

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

SECOND SESSION

2012

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**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
2011 GENERAL ASSEMBLY
SECOND SESSION 2012**

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 PHILIP E. BERGER, President *Pro Tempore* Eden
 HARRIS BLAKE, * Deputy President *Pro Tempore*Pinehurst

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SENATE OFFICERS

SARAH CLAPP, Principal Clerk	Raleigh
LEE SETTLE, Reading Clerk	Pinehurst
PHILIP KING, Sergeant-at-Arms	Southport

* Elected January 4, 2012

⁺ Resigned January 10, 2012

^{**} Appointed January 23, 2012

SENATE JOURNAL

2012

ONE HUNDRED AND FOURTH DAY Reconvened Session

Senate Chamber
Wednesday, January 4, 2012

In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by Governor Beverly Eaves Perdue on December 20, 2011, the Senate of the 2011 Session reconvenes at the hour of 2:00 p.m. in the Senate Chamber in the City of Raleigh.

The Senate 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 have heard of Emmanuel, but would you make it deep and true that you are a God with us and you are a God for us? If you are for us, who can be against us? Lord, encourage us on this day of gathering together, and speak into our lives. We ask in Jesus’ name, Amen.”

PLEDGE OF ALLEGIANCE

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, November 29, 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.

PROCLAMATION FROM THE GOVERNOR

The Honorable Walter Dalton instructs the Reading Clerk to read the Proclamation issued by Governor Beverly Eaves Perdue on December 20, 2011, as follows:

PROCLAMATION OF RECONVENED SESSION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22 (7), the General Assembly shall reconvene on Wednesday, January 4, 2012, at

2:00 p.m. to reconsider Senate Bill 9, "*An Act to Reform the Racial Justice Act of 2009 to be Consistent With the United States Supreme Court's Ruling in McCleskey v. Kemp*," that was vetoed on December 14, 2011.

Done in Raleigh, North Carolina, on December 20, 2011.

(Seal)

S/Beverly Eaves Perdue
Governor

The Chair orders a special message sent to the House of Representatives informing that honorable body that the Senate is organized and is ready to proceed with the public business of the Senate.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 4, 2012

Mr. President:

It is ordered that a message be sent to the Senate informing your Honorable Body that pursuant to the proclamation issued by Governor Beverly E. Perdue on December 20, 2011 reconvening the 2011 General Assembly to reconsider **S.B. 9, AN ACT TO REFORM THE RACIAL JUSTICE ACT OF 2009 TO BE CONSISTENT WITH THE UNITED STATES SUPREME COURT'S RULING IN MCCLESKEY V. KEMP**, which was vetoed on December 14, 2011, the House of Representatives is ready to proceed with public business.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SEATING OF THE HONORABLE CHRISTOPHER CARNEY

The Chair recognizes Senator Harry Brown who announces that The Honorable Christopher Carney waits at the door to enter the chamber to take his seat as a member of the Senate. Senator Brown announces the appointment of Senator Rabon, Chair; Senator Harrington, Senator Clodfelter, Senator Davis, and Senator Tucker as the committee to escort Senator Carney to the well of the Senate.

The Chair instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Christopher Carney, as follows:

January 4, 2012

THE APPOINTMENT OF CHRIS CARNEY

2011-2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable James Forrester, elected Senator from the Forty-First Senate District 2011-2012 General Assembly, has died in office; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the death of the Honorable James Forrester be filled by appointment of the person recommended by the Forty-First State Senate Executive Committee of the Republican Party; and

WHEREAS, the Forty-First State Senate Executive Committee of the Republican Party has notified me of its recommendation of Chris Carney of Iredell County, North Carolina, to fill the unexpired term;

I do by these presents appoint

CHRIS CARNEY

as a member of the

NORTH CAROLINA 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 eighth day of December 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-sixth.

S/ Beverly Eaves Perdue
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

Senator Carney was administered the oath of office on December 20, 2011, by the Honorable Joseph N. Crosswhite, Superior Court Judge, Judicial District 22A of the General Court of Justice of the State of North Carolina.

Senator Carney is escorted to seat number nine.

January 4, 2012

ELECTION OF DEPUTY PRESIDENT PRO TEMPORE

Pursuant to Senate Rule 65, the President declares the floor open to receive nominations for Deputy President *Pro Tempore*.

The President recognizes Senator Hunt to make a nomination for Deputy President *Pro Tempore* to fill the unexpired term of Senator Jim Forrester.

“Ladies and Gentlemen of the Senate, I rise to nominate Senator Harris Blake to be Deputy President *Pro Tempore* of the Senate. I have known Senator Blake for the eight years I’ve been here. He is a great replacement; although we’ll never replace Senator Jim Forrester. Senator Blake is a great man who will do a great job. He has been a successful businessman, he’s been a community leader, he’s been president of about everything in the Sandhills and Pinehurst area that you can be president of. I’ll just mention a few: Kiwanis, Lions, and Chamber of Commerce. He has been an Elder in his church. He’s been in the Senate for ten years, and maybe more important than any of this, he’s a special envoy to the Hunan Province of China. It is my pleasure to nominate Senator Harris Blake as Deputy Senate President *Pro Tempore*.”

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

“I rise to second the nomination of Senator Harris Blake. Senator Blake has made his mark on the State of North Carolina in many ways: as a businessman, a developer, and a man recognized in his community as a man of impeccable integrity throughout his short years on this earth. Senator Blake is a friend of mine and a former seatmate of mine, and I have known Harris for many years. I think that we would be well served in this nomination of Senator Blake as Deputy President *Pro Tempore*, and in closing, I move that the nominations for Deputy President *Pro Tempore* be closed and that Senator Blake be elected by acclamation.”

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

The President declares Senator Harris Blake duly elected Deputy President *Pro Tempore* and appoints Senator Rucho, Chair; Senator East, Senator Allran, Senator Dannelly, and Senator Stein to escort the Deputy President *Pro Tempore*-Elect to the well of the Senate.

Senator Rucho presents Senator Blake to the President. The President directs the Sergeant-at-Arms to escort Mrs. Joy Blake Donat, daughter of Senator Blake, to the well of the Senate where she joins Senator Blake as he receives the prescribed oath of office. The Honorable Walter Dalton, Lieutenant Governor, administers the prescribed oath of office.

January 4, 2012

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

“Mr. President, Senator Berger, and my fellow Senators, I stand here, today, realizing that it is a special honor to be placed in this particular job. Ten years goes by in a hurry. Senator Dannelly, I remember when I first got here, you were in the job that I now have. I remember looking across this room and thinking you were a long way from me, but I thought that you were a very important person. It turned out to be, for my knowledge, that you were a very important person. For my tenure, filling out this term, let the judges have their opinion of what my job will be or how I’ll do it. But I just wanted to mention Senator Dannelly because that was the way it was ten years ago when I was on the back row. I think about the road that I have traveled, and as I look around the room again, I think there’s only one person that may be a little older than I am, and that’s one of our Senators, and I won’t even call the name. For me to be standing here today gives me a feeling of humility because the journey that I started many years ago was not a journey that I would ever have anticipated that I would be here before the North Carolina Senate as the Deputy President *Pro Tempore* of the Senate. You have allowed me to have this honor, and I am certainly deeply grateful to you for that. Today, I have with me my daughter that held the Bible. You don’t realize the significance of all this, but my dear wife, as you do know, passed away in 2009, and she literally, with about ten other people, signed the Bible that we were given as Senators. Today, we use that Bible, and, Joy, it’s my honor and delight that you could be with us. Friends in the balcony made a special effort to be here today; thank you for coming. Let’s all look for a great year for the year 2012 so that when we get our work done this year, we can all go home again and say, ‘job well done.’ You have honored me to be your Deputy President *Pro Tempore*. Thank you very much, and God bless.”

