STATE VETERINARIAN FOR THIS PURPOSE, TO CLASSIFY ALL FREE-RANGING MAMMALS OF THE SPECIES *SUS SCROFA* AS FERAL SWINE, TO PROVIDE FOR THE TAKING OF FERAL SWINE AS A NONGAME ANIMAL, AND TO PROHIBIT THE REMOVAL OF LIVE FERAL SWINE FROM TRAPS.

June 14, 2011

Senator Newton 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 by special message for concurrence in the Senate Committee Substitute bill

H.B. 492, A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE THAT DEVELOPMENT IN THE UNINCORPORATED AREAS OF A COUNTY IS NOT SUBJECT TO THE STANDARDS REGARDING POSTCONSTRUCTION PRACTICES UNDER SECTION 9 OF S.L. 2006-246 OR ANY ADMINISTRATIVE RULES ADOPTED TO REPLACE THAT SECTION WHEN THE DEVELOPMENT IS LOCATED IN A COUNTY THAT CONTAINS AN URBANIZED AREA AND HAD AN ACTUAL POPULATION GROWTH RATE THAT EXCEEDED THE STATE POPULATION GROWTH RATE FOR THE PERIOD 1995 THROUGH 2004 WHEN THAT POPULATION GROWTH OCCURRED IN AN AREA WITHIN THE COUNTY THAT CONSISTS OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE COUNTY AND (2) RESCIND THE CURRENT DESIGNATION OF ANY SUCH COUNTY.

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:

Mallory Bartles, Burlington; Molly Boutwell, Louisburg; Quinn Burkhalter, Charlotte; Sara Colclough, Clayton; Brantley Craft, Greensboro; Alex Festa, Raleigh; Dylan Gurrera, Raleigh; Talal Hammad, Cary; Chase Hinnant, Clayton; Jaye Hunt III, Charlotte; Lauren Koury, Burlington; Jordan Leathers, Charlotte; Carter Loesch, Charlotte; Roger Loesch, Jr., Charlotte; Mallory Lowe, Trinity; Alec Lucas, Raleigh; Judson MacDonald, Cary; Mimi McCarthy, Greenville; Brandon Patton, Youngsville; Garrett Peebles, Raleigh; Preston Pugh, Clayton; Julia Rao, Chapel Hill; Ashley Sizemore, King; James Springs Jr., Charlotte; and Jamarkus Swinson, Fayetteville.

CALENDAR *(continued)*

H.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE OWNERSHIP OF INSURANCE COMPANIES BY CREDIT UNIONS.

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.

June 14, 2011

H.B. 542 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TORT REFORM FOR NORTH CAROLINA CITIZENS AND BUSINESSES.

Senator Stein offers Amendment No. 1 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its second reading (43-5).

Senator Brunstetter objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 575 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN LIEU OF CONTRACTUAL LIABILITY INSURANCE, A SERVICE CONTRACT PROVIDER MAY MAINTAIN A FUNDED RESERVE ACCOUNT FOR ITS OBLIGATIONS UNDER SERVICE CONTRACTS ISSUED AND OUTSTANDING IN THIS STATE.

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. 609 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS AND OTHER WATER SUPPLY RESOURCES, TO PROVIDE THAT FUNDS FROM THE CLEAN WATER MANAGEMENT TRUST FUND MAY BE USED TO PRESERVE LANDS FOR THE DEVELOPMENT OF WATER SUPPLY RESERVOIRS, AND TO IMPROVE THE EFFICIENCY OF USE OF NORTH CAROLINA'S WATER RESOURCES.

Senator Clodfelter 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REGULATION OF PORTABLE ELECTRONICS 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 enrolled and sent to the Governor.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED.

June 14, 2011

Senator Nesbitt offers Amendment No. 1 which he subsequently withdraws.

The Committee Substitute bill passes its second reading (48-0).

Senator Newton objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING TO THE DEPARTMENT OF CORRECTION TO COMPLETE THE CONSTRUCTION OF AN AUTHORIZED PRISON HOSPITAL.

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. 664, A BILL TO BE ENTITLED AN ACT TO PROVIDE CERTAIN INFORMATION REGARDING A DECEASED PERSON'S GROUP LIFE INSURANCE TO A FUNERAL DIRECTOR OR ESTABLISHMENT.

The bill 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.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 31, AN ACT TO CLARIFY THE PENALTY FOR THE UNAUTHORIZED PRACTICE OF MEDICINE.

CALENDAR (*continued*)

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE STATUTES GOVERNING UNCLAIMED PROPERTY IN ORDER TO INCREASE CLAIMS PAID TO RIGHTFUL OWNERS AND REDUCE REPORTING BURDENS ON BUSINESS HOLDERS OF UNCLAIMED PROPERTY.

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. 713 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ADMINISTRATION TO USE MULTIPLE AWARD SCHEDULE CONTRACTS FOR THE PURCHASE OF ALL GROUND MAINTENANCE, CONSTRUCTION, COMMUNICATIONS, AND FORESTRY EQUIPMENT.

Senator Rouzer offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading

June 14, 2011

(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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 808 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICE REGULATION, TO WAIVE ANNUAL INSPECTIONS OF ADULT CARE HOMES THAT ACHIEVE THE HIGHEST RATING, AND TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCEDURE THAT ALLOWS ADULT CARE HOMES TO DISPUTE CITED INSPECTION DEFICIENCIES.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE ELECTRONIC LISTING OF PERSONAL PROPERTY FOR PROPERTY TAX PURPOSES.

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. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REALIGN THE DISTRICTS FOR WAKE COUNTY SUPERIOR COURT JUDGE SEATS TO PROVIDE FOR SINGLE MEMBER DISTRICTS AND EQUAL REPRESENTATION IN THOSE DISTRICTS, WHICH ARE TO BE DETERMINED.

The Committee Substitute bill passes its third reading (30-18) and is ordered enrolled and sent to the Governor.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PLANNED COMMUNITY ACT AND THE CONDOMINIUM ACT CONCERNING THE TIME PERIOD FOR FORECLOSURE OF A CLAIM OF LIEN FOR UNPAID ASSESSMENTS, TO AMEND THE LAW CONCERNING DISCLOSURE OF INFORMATION ABOUT HOMEOWNERS ASSOCIATIONS TO POTENTIAL PURCHASERS, AND TO REQUIRE THE REAL ESTATE COMMISSION TO PREPARE AND MAKE AVAILABLE INFORMATION ABOUT RESTRICTIVE COVENANTS TO POTENTIAL PURCHASERS.

Senator McKissick offers Amendment No. 1 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its third reading (45-3) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

June 14, 2011

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. 427 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.

Senator Brown offers Amendment No. 1 which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.R. 565, A SENATE RESOLUTION ENCOURAGING THE CITIZENS OF THIS STATE TO OBSERVE JULY OF EACH YEAR AS WATERMELON MONTH.

The Senate Resolution is adopted (46-3).

S.B. 110 (Conference Committee Substitute), AN ACT TO AUTHORIZE THE PERMITTING AND CONSTRUCTION OF UP TO FOUR TERMINAL GROINS AT INLETS UNDER CERTAIN CONDITIONS.

Upon motion of Senator Brown, the Senate adopts the Conference Report (38-9).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.R. 783, A SENATE RESOLUTION EXPRESSING SUPPORT FOR DESIGNATING OCTOBER 2011 AS NORTH CAROLINA SOARING HERITAGE MONTH.

The Senate Resolution is adopted (46-1).

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Davis for the **State and Local Government Committee**:

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF CHATHAM COUNTY BEFORE THE TOWNS OF APEX OR CARY MAY MAKE AN INVOLUNTARY ANNEXATION INTO CHATHAM COUNTY, with a favorable report.

Upon motion of Senator Davis, the Committee Substitute bill is re-referred to the **Finance Committee**.

June 14, 2011

H.B. 486, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF TRYON, with a favorable report.

Upon motion of Senator Davis, the bill is re-referred to the **Finance Committee**.

H.B. 338, A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF MEMBERS OF THE BURKE COUNTY BOARD OF EDUCATION, 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 30342, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 403 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF WILMINGTON TO APPLY THE CITY'S DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED OUTSIDE LOCAL HISTORIC DISTRICTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70255, which changes the title to read **H.B. 403** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO APPLY DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED OUTSIDE LOCAL HISTORIC DISTRICTS AND TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS IT RELATES TO THE CITY'S CIVIL SERVICE COMMISSION, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Daniel for the **Judiciary II Committee**:

H.B. 650 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE AND TO AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR CARRY A FIREARM IN NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80266, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

June 14, 2011

CALENDAR (*continued*)

S.B. 94 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on today's supplemental calendar.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on today's supplemental calendar.

S.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET AND TO EXTEND THE SALES TAX REFUND ALLOWED TO A JOINT GOVERNMENTAL AGENCY CREATED TO OPERATE A CABLE TELEVISION SYSTEM FOR ONE YEAR, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on today's supplemental calendar.

H.B. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on today's supplemental calendar.

H.B. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT, temporarily displaced earlier today.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on today's supplemental calendar.

WITHDRAWAL FROM COMMITTEE

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO EXPAND THE SCOPE OF A CURRENT MAINTENANCE REQUEST FOR PROPOSALS, referred to the **Rules and Operations of the Senate Committee** earlier today.

June 14, 2011

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's supplemental calendar.

The Chair orders the bill withdrawn from the **Rules and Operations of the Senate Committee** and places it on today's supplemental calendar.

H.B. 887 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES, referred to the **Health Care Committee** earlier today.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Health Care Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Health Care Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY ELIMINATING EXTRATERRITORIAL PLANNING JURISDICTION WHEN COUNTYWIDE ZONING IS IN EFFECT AND WHEN COUNTYWIDE ZONING IS NOT IN EFFECT AND TO ALLOW RESIDENTS OF THE ETJ TO RUN FOR MUNICIPAL OFFICE AND VOTE IN ELECTIONS FOR MUNICIPAL OFFICE, referred to the **State and Local Government Committee** on June 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **State and Local Government Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN CITIES AND COUNTIES ACT OUTSIDE OF THE SCOPE OF THEIR AUTHORITY, THE PARTY SUCCESSFULLY CHALLENGING THAT ACTION MAY RECOVER REASONABLE ATTORNEYS' FEES, referred to the **Judiciary I Committee** on May 31.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

June 14, 2011

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTION PROGRAM, referred to the **Finance Committee** earlier today.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Finance Committee** and placed on today's supplemental calendar.

The Chair orders the Committee Substitute bill be withdrawn from the **Finance Committee** and places it on today's supplemental calendar.