GOVERNOR’S OBJECTIONS AND VETO MESSAGE

Senate Bill 9, “An Act to Reform the Racial Justice Act of 2009 to be Consistent With the United States Supreme Court’s Ruling in McCleskey v. Kemp.”

I am – and always will be – a strong supporter of the death penalty. I firmly believe that some crimes are so heinous that no other punishment is adequate. As long as I am Governor, I am committed to ensuring that the death penalty remains a viable punishment option in North Carolina in appropriate cases.

However, because the death penalty is the ultimate punishment, it is essential that it be carried out fairly and that the process not be infected with prejudice based on race, gender, poverty, or any other factor. I signed the Racial Justice Act into law two years ago because it ensured that racial prejudice would not taint the application of the death penalty.

January 4, 2012

By enacting Senate Bill 9, the new leadership of the General Assembly has abandoned the noble principles embodied in the Racial Justice Act. While some have tried to portray Senate Bill 9 as a mere “modification” of the Racial Justice Act, make no mistake – this is, for all practical purposes, an outright repeal.

I recognize that this is an issue that people feel strongly about. Over the past few weeks, I have had the privilege of meeting with people from the four corners of our State who shared their candid views about this issue with me. I have met both with family members of murder victims who support Senate Bill 9 and with family members who oppose it. I was greatly moved by their personal stories and came away with a profound admiration for their passion and dignity in the face of grief that most of us cannot imagine. I have also spoken to both prosecutors and defense attorneys – lawyers who meet the highest ideals of the legal profession. I conducted these meetings because I wanted to ensure that groups on both sides of the issue had the opportunity to express their views to me.

There has been a great deal of inaccurate information in the media over what the Racial Justice Act does. Let me be clear on what it does not do. First, it does not change the fact that the death penalty is legal in North Carolina.

Second, the Racial Justice Act does not reopen the question of whether any person on death row is guilty or innocent. Instead, it only addresses sentencing; it provides that a convicted defendant is entitled to have his death sentence changed to a sentence of life in prison without the possibility of parole if a judge determines that race was a significant factor in the decision to seek or impose a sentence of death as set out in the Act.

Third, contrary to what some have suggested, the Racial Justice Act does not allow anyone to be released from prison or seek parole. Rather, by its plain language, the only thing the law would allow is for a death sentence to be converted to a sentence of life in prison without the possibility of parole – and that would only occur if a judge finds that racial discrimination played a significant role in the application of the death penalty. Both my own legal counsel and legal experts from across the State have assured me that even if an inmate succeeds on a claim under the Act, his sole remedy is life in prison without the possibility of parole. In addition, the executive director of North Carolina Prisoner Legal Services has publicly stated that her organization would decline to represent any prisoner seeking to argue an entitlement to parole after prevailing under the Racial Justice Act because that argument would be, in her words, “frivolous.”

Finally, I want to emphasize that no prisoner will have their death sentences changed to life in prison without the possibility of parole unless they prove to a judge, through competent evidence, that racial discrimination did, in fact, play a significant role in the application of the death penalty.

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I am vetoing Senate Bill 9 for the same reason that I signed the Racial Justice Act two years ago: it is simply unacceptable for racial prejudice to play a role in the imposition of the death penalty in North Carolina.

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 14th day of December, 2011, at 9:00 a.m. for reconsideration by that body.

Upon motion of Senator Apodaca, **S.B. 9**, (Ratified) AN ACT TO REFORM THE RACIAL JUSTICE ACT OF 2009 TO BE CONSISTENT WITH THE UNITED STATES SUPREME COURT'S RULING IN MCCLESKEY V. KEMP, is placed on today's calendar for reconsideration upon the Governor's veto.

INTRODUCTION OF A RESOLUTION

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

By Senator Apodaca:

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

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

The Senate recesses at 2:33 p.m., subject to reading of Executive Orders, to reconvene at 3:15 p.m.

RECESS

EXECUTIVE ORDERS

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

Executive Order No. 111, Extending the Governor's Logistics Task Force.

Executive Order No. 112, Extending the Juvenile Justice Planning Committee.

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

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, with a favorable report.

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

CALENDAR

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

S.B. 9, (Ratified) AN ACT TO REFORM THE RACIAL JUSTICE ACT OF 2009 TO BE CONSISTENT WITH THE UNITED STATES SUPREME COURT'S RULING IN MCCLESKEY V. KEMP, for reconsideration upon the Governor's veto.

Senator Apodaca offers a motion that S.B. 9 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, Carney, Clary, Daniel, Davis, East, 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 Constitution of North Carolina, the bill and the veto message are ordered sent to the House of Representatives by special message.

The Senate recesses at 4:31 p.m. to reconvene at 5:00 p.m.

RECESS

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

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CALENDAR (*continued*)

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, upon second reading.

The Joint Resolution passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

The Senate recesses at 5:26 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.

The Senate recesses at 7:50 p.m., subject to the reading of a Senatorial Statement, to reconvene at 11:00 p.m.

RECESS**A SENATORIAL STATEMENT****Expressing Support for Designation of a
“Welcome Home Vietnam Veteran’s Day” in North Carolina**

Submitted by Senator Tom Apodaca

WHEREAS, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam; and

WHEREAS, the United States Armed Forces became involved in Vietnam because the United States government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

WHEREAS, members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

WHEREAS, as a result of the Gulf of Tonkin incidents on August 2 and August 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam; and

WHEREAS, in 1965, United States Armed Forces ground combat units arrived in Vietnam; and

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WHEREAS, by the end of 1965, there were 80,000 United States troops in Vietnam and, by 1969, a peak of approximately 543,000 troops was reached; and

WHEREAS, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

WHEREAS, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under communist control; and

WHEREAS, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 were wounded; and

WHEREAS, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate the lives of those members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

WHEREAS, the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

WHEREAS, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations of the United States; and

WHEREAS, the establishment of a “Welcome Home Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

WHEREAS, the United States Senate agreed to a resolution without amendment and with a preamble by unanimous consent designating March 30, 2011, as “Welcome Home Vietnam Veterans Day”;

NOW, THEREFORE, the North Carolina Senate honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; expresses its support for the establishment of March 30 of each year as “Welcome Home Vietnam Veterans Day”; encourages State agencies and local governments to support “Welcome Home Vietnam Veterans Day”; and encourages the people of this State to observe “Welcome Home Vietnam Veterans Day” with appropriate ceremonies and activities that (i) provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; (ii) demonstrate the resolve that never again shall the nation disregard and denigrate a generation of veterans; (iii) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home; (iv) promote awareness of the importance of entire communities

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empowering veterans and the families of veterans to readjust to civilian life after military service; and (v) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 4th day of January, 2012.

S/Sarah Clapp
Senate Principal Clerk

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 4, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Beverly Eaves Perdue on January 4, 2012, Representative Trudi Walend 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 Walend has been seated to fill the vacancy created by the resignation of the Honorable W. David Guice from the One Hundred Thirteenth District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Upon motion of Senator Apodaca, the Senate adjourns at 11:27 p.m., subject to the receipt of messages from the House of Representatives, to meet Thursday, January 5, at 12:15 a.m.