H.B. 209 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN FINANCIAL ASSURANCE REQUIREMENTS APPLICABLE TO OWNERS AND OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES TO (1) AUTHORIZE THE USE OF A CORPORATE FINANCIAL TEST AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR CLOSURE, POST-CLOSURE MAINTENANCE AND MONITORING, AND ANY CORRECTIVE ACTION THAT MAY BE REQUIRED AT THE FACILITY; (2) DECREASE THE MINIMUM AMOUNT OF FINANCIAL ASSURANCE THAT MUST BE ESTABLISHED TO COVER COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY; AND (3) AUTHORIZE THE USE OF A TRUST FUND PAY-IN PERIOD AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY, referred to the **Finance Committee** on June 13.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the **Finance Committee** and placed on today's supplemental calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill be withdrawn from the **Finance Committee** and places it on today's supplemental calendar.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 736 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE GENERAL STATUTES RELATING TO SCHOOL DISCIPLINE; PREVENT LITIGATION BY ADDING DEFINITIONS TO, AND CLARIFYING AMBIGUITIES IN, THE CURRENT LAW; CODIFY EXISTING CASE LAW; AND INCREASE LOCAL CONTROL AND FLEXIBILITY REGARDING DISCIPLINE.

Pursuant to the message from the House of Representatives received Wednesday, June 8 that the House fails to concur in the Senate Committee Substitute bill for H.B. 736 and requests conferees, Senator Apodaca announces the appointment of Senator Tillman, Chair; Senator Pate 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.

June 14, 2011

The Senate recesses at 4:50 p.m., subject to receipt of committee reports and messages from the House of Representatives to reconvene at 7:00 p.m.

RECESS

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 845 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80270, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 538, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE 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, 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 90128, which changes the title to read **H.B. 538** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS FOR INJURIES INCURRED IN THE LINE OF DUTY AND TO INCLUDE THE NORTH CAROLINA SHERIFFS' ASSOCIATION AS AN EMPLOYER, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 376 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM

June 14, 2011

AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30397, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Rouzer for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 406, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAND THAT IS ENGAGED IN AGRICULTURE MAY QUALIFY FOR ENROLLMENT IN A VOLUNTARY AGRICULTURAL DISTRICT EVEN THOUGH IT DOES NOT QUALIFY FOR TAXATION AT ITS PRESENT-USE VALUE, AND TO PROVIDE THAT RESIDENTIAL LOTS CREATED ON LAND THAT IS THE SUBJECT OF A CONSERVATION AGREEMENT MUST MEET MUNICIPAL ZONING AND SUBDIVISION REGULATIONS, AND TO PROVIDE THAT REVOCABLE VOLUNTARY AGRICULTURAL DISTRICT CONSERVATION AGREEMENTS ARE NOT REQUIRED TO BE RECORDED, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's supplemental calendar.

H.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 329 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXEMPTION FROM BUILDING RULES FOR FARM BUILDINGS TO INCLUDE FARM BUILDINGS USED FOR SPECTATOR EVENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30394, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 482 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

June 14, 2011

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30393, which changes the title to read **H.B. 482** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998 AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO WAIVE THE PENALTY ASSESSED AGAINST CERTAIN POOR COUNTIES FOR CERTAIN WATER QUALITY VIOLATIONS, is adopted and engrossed.

Upon motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Jenkins and Senator McKissick.

WITHDRAWAL FROM COMMITTEE

H.B. 854 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED, referred to the **Judiciary I Committee** on June 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Judiciary I Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 720 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT, referred to the **Education/Higher Education Committee** on June 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Education/Higher Education Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Education/Higher Education Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

June 14, 2011

SUPPLEMENTAL CALENDAR

Bills on today's supplemental calendar are taken up and disposed of, as follows:

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GEOGRAPHIC PARITY IN REPRESENTATION ON THE GREENE COUNTY BOARD OF COMMISSIONERS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Tuesday, June 15.

H.B. 291 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF OFFICERS OF THE TOWN OF BELHAVEN.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 677 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADULT CARE HOMES WITH GREATER FLEXIBILITY IN THE TRANSFER AND DISCHARGE OF RESIDENTS AND TO ENACT APPEAL RIGHTS FOR ADULT CARE HOME RESIDENTS AND ADULT CARE HOMES WITH RESPECT TO DISCHARGE DECISIONS AND TO CREATE ADULT CARE HOME RESIDENT DISCHARGE TEAMS WITHIN EVERY COUNTY WHICH CONTAINS AN ADULT CARE HOME LICENSED UNDER CHAPTER 131D OF THE GENERAL STATUTES.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 585 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE CLARIFICATION FOR THE RETITLING OF A MANUFACTURED HOME THAT IS REMOVED FROM REAL PROPERTY AFTER THE ORIGINAL TITLE HAS BEEN CANCELLED.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Wednesday, June 15.

H.B. 208, A BILL TO BE ENTITLED AN ACT TO PROVIDE THE CITY OF WINSTON-SALEM THE RIGHT TO ACQUIRE POSSESSION AND TITLE OF LAND CONDEMNED FOR PUBLIC TRANSPORTATION PROJECTS, 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, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell,

June 14, 2011

Hise, Hunt, Jackson, Jones, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---46.

Voting in the negative: None.

The bill remains on the calendar for Wednesday, June 15, upon third reading.

H.B. 117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWNS OF CLAYTON, SELMA, AND SMITHFIELD SHALL USE REVENUE DERIVED FROM RATES FOR ELECTRIC SERVICE FOR PAYING THE DIRECT AND INDIRECT COSTS OF OPERATING THE ELECTRIC SYSTEM, TRANSFERRING AMOUNTS THAT REPRESENT A RATE OF RETURN ON THE INVESTMENT IN THE ELECTRIC SYSTEM, AND MAKING DEBT SERVICE PAYMENTS.

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. 170, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM REGARDING MEETINGS OF THE CITY COUNCIL.

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. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN CHANGES TO LOCAL DEVELOPMENT FOR THE CITY OF WINSTON-SALEM.

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. 338 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECALL OF MEMBERS OF THE BURKE COUNTY BOARD OF EDUCATION.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF COLUMBIA TO HAVE LIMITED OR NO ONE-STOP EARLY VOTING FOR MUNICIPAL ELECTIONS WHEN NO OTHER ELECTIONS ARE ON THE BALLOT.

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.

June 14, 2011

H.B. 403 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING MUNICIPALITIES TO APPLY DEMOLITION BY NEGLECT ORDINANCES TO CONTRIBUTING STRUCTURES LOCATED OUTSIDE LOCAL HISTORIC DISTRICTS AND TO AMEND THE CHARTER OF THE CITY OF WILMINGTON AS IT RELATES TO THE CITY'S CIVIL SERVICE COMMISSION.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 410, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF PINEBLUFF TO PRESERVE CERTAIN UNDEVELOPED PROPERTY OWNED BY THE TOWN FOR PARK LAND.

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. 416, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO EXPAND WATERSHED IMPROVEMENT COMMISSIONS FROM THREE TO FIVE MEMBERS.

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. 420, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF OAK ISLAND TO USE WHEEL LOCKS TO ENFORCE PARKING REGULATIONS.

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. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE TAKING OF FOXES WITH WEAPONS AND BY TRAPPING IN ROCKINGHAM 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. 510, A BILL TO BE ENTITLED AN ACT TO RESTORE ELECTIONS IN THE CITY OF REIDSVILLE TO NOVEMBER, SUBJECT TO A REFERENDUM.

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. 516, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MOUNT AIRY.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

June 14, 2011

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

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. 536 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE LINCOLN COUNTY BOARD OF EDUCATION TO REVISE ITS RESIDENCY DISTRICTS AFTER EACH DECENNIAL CENSUS AS IF THEY WERE ELECTORAL DISTRICTS AND REQUIRING THE CHATHAM COUNTY BOARD OF EDUCATION TO REVISE ITS ELECTION DISTRICTS AFTER EACH DECENNIAL CENSUS.

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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENABLING LAWS RELATING TO CITY-COUNTY PLANNING AND ZONING IN FORSYTH COUNTY AND THE CITY OF WINSTON-SALEM.

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. 581, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE CITY OF LUMBERTON FIREMEN'S RELIEF FUND AND SUPPLEMENTARY PENSION FUND.

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. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE JOHNSTON MEMORIAL HOSPITAL AUTHORITY TO FREEZE ITS PARTICIPATION AS AN EMPLOYER UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

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. 58 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN NORTH CAROLINA COMMUNITY COLLEGES MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

The Senate Committee Substitute bill passes its second reading (31-16) 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 the Senate Committee Substitute bill.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Appropriations/Base Budget Committee**:

H.B. 344 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INDIVIDUAL INCOME TAX CREDIT FOR CHILDREN WITH DISABILITIES WHO REQUIRE SPECIAL EDUCATION AND TO CREATE A FUND FOR SPECIAL EDUCATION AND RELATED SERVICES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70257, is adopted and engrossed.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 642 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF THE JUSTICE REINVESTMENT PROJECT AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "THE JUSTICE REINVESTMENT ACT OF 2011", 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, 70259, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is placed on the calendar for Wednesday, June 15.

By Senator Davis for the **State and Local Government Committee**:

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW WAKE COUNTY AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE LOCAL GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 50402, which changes the title to read **H.B. 266** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MECKLENBURG AND WAKE COUNTIES AND THE TOWNS OF APEX, CARY, FUQUAY-VARINA,

June 14, 2011

GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON TO ENTER INTO LEASES FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR UP TO TWENTY YEARS WITHOUT TREATING IT AS A SALE AND WITHOUT GIVING NOTICE BY PUBLICATION, AND EXEMPTING THOSE LOCAL GOVERNMENTS UNTIL JUNE 30, 2015, FROM COMPETITIVE BIDDING REQUIREMENTS WHEN LETTING CONTRACTS FOR USE AS PART OF LOCAL PILOT PROGRAMS AIMED AT INCREASING ENERGY EFFICIENCY, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Wednesday, June 15.

H.B. 362 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK 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 70256, which changes the title to read **H.B. 362** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH CENTERFIRE RIFLES IN PASQUOTANK COUNTY AND TO PROHIBIT HUNTING FROM VESSELS ON PORTIONS OF THE TAR RIVER IN EDGEcombe COUNTY, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Wednesday, June 15.

By Senator Rucho for the **Finance Committee**:

H.B. 56, A BILL TO BE ENTITLED AN ACT TO EXERCISE THE POWER OF THE GENERAL ASSEMBLY UNDER SECTION 1 OF ARTICLE VII OF THE NORTH CAROLINA CONSTITUTION TO FIX THE BOUNDARIES OF CITIES AND GIVE SUCH POWERS TO CITIES AS IT DEEMS ADVISABLE BY WITHDRAWING THE DELEGATION OF AUTHORITY TO THE CITY OF ROCKY MOUNT TO MAKE CERTAIN ANNEXATIONS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30391, which changes the title to read **H.B. 56** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE SPECIFIED LOCAL PENDING OR COMPLETED INVOLUNTARY ANNEXATIONS BE SUBJECT TO A PETITION TO DENY THE ANNEXATION BY PROPERTY OWNERS OF AT LEAST SIXTY PERCENT OF THE PARCELS LOCATED IN THE AREA, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Wednesday, June 15.