January 4, 2012

ONE HUNDRED AND FIFTH DAY
Reconvened Session

Senate Chamber
Thursday, January 5, 2012

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

Prayer is offered by The Honorable Andrew C. Brock, Senator from Davie County, as follows:

“Dear Lord, earlier tonight we gave thanks to those men and women that served in Vietnam for this country. We thank the members that served in that conflict and that war. We thank them for their comrades that didn’t come home. Please watch out over their families, as their families still struggle today for their loved ones that are not here and the ones that they will always keep dear. Give us the strength and humility to lead this state, in the Senate, on this day. In your Son’s precious name we pray, Amen.”

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, January 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, for concurrence in the House Amendment No. 1.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution, as amended, is placed on today’s calendar for immediate consideration.

CALENDAR

A resolution on today’s calendar is taken up and disposed of as follows:

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION, for concurrence in the House Amendment No. 1.

Upon motion of Senator Apodaca, the Senate concurs in the House Amendment No. 1 (25-4). The amendment is ordered engrossed and the Joint Resolution is ordered enrolled.

January 5, 2012

The Honorable Walter Dalton, Lieutenant Governor, relinquishes the gavel to Senator Blake, Deputy President Pro Tempore, who presides in the absence of the Lieutenant Governor.

ENROLLED BILL

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

S.J.R. 794, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION. (Res. 1)

Senator Blake, Deputy President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Walter Dalton, who presides.

Upon motion of Senator Phil Berger, the Senate having concluded the business for which the General Assembly was reconvened by Gubernatorial Proclamation and in accordance with Article 3, Section 5 of the Constitution of North Carolina, the Senate adjourns the reconvened session at 12:58 a.m. to meet today in regular session, Thursday, January 5, not earlier than 12:45 a.m., pursuant to S.J.R. 794.

ONE HUNDRED AND FIFTH DAY 2011-2012 Regular Session

Senate Chamber
Thursday, January 5, 2012

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

Prayer is offered by The Honorable Jerry W. Tillman, Senator from Randolph County, as follows:

“Gracious God, most heavenly Father, guide and direct our thinking, and help us to remember to put you first in all things, and everything else will find its proper place. Guide and direct us. In Christ’s name we pray, Amen.”

Upon motion of Senator Phil Berger, in accordance with Joint Resolution 2011-12, as amended by S.J.R. 794, the Senate adjourns at 1:00 a.m. to meet Thursday, February 16, at 12:00 p.m.

January 5, 2012

ONE HUNDRED AND SIXTH DAY

Senate Chamber
Thursday, February 16, 2012

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:

“Thank you so much, Father, for this crowd that has come to gather. Thank you for the students that remind me of my children. It’s such a great thing to see students out at a public event. Bless, Lord, these leaders of this state. Strengthen and encourage these representatives – sincere men and women who want to do the right thing. Make it plain to them, O Lord, make it plain to them. Forgive them for their blunders they might have committed, the compromises they have made. Give them courage to admit mistakes. Take away from us, as a nation and as a state, individual and stubborn pride, which, followed by conceit, imagines itself to be above criticism. Save our leaders, O God, from themselves and from their friends, even as you have saved them from their enemies. Give them divine common sense and a selflessness that shall make them think of service and not of gain. We pray in the name of Jesus, Amen.”

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, January 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.

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. 727, AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES. (Became law after veto by the Governor overridden, January 5, 2012 - S.L. 2012-1.)

Upon motion of Senator Phil Berger, seconded by Senator Brown, the Senate adjourns at 12:10 p.m., subject to the reading of Executive Orders, to meet Saturday, February 18, at 10:00 a.m.

EXECUTIVE ORDERS

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

Executive Order No. 113, Further Extend Unemployment Benefits to Protect the Safety, Health, and Welfare of North Carolina’s Long-Term Unemployed.

February 16, 2012

Executive Order No. 114, Proclamation of a State of Disaster for Burke and Rutherford Counties.

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

ONE HUNDRED AND SEVENTH DAY

Senate Chamber
Saturday, February 18, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Richard Stevens, Senator from Wake County.

Prayer is offered by The Honorable Neal Hunt, Senator from Wake County, as follows:

“Father God, we praise your name this morning. Many times we forget to offer you our praise for your goodness and your mercy. We also sometimes forget to thank you for the blessings of living in this great country where we have the promise of individual liberty to become the best we can be. We thank you also for the prosperity that you've allowed our country and our state and I pray this morning that we will not stray so far from you that your protection will be removed. And, Lord, I pray this morning that we will have the wisdom to live within our means and not give in to the tyranny of the urgent. Finally, Lord God, we praise and honor your holy name. I make this prayer in the precious name of Jesus, who died so that we may have all the opportunity for eternal life in your glorious kingdom, Amen.”

Senator Hunt announces that the Senate Journal of Thursday, 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.

Upon motion of Senator Atwater, the Senate adjourns at 10:03 a.m., subject to the receipt of a message from the Governor, an announcement, and the appointment of committee members, to meet Monday, April 23, at 12:00 p.m.

PROCLAMATION FROM THE GOVERNOR

THE APPOINTMENT OF THEODORE GARMON (WES)
WESTMORELAND, II

February 18, 2012

2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Debbie Clary, elected representative from the Forty-Six Senate 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 Debbie Clary be filled by appointment of the person recommended by the Forty-Six State Senate Executive Committee of the Republican Party; and

WHEREAS, the Forty-Six State Senate Executive Committee of the Republican Party has notified me of its recommendation of Theodore Garmon (Wes) Westmoreland, II of Cleveland County, North Carolina, to fill the unexpired term,

I do by these presents appoint

THEODORE GARMON (WES) WESTMORELAND, II

as a member of the

NORTH CAROLINA 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-fourth day of January in the year of our Lord two thousand and twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

S/ Beverly Eaves Perdue
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

SEATING ANNOUNCEMENT

President *Pro Tempore* Phil Berger directs that Senator Westmoreland will be officially seated in seat number 10 during the next full Senate session, and, effective immediately, Senator Carney is reassigned to seat number 16, and Senator Blake is reassigned to seat number 9.

February 18, 2012

CHANGES TO 2011-2012 SENATE COMMITTEES

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

Senator Blake is appointed as Vice-Chair of the **Agriculture/Environment/Natural Resources Committee**.

Senator Tucker is appointed as Co-Chair of the **Appropriations on General Government**.

Senator Carney is appointed to the **Appropriations on General Government Committee**.

Senator Brock and Senator Gunn are removed from the **Appropriations on General Government Committee**.

Senator Brock and Senator Hise are appointed as Co-Chairs of the **Appropriations on Health and Human Services Committee**.

Senator Blake and Senator Tucker are removed from the **Appropriations on Health and Human Services Committee**.

Senator Blake is appointed as Vice-Chair of the **Appropriations on Natural and Economic Resources Committee**.

Senator Tucker is removed from the **Appropriations on Natural and Economic Resources Committee**.

Senator Gunn is appointed as Vice-Chair of the **Appropriations on Department of Transportation Committee**.

Senator Hise is removed from the **Appropriations on Department of Transportation Committee**.

Senator Rabon is removed as Vice-Chair and appointed as Co-Chair of the **Appropriations on Department of Transportation Committee**.

Senator Blake is appointed as Vice-Chair of the **Commerce Committee**.

Senator Carney is appointed to the **Education/Higher Education Committee**.