June 14, 2011

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE TOWN'S INVESTMENT AUTHORITY.

Senator Davis offers Amendment No. 1 which is adopted (46-1), and changes the title to read **H.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE TOWN'S INVESTMENT AUTHORITY AND ALLOWING TRANSYLVANIA COUNTY TO USE DESIGN-BUILD DELIVERY METHODS FOR CONSTRUCTION PROJECTS.

The Committee Substitute bill, as amended, passes its second reading.

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 498 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE PRESIDING OFFICER OF THE WAKE COUNTY BOARD OF EDUCATION TO VOTE IN ALL CASES.

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. 94 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE RENEWABLE ENERGY TAX CREDIT TO BE ALLOCATED BY A PASS-THROUGH ENTITY TO ITS OWNERS AND TO CHANGE THE DEFINITION OF COST, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clary, Clodfelter, Daniel, Dannelly, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and White---47.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the calendar for Wednesday, June 15, upon third reading.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN.

Upon motion of Senator Nesbitt, the Chair orders, without objection, the Senate Committee Substitute bill temporarily displaced.

June 14, 2011

H.B. 845 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE INVOLUNTARY ANNEXATION LAWS OF NORTH CAROLINA, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 8, as follows:

Voting in the affirmative: Senators Allran, Apodaca, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Clary, Daniel, Davis, East, Forrester, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Walters and White---39.

Voting in the negative: Senators Atwater, Blue, Clodfelter, Dannelly, Kinnaird, Purcell, Robinson and Vaughan---8.

The Senate Committee Substitute bill remains on the calendar for Wednesday, June 15, upon third reading.

The Senate recesses at 8:40 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to reconvene at 9:15 p.m.

RECESS

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM THE EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION OF MUNICIPALITIES, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARMING PURPOSES FROM MUNICIPAL ZONING, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30399, which changes the title to read **H.B. 168** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF "BONA FIDE FARM PURPOSES," TO PROHIBIT THE INVOLUNTARY MUNICIPAL ANNEXATION OF PROPERTY USED FOR BONA FIDE FARM PURPOSES, TO PROVIDE THAT PROPERTY USED FOR BONA FIDE FARM PURPOSES IS EXEMPT FROM THE EXERCISE OF MUNICIPAL EXTRATERRITORIAL JURISDICTION, AND TO EXEMPT PROPERTY USED FOR BONA FIDE FARM PURPOSES FROM MUNICIPAL ZONING, is adopted and engrossed.

June 14, 2011

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Wednesday, June 15.

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 367, A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN PARCELS PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION, referred to the **Finance Committee** on June 8.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance 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 **Finance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 311, A BILL TO BE ENTITLED AN ACT REQUIRING THAT MOTOR CARRIERS OF HOUSEHOLD GOODS MARK OR IDENTIFY THEIR VEHICLES AND MAKING IT UNLAWFUL FOR A PERSON NOT CERTIFIED BY THE UTILITIES COMMISSION AS A MOTOR CARRIER OF HOUSEHOLD GOODS TO ADVERTISE OR OTHERWISE REPRESENT THAT THE PERSON IS AUTHORIZED TO ENGAGE IN THE TRANSPORTATION OF HOUSEHOLD GOODS FOR COMPENSATION IN THIS STATE, referred to the **Finance Committee** on June 8.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance 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 **Finance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 436 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE QUALIFIED BUSINESS VENTURE TAX CREDIT SUNSET AND TO EXTEND THE SALES TAX REFUND ALLOWED TO A JOINT GOVERNMENTAL AGENCY CREATED TO OPERATE A CABLE TELEVISION SYSTEM FOR ONE YEAR.

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.

June 14, 2011

H.B. 36 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE COUNTIES, CITIES, AND ENTITIES WHO CONTRACT WITH A GOVERNMENT AGENCY IN THIS STATE FOR CONSTRUCTION OR REPAIR WORK AND THEIR SUBCONTRACTORS TO USE THE FEDERAL E-VERIFY PROGRAM TO VERIFY THE WORK AUTHORIZATION OF NEWLY HIRED EMPLOYEES.

Senator Apodaca offers Amendment No. 1 which is adopted (46-1).

The Senate 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 engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 174 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE COMMERCIAL REAL ESTATE BROKER LIEN ACT.

Upon motion of Senator Brown, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

H.B. 209 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN FINANCIAL ASSURANCE REQUIREMENTS APPLICABLE TO OWNERS AND OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES TO (1) AUTHORIZE THE USE OF A CORPORATE FINANCIAL TEST AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR CLOSURE, POST-CLOSURE MAINTENANCE AND MONITORING, AND ANY CORRECTIVE ACTION THAT MAY BE REQUIRED AT THE FACILITY; (2) DECREASE THE MINIMUM AMOUNT OF FINANCIAL ASSURANCE THAT MUST BE ESTABLISHED TO COVER COSTS FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY; AND (3) AUTHORIZE THE USE OF A TRUST FUND PAY-IN PERIOD AS AN ALLOWABLE MECHANISM TO ESTABLISH THE FINANCIAL ASSURANCE NECESSARY FOR POTENTIAL ASSESSMENT AND CORRECTIVE ACTION AT A FACILITY.

Without objection, Senator Vaughan 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 (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 for concurrence in the Senate Committee Substitute bill.

H.B. 174 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE COMMERCIAL REAL ESTATE BROKER LIEN ACT, temporarily displaced earlier today.

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.

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY TO APPLY FOR ELDERLY AND DISABLED TRANSPORTATION AND ASSISTANCE FUNDS ON BEHALF OF THE COUNTIES THAT THE PUBLIC TRANSPORTATION AUTHORITY OR REGIONAL PUBLIC TRANSPORTATION AUTHORITY SERVES.

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. 243, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE FEE CHARGED BY THE CLERK OF SUPERIOR COURT FOR CERTIFICATES UNDER SEAL IS WAIVED FOR APPOINTED ATTORNEYS REPRESENTING INDIGENT CLIENTS.

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. 313, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PAYROLL SAVINGS PROGRAM FOR SAVINGS BONDS DUE TO RECENT CHANGES MADE BY THE UNITED STATES TREASURY DEPARTMENT.

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. 329 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE EXEMPTION FROM BUILDING RULES FOR FARM BUILDINGS TO INCLUDE FARM BUILDINGS USED FOR SPECTATOR EVENTS.

The Senate Committee Substitute bill passes its second reading (45-2).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 332, A BILL TO BE ENTITLED AN ACT CLARIFYING 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 (46-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

June 14, 2011

H.B. 335, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON CONTRACTING FOR THE MAINTENANCE OF PRISON FACILITIES AND TO DIRECT THE DEPARTMENT OF CORRECTION TO STUDY CONTRACTING FOR MAINTENANCE SERVICES AT PRISON FACILITIES.

Senator Clodfelter offers Amendment No. 1 which is adopted (47-0).

The 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 sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

H.B. 342 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROHIBITING ANY PUBLIC INSTITUTION OF HIGHER EDUCATION FROM SOLICITING OR USING INFORMATION REGARDING THE ACCREDITATION OF A SECONDARY SCHOOL LOCATED IN NORTH CAROLINA THAT IS ATTENDED BY A STUDENT AS A FACTOR AFFECTING ADMISSIONS, LOANS, SCHOLARSHIPS, OR OTHER EDUCATIONAL ACTIVITY AT THE PUBLIC INSTITUTION, UNLESS THE ACCREDITATION WAS CONDUCTED BY A STATE AGENCY; AUTHORIZING THE STATE BOARD OF EDUCATION TO ACCREDIT SCHOOLS IN A LOCAL SCHOOL ADMINISTRATIVE UNIT AT THE REQUEST OF AND AT THE EXPENSE OF THAT UNIT; AND MODIFYING THE BUDGET OF THE DEPARTMENT OF PUBLIC INSTRUCTION ACCORDINGLY.

The Committee Substitute bill No. 2 passes its second reading (32-15) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 376 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

The Senate Committee Substitute bill passes its second reading (46-0).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT LAW ENFORCEMENT AGENCIES FROM ESTABLISHING PATTERNS FOR VEHICLE STOPS AT CHECKING STATIONS BASED ON A PARTICULAR TYPE OF VEHICLE.

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.

June 14, 2011

H.B. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA REAL ESTATE LICENSE 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 enrolled and sent to the Governor.

H.B. 406, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT LAND THAT IS ENGAGED IN AGRICULTURE MAY QUALIFY FOR ENROLLMENT IN A VOLUNTARY AGRICULTURAL DISTRICT EVEN THOUGH IT DOES NOT QUALIFY FOR TAXATION AT ITS PRESENT-USE VALUE, AND TO PROVIDE THAT RESIDENTIAL LOTS CREATED ON LAND THAT IS THE SUBJECT OF A CONSERVATION AGREEMENT MUST MEET MUNICIPAL ZONING AND SUBDIVISION REGULATIONS, AND TO PROVIDE THAT REVOCABLE VOLUNTARY AGRICULTURAL DISTRICT CONSERVATION AGREEMENTS ARE NOT REQUIRED TO BE RECORDED.

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. 376 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Upon motion of Senator Nesbitt, the third reading objection is withdrawn and the Senate Committee Substitute bill is placed on the calendar for immediate consideration upon third reading.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 482 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND ACT OF 1998 AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO WAIVE THE PENALTY ASSESSED AGAINST CERTAIN POOR COUNTIES FOR CERTAIN WATER QUALITY VIOLATIONS.

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 in the Senate Committee Substitute bill.

June 14, 2011

H.B. 484, A BILL TO BE ENTITLED AN ACT TO TRANSFER MANAGEMENT OF THE STATE HOME FORECLOSURE PREVENTION PROJECT AND FUND TO THE NORTH CAROLINA HOUSING FINANCE AGENCY, TO EXEMPT THE NORTH CAROLINA HOUSING FINANCE AGENCY FROM THE REQUIREMENTS OF ARTICLES 6 AND 7 OF CHAPTER 143 OF THE GENERAL STATUTES, AND TO AUTHORIZE THE COMMISSIONER OF BANKS TO ACQUIRE PROPERTY SUBJECT TO APPROVAL OF THE STATE BANKING 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 enrolled and sent to the Governor.

H.B. 507, A BILL TO BE ENTITLED AN ACT AUTHORIZING PROPERTY OWNERS ASSOCIATIONS THAT OWN STREETS THAT ARE LOCATED OUTSIDE INCORPORATED MUNICIPALITIES AND THAT HAVE NOT BEEN ACCEPTED FOR MAINTENANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF THIRTY YEARS TO FILE, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, A DECLARATION WITHDRAWING THE DEDICATION TO PUBLIC USE OF SUCH STREETS.

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. 538 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS FOR INJURIES INCURRED IN THE LINE OF DUTY AND TO INCLUDE THE NORTH CAROLINA SHERIFFS' ASSOCIATION AS AN EMPLOYER.

The Senate Committee Substitute bill passes its second reading (43-3).