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

Senator Blake is appointed as Vice-Chair of the **Finance Committee**.

February 18, 2012

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

Senator Carney is appointed to the **Judiciary II Committee**.

Senator Carney is appointed to the **Mental Health & Youth Services Committee**.

Senator Hise is removed from Co-Chair and appointed as a member of the **Pensions, Retirement & Aging Committee**.

Senator Meredith is removed from Vice-Chair and appointed as Co-Chair of the **Pensions, Retirement & Aging Committee**.

Senator Carney is appointed to the **State & Local Government Committee**.

Senator Tucker is appointed as Vice-Chair of the **State & Local Government Committee**.

Senator Carney is appointed as Vice-Chair of the **Transportation Committee**.

Senator Gunn is appointed as Vice-Chair of the **Transportation Committee**.

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

ONE HUNDRED AND EIGHTH DAY

Senate Chamber
Monday, April 23, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

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

“Almighty and loving God, would you come and rest in this place? Come and drape your powerful, perfect peace in this place and within the walls and corridors of the General Assembly. And, Lord, we are thankful that you are in the midst of all we do here. We need not worry. You hold all of life in your hand. Fill these men and women with the power of your love. Fill them with your wisdom, and give them your grace. In Jesus' name we pray, Amen.”

April 23, 2012

Senator Apodaca announces that the Senate Journal of Saturday, February 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.

ANNOUNCEMENT

Senator Apodaca announces he intends to file a bill today.

Upon motion of Senator Rucho, seconded by Senator Carney, the Senate adjourns at 12:04 p.m., subject to the reading of Executive Orders, to meet Wednesday, April 25, at 10:00 a.m.

EXECUTIVE ORDERS

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

Executive Order No. 115, Proclamation of a State of Disaster for Pamlico and Tyrrell Counties.

Executive Order No. 116, Establish a Moratorium on the Collection of New Tolls for the North Carolina Ferry System.

Executive Order No. 117, Proclamation of a State of Disaster for Cherokee County.

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

ONE HUNDRED AND NINTH DAY

Senate Chamber
Wednesday, April 25, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Richard Stevens, Senator from Wake County.

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

“Lord, come to this place, and remind us that generation after generation has come here to serve, and we stand on the shoulders of giants. As we look out from this vantage point on the horizon, would you grant our hearts to be grateful

April 25, 2012

for what we see? Open our eyes to see the beauty all around us and see it in thy handiwork. Let all lovely things fill us with gladness, and may they lift our hearts up to you in true worship, in Jesus' name, Amen.”

Senator Nesbitt announces that the Senate Journal of Monday, April 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

INTRODUCTION OF A BILL

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

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

S.B. 795, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

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

Upon motion of Senator Hise, seconded by Senator Soucek, the Senate adjourns at 10:14 a.m., in accordance with S.J.R. 793, subject to the referral and re-referral of bills, to reconvene Wednesday, May 16, at 12:00 p.m.

WITHDRAWAL FROM 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** on April 12, 2011.

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, and the Chair so orders.

April 25, 2012

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** on June 6, 2011.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Ways & Means Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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** on June 6, 2011.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **Ways & Means Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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 **Finance Committee** on June 13, 2011.

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

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

April 25, 2012

ONE HUNDRED AND TENTH DAY

Senate Chamber
Wednesday, May 16, 2012

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:

“God of grace and God of glory, on thy people pour thy power. Lord of light and Lord of glory, blaze inside our hearts today. Grant us wisdom. Grant us courage for the facing of this hour. Set our feet on lofty places. Gird our lives that they may be armored with all Christ like graces in the fight to set men free. Grant us wisdom. Grant us courage for the living of these days, Amen.”

PLEDGE OF ALLEGIANCE

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

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

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

The Chair extends privileges of the floor to Dr. Ram Sapasetti from Kinston, North Carolina, and Dr. Robert Monteiro from New Bern, North Carolina, who are serving the Senate as Doctors of the Day, and to Elizabeth K. Johnson from Rural Hall, North Carolina, and Litha Joseph from Morrisville, North Carolina, who are serving the Senate as Nurses of the Day.

**SEATING OF THE HONORABLE
THEODORE (WES) WESTMORELAND II**

The Chair recognizes Senator Harry Brown who announces that The Honorable Wes Westmoreland waits at the door to enter the chamber to take his seat as a member of the Senate. Senator Brown announces the appointment of Senator Apodaca, Chair; Senator Harrington, Senator Mansfield, Senator Daniel, and Senator Hise as the committee to escort Senator Westmoreland to the well of the Senate.

May 16, 2012

PROCLAMATION FROM THE GOVERNOR

The Chair instructs the Reading Clerk to read the Proclamation from the Governor appointing Senator Theodore Garmon (Wes) Westmoreland, II, as follows:

THE APPOINTMENT OF THEODORE GARMON (WES)
WESTMORELAND, II

2012

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Debbie Clary, elected representative from the Forty-Six Senate 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 Debbie Clary be filled by appointment of the person recommended by the Forty-Six State Senate Executive Committee of the Republican Party; and

WHEREAS, the Forty-Six State Senate Executive Committee of the Republican Party has notified me of its recommendation of Theodore Garmon (Wes) Westmoreland, II of Cleveland County, North Carolina, to fill the unexpired term,

I do by these presents appoint

THEODORE GARMON (WES) WESTMORELAND, II

as a member of the

NORTH CAROLINA 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-fourth day of January in the year of our Lord two thousand and twelve, and of the Independence of the United States of America the two hundred and thirty-sixth.

S/ Beverly Eaves Perdue
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

May 16, 2012

Senator Westmoreland was administered the oath of office on January 27, 2012, by the Honorable Paul M. Newby, Associate Justice of the Supreme Court of the State of North Carolina.

Senator Westmoreland is escorted to seat number 10.

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 Bingham:

S.B. 796, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY AND THE APPROVAL OF THE VOTERS OF THE AREA TO BE ANNEXED IN A REFERENDUM BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.

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

2011-2012 SENATE COMMITTEE APPOINTMENTS

On behalf of Senator Phil Berger, President *Pro Tempore*, Senator Harris Blake, Deputy President *Pro Tempore*, announces the following committee appointments:

Senator Westmoreland is appointed to the following standing committees: **Program Evaluation, Commerce, Finance, Judiciary II, Appropriations on Natural and Economic Resources**, and **Agricultural/Environment/Natural Resources**.

Senator Westmoreland is appointed as an advisory member of the following joint interim committees: **Governmental Operations, Program Evaluation Oversight**, and **Environmental Review**.

INTRODUCTION OF BILLS

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

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

S.B. 797, A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; AND TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS

May 16, 2012

OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR.

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

By Senator Brunstetter:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE.

Referred to the **Judiciary I Committee**.

By Senators Rucho (Primary Sponsor); Bingham, P. Berger, Robinson, and Vaughan:

S.B. 799, A BILL TO BE ENTITLED AN ACT TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY.

Referred to the **Redistricting Committee**.

ADDITIONAL SPONSORS

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.

Upon motion of Senator Apodaca, the rules are suspended and Senator Davis and Senator Nesbitt are added as additional primary sponsors for S.B. 582.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives

January 5, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **S.B. 727**, (Ratified) AN ACT TO ELIMINATE THE DUES CHECKOFF OPTION FOR ACTIVE AND RETIRED PUBLIC SCHOOL EMPLOYEES, notwithstanding the objections of the Governor and the bill becomes law.

Respectfully,
S/Denise G. Weeks
Principal Clerk

May 16, 2012

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 645 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TEMPORARY CAP FOR THE MOTOR FUEL EXCISE TAX RATE, TO ADJUST THE 2011-2012 BUDGET FOR THE DEPARTMENT OF TRANSPORTATION, TO STUDY TRANSPORTATION REVENUES, AND TO STUDY THE IMPACT TO THE STATE OF A REDUCTION IN FEDERAL TRANSPORTATION FUNDING.

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

SENATE PAGES

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

Miana Alvarado, Salemburg; Jay Armstrong, Salemburg; Adam Bell, Salemburg; Devin Bessor, Salemburg; Allanti M. Broadnax, Salemburg; Cameron Clevenger, Salemburg; Brittany Doren, Salemburg; Alexander Fennell, Salemburg; Amy Garcia, Salemburg; Tyreke Jordan, Salemburg; Addikus Lackery, Salemburg; David Perdue, Salemburg; Gregory Riddle, Salemburg; Devon Schulman, Salemburg; Brittany Spaulding, Salemburg; Hunter Stilwell, Salemburg; Andrew Wilmoth, Salemburg; and Yasir Wright, Salemburg.

The Senate recesses at 12:24 p.m., subject to the receipt and referral of committee reports and receipt of messages from the Governor, to reconvene at 6:00 p.m.

RECESS**MESSAGES 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, 2012

May 16, 2012

Ms. Sarah Clapp
Principal Clerk of the Senate
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601

Dear Ms. Clapp:

Pursuant to North Carolina General Statute § 62-10(g), I have appointed Linda Cheatham to serve as an interim member of the North Carolina Utilities Commission and, pursuant to General Statute § 62-10(f), I hereby submit her name for confirmation by the North Carolina General Assembly. Ms. Cheatham's term shall begin upon her taking the oath of office as required by General Statute § 62-11 and, upon confirmation, will expire June 30, 2017.

Ms. Cheatham will fill the seat formerly held by Lorinzo Joyner.

Sincerely,
S/Beverly Eaves Perdue

cc. The Honorable Phil Berger
The Honorable Thom Tillis
The Honorable Walter Dalton
Ms. Denise Weeks

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

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

February 28, 2012

Honorable Thom Tillis, Speaker of the House
2007 Legislative Building, Room 2304
Raleigh, North Carolina 27601

Honorable Phil Berger, President *Pro Tempore*
2007 Legislative Building, Room 2008
Raleigh, North Carolina 27601

May 16, 2012

Dear Speaker Tillis and President *Pro Tempore* Berger:

Pursuant to G.S. § 53-92, this letter shall serve as formal notice that I am nominating Raymond E. Grace to serve as the North Carolina Commissioner of Banks. As you are well aware, financial services - and their oversight - are integral to North Carolina's economic and community development. I request that the General Assembly begin the confirmation process as soon as possible.

Sincerely,
S/Beverly Eaves Perdue

BEP

cc. Denise Weeks
Sarah Clapp
Raymond E. Grace

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

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

March 1, 2012

Ms. Sarah Clapp
Principal Clerk of the Senate
North Carolina General Assembly
16 West Jones Street
Raleigh, NC 27601

Dear Ms. Clapp:

Pursuant to North Carolina General Statute § 97-77(a1), I am nominating Tamara Nance for reappointment to the North Carolina Industrial Commission and hereby submit her name for confirmation by the North Carolina General Assembly as provided for in § 97-77. Ms. Nance's current term expires on June 30, 2012, and her new term will begin on July 1, 2012.

Sincerely,
S/Beverly Eaves Perdue

May 16, 2012

cc: The Honorable Phil Berger
The Honorable Thom Tillis
The Honorable Walter Dalton
Ms. Denise Weeks

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

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

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35315, which changes the title to read **S.B. 582** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is referred to the **Appropriations/Base Budget 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11286, which changes the title to read **H.B. 5** (Senate 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY

May 16, 2012

ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is re-referred to the **Finance 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30553, which changes the title to read **H.B. 925** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

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

S.B. 799, A BILL TO BE ENTITLED AN ACT TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY, with a favorable report.

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

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

H.B. 5 (Senate 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, with a favorable report.

May 16, 2012

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

S.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS, with a favorable report.

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

S.B. 797, A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; AND TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the bill is placed on today's 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 Blue and Senator Kinnaird.

CALENDAR

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

S.B. 799, A BILL TO BE ENTITLED AN ACT TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY, upon second reading.

Senator Rucho offers Amendment No. 1 which is adopted (45-0).

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

The bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 797, A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; AND TO PROHIBIT THE DRAWING DOWN OR

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TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR, upon second reading.

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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 925 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY, 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, 11300, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 582 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS, upon second reading.

The Committee Substitute bill passes its second reading (33-14) 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 Jones, the Senate adjourns at 6:32 p.m., subject to the receipt of committee reports, to meet Thursday, May 17, at 11:00 a.m.

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ONE HUNDRED AND ELEVENTH DAY

Senate Chamber
Thursday, May 17, 2012

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 and Holy Lord, we, like sheep, have gone astray. We have gotten high and mighty. We have become all too proud of our accomplishments. And so you say to us, ‘Do you know the balancing of the clouds? Do you know when the mountain goats give birth? Do you observe the calving of the deer? Can you bind the cords of Pleiades or loose the cords of Orion?’ And so we ask for your mercy. Your primary characteristic is grace. We rejoice in the fact that in Christ we have the full expression of this grace – even though we are poor in spirit, even though we are not righteous. Though we are in a whirlwind, you desire to abundantly bless us, and you desire to satisfy the poor with bread. So may these servants legislate in the light of their proper place in the hands of your grace, Amen.”

The Chair grants leaves of absence for today to Senator Dannelly, Senator Garrou, Senator Graham, and Senator Jones.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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 Melissa Cooke from Louisburg, North Carolina, and Sharon Tobias from Cary, North Carolina, who are serving the Senate as Nurses of the Day.

CALENDAR

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

H.B. 5 (Senate 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION

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ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Apodaca.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 31, noes 14, as follows:

Voting in the affirmative: Senators Allran, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

Voting in the negative: Senators Atwater, D. Berger, Blue, Jenkins, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---14.

The Senate Committee Substitute bill remains on the calendar for Monday, May 21, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Rucho.

H.B. 925 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 30, noes 14, as follows:

Voting in the affirmative: Senators Allran, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Mansfield, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Soucek, Stevens, Tillman, Tucker, Walters and Westmoreland---30.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Hartsell, Jenkins, Kinnaird, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan and White---14.

The Senate Committee Substitute bill No. 2 remains on the calendar for Monday, May 21, upon third reading.

Upon motion of Senator Phil Berger, seconded by Senator Vaughan, the Senate adjourns at 11:59 a.m., subject to the introduction of bills and resolutions and receipt and referral of committee reports, to meet Monday, May 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:

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By Senators McKissick, Hartsell, Kinnaird (Primary Sponsors); Atwater, D. Berger, Blue, Clodfelter, Dannelly, Graham, Jenkins, Jones, Mansfield, Purcell, Robinson, Stein, Vaughan, Walters, and White:

S.B. 800, A BILL TO BE ENTITLED AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS ASEXUALIZED OR STERILIZED UNDER THE AUTHORITY OF THE EUGENICS BOARD OF NORTH CAROLINA.