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 15, upon third reading.

H.B. 567, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR STAGGERED TERMS FOR THE MOUNTAIN RESOURCES COMMISSION ESTABLISHED BY CHAPTER 153B OF THE GENERAL STATUTES.

Upon motion of Senator Apodaca, the bill is withdrawn from today's supplemental calendar and is re-referred to the **Commerce Committee**.

H.B. 588 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FOUNDING PRINCIPLES ACT.

The Senate 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 by special message for concurrence in the Senate Committee Substitute bill.

H.B. 538 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM TO REMOVE THE REQUIREMENT THAT LAW ENFORCEMENT OFFICERS HAVE ONE YEAR OF CREDITABLE SERVICE IN ORDER TO QUALIFY FOR DISABILITY RETIREMENT BENEFITS FOR INJURIES INCURRED IN THE LINE OF DUTY AND TO INCLUDE THE NORTH CAROLINA SHERIFFS' ASSOCIATION AS AN EMPLOYER.

Upon motion of Senator Garrou, the third reading objection is withdrawn and the Senate Committee Substitute bill is placed on today's supplemental calendar for immediate consideration.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and placed on the calendar for Wednesday, June 15.

H.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING PROGRAMMATIC AMENDMENTS TO THE NC-THINKS STATE EMPLOYEE SUGGESTION PROGRAM.

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. 616, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS RELATING TO THE REGULATION OF ENGINEERING AND LAND SURVEYING.

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. 622 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO THE FREQUENCY OF FOOD SERVICE INSPECTIONS IN NURSING HOMES AND NURSING HOME BEDS LICENSED UNDER CHAPTER 131E OF THE GENERAL STATUTES THAT ARE ALSO CERTIFIED BY MEDICARE AND MEDICAID.

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.

June 14, 2011

H.B. 648 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS.

The Senate Committee Substitute bill passes its second reading (46-0).

Senator Tucker objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 650 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WHEN A PERSON MAY USE DEFENSIVE FORCE AND TO AMEND VARIOUS LAWS REGARDING THE RIGHT TO OWN, POSSESS, OR CARRY A FIREARM IN NORTH CAROLINA.

The Senate Committee Substitute bill passes its second reading (37-9) 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 the Senate Committee Substitute bill.

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO MAKE A COMMERCIAL DRIVERS LICENSE AND A HAZARDOUS MATERIALS ENDORSEMENT EXPIRE AT THE SAME TIME.

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. 648 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE LAWS PERTAINING TO EXCEPTIONS AND BUILDING PERMITS AS RELATED TO GENERAL CONTRACTORS.

Upon motion of Senator Tucker, the third reading objection is withdrawn and the Senate Committee Substitute bill is placed on the supplemental calendar for immediate consideration.

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

RECONSIDERATION

H.B. 588 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FOUNDING PRINCIPLES ACT.

Having voted with the majority, Senator Nesbitt offers a motion that the vote by which the Senate Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

The Senate Committee Substitute is placed on the supplemental calendar for immediate consideration upon third reading.

June 14, 2011

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 678 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN COLLABORATION WITH THE DEPARTMENT OF CORRECTION, TO ESTABLISH A PILOT PROGRAM TO ALLOW CERTAIN INMATES RELEASED FROM CONFINEMENT TO BE PLACED IN ADULT CARE HOMES TO RECEIVE PERSONAL CARE SERVICES AND MEDICATION MANAGEMENT.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Wednesday, June 15.

The Senate recesses at 10:45 p.m., subject to the receipt of committee reports and messages from the House of Representatives, to reconvene at 10:55 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Walter Dalton, Lieutenant Governor.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A PAYABLE ON DEATH ACCOUNT NAMING AN ENTITY OTHER THAN A NATURAL PERSON AS BENEFICIARY.

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. 730 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF STATE TREASURER TO CREATE A CENTRALIZED 403(B) RETIREMENT ANNUITY PLAN AS AN OPTION FOR EMPLOYEES OF LOCAL BOARDS OF EDUCATION.

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 in the Senate Committee Substitute bill.

June 14, 2011

H.B. 744 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SAFE STUDENTS ACT.

The Committee Substitute bill passes its second reading (46-1).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE DIVISION OF MOTOR VEHICLES' COMMISSION CONTRACT FOR THE ISSUANCE OF PLATES AND CERTIFICATES PROGRAM TO DEVELOP OPERATIONAL PRACTICES THAT WOULD RESULT IN INCREASED OPERATING EFFICIENCY AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROVIDE TAG SERVICES AT MILITARY BASES.

Senator Rabon offers Amendment No. 1 which is adopted (43-4).

The Committee Substitute bill, as amended, passes its second reading (41-6) 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 in the Senate Amendment No. 1.

H.B. 765 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLUE RIBBON COMMISSION TO STUDY THE CURRENT LENGTH OF THE SCHOOL YEAR IN NORTH CAROLINA AND TO DETERMINE HOW LONG THE SCHOOL YEAR SHOULD BE.

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 in the Senate Committee Substitute bill.

H.B. 806 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE STATUTE OF LIMITATIONS AND REPOSE FOR CHALLENGING ZONING ORDINANCES, CLARIFYING THE APPLICABILITY OF THE STATUTE OF LIMITATIONS TO ENFORCEMENT ACTIONS OR ADMINISTRATIVE APPEALS, AND TO PROHIBIT SPECIFIED ZONING ORDINANCES AFFECTING SINGLE-FAMILY DETACHED RESIDENTIAL USES ON LOTS GREATER THAN TEN ACRES IN AGRICULTURAL ZONING DISTRICTS.