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

By Senators Purcell (Primary Sponsor); D. Berger, Kinnaird, and Robinson:

S.B. 801, 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 Senator Purcell:

S.B. 802, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO HELP ANSON COUNTY BUILD AN AGRI-CIVIC CENTER.

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

By Senators Stevens (Primary Sponsor); Apodaca, Bingham, Hise, and Meredith:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS.

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

By Senators Stevens (Primary Sponsor); Apodaca, Bingham, Hise, and Meredith:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.

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

By Senator Westmoreland:

S.B. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ISOTHERMAL COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

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

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ONE HUNDRED AND TWELFTH DAY

Senate Chamber
Monday, May 21, 2012

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, our heavenly Father, send upon those who hold office, in this state of North Carolina, a spirit of unity and steadfast love. Bless them to love one another as they do the will of the people. Bless them with wisdom, charity, and justice that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people, through Jesus Christ, our Lord, Amen.”

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

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

The Chair extends privileges of the floor to Dr. Annette Greer from Kinston, North Carolina, who is serving the Senate as Doctor of the Day.

INTRODUCTION OF A BILL

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

By Senators Rouzer, Brown, Davis (Primary Sponsors); Brock, Gunn, Jackson, and Tucker:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER

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FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

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

WITHDRAWAL FROM COMMITTEE

S.B. 810, A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, referred to the **Agriculture/Environment/Natural Resources Committee** today.

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 **Commerce 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 **Commerce Committee**.

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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** on March 3, 2011.

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**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
Thursday, May 17, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Dan W. Ingle has been added to replace Representative David Guice as a conferee to **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.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CALENDAR

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

H.B. 5 (Senate 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon third reading.

May 21, 2012

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 31, noes 13, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

Voting in the negative: Senators Atwater, D. Berger, Blue, Dannelly, Kinnaird, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan, Walters and White---13.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 925 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 30, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker, Walters and Westmoreland---30.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Hartsell, Kinnaird, McKissick, Nesbitt, Purcell, Robinson, Stein, Vaughan and White---14.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

SENATE PAGES

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

Jane Albrecht, Arnold, Maryland; Courtney Beals, State Road; Braxton Becoats, Durham; Jen Browne, Willow Springs; Jamie Byrum, Wilson; Kelsey Cagle, Belmont; Audra Daniel, Morganton; John Etringer, Mayodan; Darien Evans, Lenoir; Nic Gasparro, Matthews; Jackson Hooks, Wilson; Alex Jones, Fletcher; Hannah Jones, Fayetteville; Madison Jones, Raleigh; Nik Krenitsky, Chapel Hill; Christina Lee, Four Oaks; Janie Leland, Tarboro; Lilly LeQuire, Maiden; Rachel McManimen, Harrisburg; Caleb Sanders, Morganton; Lexus Sanders, Cary; George Smith, Four Oaks; and Ben Stockdale, Tryon.

Upon motion of Senator Phil Berger, seconded by Senator Walters, the Senate adjourns at 7:20 p.m., subject to the introduction of bills and resolutions, to meet Tuesday, May 22, at 2:00 p.m.

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INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senator Brown:

S.B. 806, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.

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

By Senators Brown, Goolsby, and Rabon (Primary Sponsors):

S.B. 807, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS.

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

By Senators Brown (Primary Sponsor); Gunn, Hunt, Jackson, McKissick, Meredith, Newton, Rucho, Stein, Tillman, Tucker, and Vaughan:

S.B. 808, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE REQUIREMENTS OF THE COMPREHENSIVE STRATEGIC ECONOMIC DEVELOPMENT PLAN AND TO SIMPLIFY AND STREAMLINE OTHER REPORTING REQUIREMENTS FOR THE DEPARTMENT OF COMMERCE.

Referred to the **Commerce Committee**.

By Senators Rouzer, East, and Jackson (Primary Sponsors):

S.B. 809, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Rouzer, East, and Jackson (Primary Sponsors):

S.B. 811, A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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By Senators Rouzer, East, and Jackson (Primary Sponsors):

S.B. 812, A BILL TO BE ENTITLED AN ACT TO PROTECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE STATE FROM POTENTIAL LIABILITY ASSOCIATED WITH BECOMING A CO-APPLICANT WITH A REGIONAL WATER SUPPLY SYSTEM ON THE FEDERAL APPROVALS NEEDED FOR THE ESTABLISHMENT OR EXPANSION OF A WATER SUPPLY RESERVOIR OR OTHER WATER SUPPLY RESOURCE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 813, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senator Hartsell:

S.B. 814, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, TO RESTORE THE PRIVATE WELL PROGRAM AND TO ESTABLISH THREE ENVIRONMENTAL HEALTH REGIONAL SPECIALIST POSITIONS DEDICATED TO THE PRIVATE WELL PROGRAM.

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

By Senator Hartsell:

S.B. 815, A BILL TO BE ENTITLED AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

Referred to the **Commerce Committee**.

By Senators Brown (Primary Sponsor); Bingham, Blake, Brunstetter, Daniel, Davis, Harrington, Hunt, Newton, Preston, Stevens, and Tillman:

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S.B. 816, A BILL TO BE ENTITLED AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.

Referred to the **Commerce Committee**.

By Senator Brown:

S.J.R. 817, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Referred to the **Commerce Committee**.

By Senator Davis:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.

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

By Senators Rucho, Rabon, Goolsby (Primary Sponsors); Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rouzer, Soucek, Stevens, Tillman, Tucker, Walters, and Westmoreland:

S.J.R. 819, A JOINT RESOLUTION EXPRESSING THE OPINION OF THE GENERAL ASSEMBLY THAT THERE SHOULD BE A NATIONAL ENERGY POLICY THAT SUPPORTS THE RESPONSIBLE EXPLORATION FOR AND DEVELOPMENT OF DOMESTIC ENERGY RESOURCES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMITTEE ON ENERGY POLICY ISSUES.

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

By Senators Rucho, Blake, Walters (Primary Sponsors); Allran, Apodaca, Bingham, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Soucek, Stevens, Tillman, Tucker, and Westmoreland:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO (1) ESTABLISH AN OIL AND GAS BOARD WITH JURISDICTION AND AUTHORITY OVER MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, AND DIRECT THE BOARD TO CREATE A MODERN REGULATORY PROGRAM FOR MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (2) AUTHORIZE THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THE

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PURPOSE OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE AND PLACE A MORATORIUM ON PERMITTING RELATED TO THOSE PROCESSES UNTIL JULY 1, 2014; (3) ENACT VARIOUS OTHER PROVISIONS RELATED TO MANAGEMENT OF OIL AND GAS EXPLORATION ACTIVITIES, INCLUDING PROVISIONS RELATED TO LOCAL GOVERNMENT AUTHORITY OVER THESE ACTIVITIES; (4) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY WITH LEGISLATIVE OVERSIGHT OF ALL MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, AND OTHER ENERGY-RELATED ISSUES; (5) DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO PURCHASE SCHOOL BUSES THAT OPERATE ON COMPRESSED NATURAL GAS (CNG); (6) DIRECT THE DEPARTMENT OF TRANSPORTATION TO PURCHASE NEW THREE-QUARTER TON PICKUP TRUCKS AND NEW ONE-HALF TON PICKUP TRUCKS THAT OPERATE ON COMPRESSED NATURAL GAS (CNG) OR COMPRESSED NATURAL GAS (CNG) AND GASOLINE; (7) CREATE AN INTERAGENCY TASK FORCE TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS FOR THE CONSTRUCTION AND DEVELOPMENT OF COMPRESSED NATURAL GAS (CNG) FUELING INFRASTRUCTURE; (8) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS; (9) ENSURE THE USE OF FUEL-EFFICIENT AND COST-EFFICIENT RETREAD TIRES ON STATE VEHICLES; AND (10) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ENERGY ISSUES POLICY COMMITTEE.

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

By Senators Brown, Goolsby, and Rabon (Primary Sponsors):

S.B. 821, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Kinnaird (Primary Sponsor); Bingham, East, and Jackson:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS MEET STANDARDS FOR COMPOSTABLE PRODUCTS AND BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS.

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

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

S.B. 823, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

By Senators Rucho, Hartsell (Primary Sponsors); Blue, Brunstetter, Clodfelter, Harrington, McKissick, Rabon, Rouzer, and Stevens:

S.B. 824, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE.

Referred to the **Finance Committee**.

By Senators Rucho, Hartsell (Primary Sponsors); Blue, Brunstetter, Clodfelter, Harrington, McKissick, Rabon, Rouzer, and Stevens:

S.B. 825, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE.

Referred to the **Finance Committee**.

By Senators Rucho, Hartsell (Primary Sponsors); Blue, Brunstetter, Clodfelter, Harrington, McKissick, Rabon, Rouzer, and Stevens:

S.B. 826, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.

Referred to the **Finance Committee**.

By Senators Rucho, Hartsell (Primary Sponsors); Blue, Brunstetter, Clodfelter, Dannelly, Harrington, McKissick, Rabon, Rouzer, and Stevens:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS, AS PROPOSED BY THE REVENUE LAWS STUDY COMMITTEE.

Referred to the **Finance Committee**.

By Senators Rucho, Hartsell, Blue (Primary Sponsors); Brunstetter, Clodfelter, Harrington, McKissick, Rabon, Rouzer, and Stevens:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

Referred to the **Finance Committee**.

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By Senators Brown, Goolsby, and Rabon (Primary Sponsors):

S.B. 829, A BILL TO BE ENTITLED AN ACT TO DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE.

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

By Senators Carney (Primary Sponsor) and Brock:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE.

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

By Senator Daniel:

S.B. 831, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

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

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

ONE HUNDRED AND THIRTEENTH DAY

Senate Chamber
Tuesday, May 22, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

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

“Almighty God, we pray today for a broader vision of the needs around this state, and we pray that you would help us to have compassion to fill those needs. Plant in us the seeds of concern for all humanity. Deal with our hearts, Lord. Cut to the quick. Bring your steadfast love to our disinterested hearts. Would you cause us to have greater generosity and greater love for our fellow neighbor? Help us to live as people that have been forgiven a great debt. Help us to be gentle, walking softly with one another. God, help us be ministers of mercy and ambassadors of your grace, for Christ's sake, Amen.”

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The Chair grants leaves of absence for today to Senator Graham, Senator Harrington, Senator Hise, Senator Jones, and Senator Rabon.

Senator Apodaca announces that the Senate Journal of Monday, May 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Vickie Marlow from Claremont, North Carolina, and Dr. Ann Newman from Charlotte, North Carolina, who are serving the Senate as Nurses of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 816, A BILL TO BE ENTITLED AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, with a favorable report.

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 798, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE, with a favorable report.

H.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A COURT TO ASSESS ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70270, is adopted and engrossed.

EXECUTIVE ORDER

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

Executive Order No. 118, High Standards for Shale Gas Development in North Carolina.

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INTRODUCTION OF A RESOLUTION

Upon motion of Senator Apodaca, the rules are suspended and a resolution filed for introduction today is presented to the Senate, read the first time, and placed on the calendar for immediate consideration:

By Senators Davis (Primary Sponsor) and Brock:

S.J.R. 865, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT C. "BOB" CARPENTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the rules are suspended, without objection, to allow the resolution to be read in its entirety and to allow debate on the matter. The words of the members are spread upon the Senate Journal as follows:

Senator Davis: "Senator Robert C. Carpenter was a friend of mine, or as he was known in the Western part of this state, Senator Bob. I don't think I ever heard him referred to as Senator Carpenter out there. Everybody knew him, and he was a friend. I really appreciated the prayer that Chaplain Milner gave today because the characteristics that he described there embodied Bob Carpenter. You have listed in the resolution his accomplishments, so I won't go over that, but I will tell you a little bit about a personal story. You need to know that he served people no matter what position he had. No matter where he was, he was always trying to help people. I first met him in 1973 when I first visited Macon County and Franklin, and he told me at the time that if 'you decide to move here, you come to me for your banking needs.' He was the local president of First Union Bank. And I did move there, and I was never sorry, and he did loan me the money. I told people that he got to be my friend when he loaned me the money, and I got to be his friend when I paid it all back. But that's not entirely true; that's not the way Bob worked. You were a friend of Bob the first day that you met him. I'd like to tell you a little bit of a story. I was a newlywed, and I had been in practice for about a year and a half. There was a real need in Franklin, so I had to look for a larger location. I decided I was going to do something that was really smart – or really stupid, I didn't know which at the time. But I borrowed the money to build an office – a two-dentist office. For some reason, and I don't remember what it was for, Bob couldn't loan me the money with First Union. Maybe it was because they held the loan on my equipment at the time. And so Bob called me one day, and I took the day off. He came and picked me up, and he took me to several banks to arrange financing for my office. That's the kind of person that he was. They were competitors of his. We even drove about 45 or 50 miles over to Waynesville to look for a loan over there. Bob was a friend of mine. One of the reasons why I'm here is because of Bob. He talked to me about four years ago about running. I was a commissioner at the time, and he wanted me to serve in the Senate. I was honored by that because he was here for 16 years. The whole time that he was here, he didn't just have a helpmate in Helen Carpenter; she led the way. Anybody that knows Helen knows she's a friend of this whole building. His

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service was certainly complemented by her service. I appreciate the Senate honoring him today. He was a great man, and I will fondly remember him for the rest of my life. Thank you.”

Senator Allran: “Thank you. I have to say that ‘Senator Bob,’ as he was called, was one of my best friends in the General Assembly. He and Mrs. Carpenter were my next door neighbors in the Legislative Office Building, so I became pretty close to him, to say the least. I can tell you, he was one of the finest people I ever knew – and also Helen Carpenter as well – Mrs. Carpenter. He was one of our far west senators from Franklin, and he used to say, ‘I’m closer to four or five state capitols than I am to Raleigh’ – and Senator Davis could tell us whether it was four or five. At any rate, it’s very far that way, and what amazed me was that when he and Mrs. Carpenter would drive home every weekend, by the time they got to Hickory – which is my home town – they were halfway home, which shows you the amazing breadth of this state, geographically. Senator Carpenter was a great Christian, and when I think of him, the main thing I think about is what a Christian he was. He managed the legislative chapel program for many years. He was also a big fan and, I think, a friend of Billy Graham. He was a champion in the fight against cancer and worked very hard for cancer research. There was a personal reason for that, namely, that he lost his first wife and also three daughters to cancer. I thought so many times about the psychological strength – the faith – that it must take to survive such a tragedy. It really astounds me. I can barely comprehend the character of a person who could survive that. He has a huge family with numerous grandchildren and great-grandchildren. I hope a lot of them are here today, at any rate, I believe Mrs. Carpenter is. I would just like to say thank you, Senator Bob, for the friendship you gave me and all the members of the General Assembly. And Helen, thank you for your friendship and for what both of you have done for the State of North Carolina and your community. Thank you.”