Senator White offers Amendment No. 1 which is adopted (44-3).

The Senate 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 engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

June 14, 2011

H.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A STATEWIDE SURVEILLANCE AND REPORTING SYSTEM FOR HEALTH CARE-ASSOCIATED INFECTIONS AND TO SUBJECT HOSPITALS TO THE REQUIREMENTS OF THE STATEWIDE SURVEILLANCE AND REPORTING SYSTEM.

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 enrolled and sent to the Governor (see page 935).

H.B. 846, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SCOPE OF THE LAW THAT ALLOWS AN AGENCY ACTING AS A CONFIDENTIAL INTERMEDIARY TO OBTAIN A COPY OF A DEATH CERTIFICATE OF A BIOLOGICAL PARENT OR AN ADULT ADOPTEE TO INCLUDE A LINEAL ASCENDANT OF A BIOLOGICAL PARENT WHEN IT IS DETERMINED THE BIOLOGICAL PARENT, ADULT ADOPTEE, OR THE LINEAL ASCENDANT OF THE BIOLOGICAL PARENT IS DECEASED.

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. 927 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO ENSURE THE FUTURE SOLVENCY OF THOSE SYSTEMS, TO AMEND THE PROVISIONS OF THE SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS FOR LAW ENFORCEMENT OFFICERS HIRED ON OR AFTER AUGUST 1, 2011, AND TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE THE RETIREMENT BENEFIT OF A DECEASED RETIREE AT LEAST TWO MONTHS AFTER THE RETIREE'S DEATH.

The Committee Substitute bill passes its second reading (46-1).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the calendar for Wednesday, June 15, upon third reading.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN AND TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED.

June 14, 2011

Upon motion of Senator Newton, the third reading objection is withdrawn and the Committee Substitute bill is placed on the calendar for immediate consideration.

Senator Nesbitt offers Amendment No. 2 which is adopted (47-0), and changes the title to read **H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCREENING AND ASSESSING FOR CHEMICAL DEPENDENCY FOR DEFENDANTS ORDERED TO SUBMIT TO RESIDENTIAL TREATMENT AT THE BLACK MOUNTAIN SUBSTANCE ABUSE TREATMENT CENTER FOR WOMEN, TO PROVIDE THAT A DEFENDANT MAY BE REQUIRED TO PARTICIPATE IN TREATMENT ORDERED BY THE COURT FOR ITS DURATION REGARDLESS OF THE LENGTH OF THE SUSPENDED SENTENCE IMPOSED, AND BY AUTHORIZING THE NORTH CAROLINA SUBSTANCE ABUSE PROFESSIONAL PRACTICE BOARD TO ADOPT RULES RELATED TO THE APPROVAL OF SUBSTANCE ABUSE SPECIALTY CURRICULA.

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 2.

S.B. 194 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPRESSED NATURAL GAS VEHICLES AND FUEL CELL ELECTRIC VEHICLES TO OPERATE IN HIGH OCCUPANCY VEHICLE LANES AND TO EXEMPT FUEL CELL ELECTRIC VEHICLES FROM THE EMISSIONS INSPECTION REQUIREMENT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 927 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM TO ENSURE THE FUTURE SOLVENCY OF THOSE SYSTEMS, TO AMEND THE PROVISIONS OF THE SPECIAL SEPARATION ALLOWANCE FOR LAW ENFORCEMENT OFFICERS FOR LAW ENFORCEMENT OFFICERS HIRED ON OR AFTER AUGUST 1, 2011, AND TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE THE RETIREMENT BENEFIT OF A DECEASED RETIREE AT LEAST TWO MONTHS AFTER THE RETIREE'S DEATH.

Upon motion of Senator Nesbitt, the third reading objection is withdrawn and the Committee Substitute bill is placed on the supplemental calendar for immediate consideration.

The Committee Substitute bill passes its third reading and is ordered enrolled and sent to the Governor.

June 14, 2011

S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ROLE OF CHARITABLE DONATIONS AND WRITE-OFFS AS COLLATERAL SOURCES FOR CRIME VICTIMS COMPENSATION, TO MODIFY THE SCOPE OF DEPENDENT'S ECONOMIC LOSS FOR CRIME VICTIMS COMPENSATION, TO CLARIFY THE CONFIDENTIALITY OF CRIME VICTIMS COMPENSATION COMMISSION RECORDS, TO REQUIRE SUSPENSION OF CRIME VICTIMS COMPENSATION PROCEEDINGS UPON REQUEST OF THE ATTORNEY GENERAL, AND TO PROVIDE THAT CERTAIN STATE BAR RECORDS ON DISCIPLINARY MATTERS AND THE LAWYERS ASSISTANCE PROGRAM ARE NOT PUBLIC RECORD, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 438 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, for concurrence in the House Amendment No. 1.

Without objection, Senator Blue, Senator Brown and Senator Jackson request to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Apodaca, the Senate concurs in the House Amendment No. 1, (44-0) and the bill is ordered engrossed, enrolled and sent to the Governor.

H.B. 619 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE SECRETARY OF REVENUE'S AUTHORITY TO ADJUST THE NET INCOME OF A CORPORATION OR TO REQUIRE A CORPORATION TO FILE A COMBINED RETURN, temporarily displaced earlier today.

Upon motion of Senator Rucho, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Wednesday, June 15.

Upon motion of Senator Phil Berger, seconded by Senator Stein, the Senate adjourns at 11:47 p.m. to meet Wednesday, June 15, at 10:00 a.m.

June 14, 2011