Senator Rucho: “When I first came to the General Assembly, Senator Bob took me aside and put his arm around me, and he said, ‘You know, anything you need from me, I’ll be delighted to share what I know and whatever I can do to help you to make your time here better.’ There was no doubt about it, whenever I needed to ask a question, I went to Senator Bob and asked him advice and what was going on. He was, again, one of the great advocates for the Western part of the state, and that will be missed tremendously. It was always nice to see Senator Bob and Helen whenever they were either coming or going; they were always together. It was a real treat – something that I hope my wife and I will have through the years. But I want to say thank you to Miss Helen very much for sharing Bob with us and for allowing us to be a friend. Thank you very much, Helen.”

Senator Brock: “I knew Senator Bob in a few different ways: I knew him when I was an intern on staff here – and the respect he gave to staff and the way he treated us; and as a student – to find what was affecting the young people of

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North Carolina and that our thoughts were heard by him. And also, when I went to school at Western Carolina – it was kind of interesting – he would be up there all the time as well, and we would talk about the travel between Franklin and Raleigh – about covering that distance – but he and Helen, as a dynamic duo, were back and forth, back and forth, representing people back home and being here in Raleigh. But it was interesting, after he left the Senate – I'll just say this about his boundless energy: a friend of mine, they were looking for a business expansion up in the mountains, and they were looking up in his town about moving and increasing some operations up there, and I said, 'Well, give Senator Bob a call. He'll help you out as much as he can because he never turns down anybody asking for help.' And I told him about Senator Bob and Helen – how long he'd served here – and I said, 'Now, Bob is in his 80's, and I just hope you can keep up.' He said, 'Yeah, yeah, yeah, yeah...' He called me back a couple of days later; he said after one day spent with Bob, traveling around the area, he was worn out and slept for about 12 hours in the hotel. He said, 'I can't keep up with him.' I think it just shows what Bob was willing to do to help people – help people of his community – of his area – of increasing jobs, I think that was about 100 some jobs that came out of that endeavor, but he never stopped working for the people. And I know that his faith was strong and his love for North Carolina was strong as well. I know his love for his children, and especially for Miss Helen, was strong – that we could all look up to it and emulate. And we were just proud to share him over all these years.”

Senator Hartsell: “Members of the Senate, on the other side of Bob Carpenter was me. Austin had one side of the office, and I was on the other for about ten years. One thing I remember most about Senator Bob was his simple, gentle spirit – going out on virtually every Wednesday night with him and Helen and having dinner, talking about family and friends – how much those family and friends meant to them, how much this Senate meant to them, how much Western North Carolina meant to them because it was always them. I also remember that when I first came down here, probably my best friend in the Senate was a fellow by the name of Clark Plexico, who was a Democrat from the mountains, as I know some of you may remember. Senator Bob could never figure out how I could become a friend of Clark Plexico, a Democratic Senator from the mountains. He finally forgave me. We actually got to be really close friends after that. He also became a good friend of Senator Clodfelter because Senator Clodfelter helped him out of a bunch of pinches on some finance bills sometimes, and I think he genuinely appreciated that. But there was a real contrast in Senator Bob, even when he went home. About a year and a half ago, my wife was speaking at a church in Sylva where I got to sit between Orville Coward and Phil Haire on Sunday morning, and you know, the two of them – that's the biggest Republican in Jackson County and probably the biggest Democrat in Jackson County. Senator Bob's the one who, I think, arranged that prospect, and then we went down to see Bob and Helen at their home. Helen, I think, had been ill, and Bob was caring for her, and the nature and level and extent of their love was extraordinary. I also remember the occasion some years ago when Bob arranged a fundraiser for himself; I believe it was in Sylva. He

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invited me up, or more particularly, Helen invited me up, and my wife and I went up, and we visited, and what struck me was, can you imagine listening to a Mariachi band in Sylva, North Carolina, at a high school, trying to raise money for Bob Carpenter? The contrast was just amazing. But as has already been said, Bob and Helen cared for their family, they cared for their state, they truly cared for their faith, and I really miss him. And, Helen, you call me at 11 o'clock any night that you jolly well want to."

Senator Bingham: "Bob Carpenter – he and I became friends in my service here. He began to call me 'Banjo Picker;' he realized that I had gotten here from playing in Blue Grass bands, etc. And, of course, one of the things that we talked about, which always inspired me about Bob, among many of the things, was his skills as an aircraft pilot. He flew during World War II on aircraft carriers. I had a little plane at the time and was not much of a pilot – practically zero skills – but always admired him and the courage he had and the skills and coordination he had in flying off aircraft carriers. At the time when he was serving – I talked to him at length about the training he had – and, of course, they were in desperate need of pilots, so they got those who were courageous and brave enough to make an effort at trying it with little or no training. Tom, you may have spoken to him about some of this, I don't know, but anyway, Bob was always a strong believer and supporter of the underdog. It didn't matter who or what or when or where. I know in particular, young girls who had become pregnant and may have been criticized, etc. – Bob was a strong believer and helpful in passing very important legislation here for these young girls who, in fact, were in terrible straits, and even several throughout the state had committed suicide. So Bob at length spoke on those who were underdogs, and I truly mean that. And Senator Hartsell and I and several others – Bob was always very conservative – and you know how well we liked to go eat, especially myself. Well, Bob was the same way, so we found the cheapest restaurant – even cheaper than Roast Grill – in one section of Raleigh, and we'd go practically every week. I just became very good friends with Bob and greatly admire and respect him for what he did because the drive he had – as Jim does – hours and hours and hours – and, you know, I whine and complain about a two-hour drive, and then after talking to Bob and the things he had to go through, never again did I complain. Anyway, God bless you, Bob and Helen. You've been an inspiration to me and many others in this chamber, and we truly, greatly appreciate him and all the things he's done – for the service to this country and the bravery and courage he had. Thank you, Ladies and Gentlemen."

Senator Dannelly: "When I came here my first term, I met Bob and Mrs. Carpenter. They both had this genuine smile on their faces. And Bob extended his hand and gave me an invitation to the prayer service that you all have and with a smile said, 'If there is anything I can do to help you, just let me know.' And I sat over in my corner and watched him having fun with Senator Fletcher and others around, and the one thing I noticed about him: he was certainly a statesman and a gentleman. I found out that he and Mrs. Carpenter were true people of faith. If they couldn't help you, they would not hurt you. And we all

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have to go on the journey that he's gone on, but he did leave an example for us to follow. I appreciate his service and thank his family for sacrificing him to us."

Senator Nesbitt: "I wasn't able to serve but about a half a year in the Senate with Bob Carpenter, but I served 14 of those 16 years with him altogether in the House. Back in the 80's and 90's, those of us in the West stuck pretty close together. We were good friends, and we met fairly regularly. Back then, most of us were Democrats and a few were Republicans; now a lot of you are Republicans and a few of us are Democrats. Bob was always a part of the family – and Helen. I mean, we'd go to dinner; it would be all us fellows and Helen – and she was the most enlightened one in the crowd! I think you've heard from these people here today – he had a strong streak of populism, and when he would see something go wrong, he would absolutely tear this building down to fix it. Senator Bingham was talking about pregnant girls. We had a young lady at Western Carolina who had a child and killed it. He spent the next two or three years down here convincing the rest of us that we needed to have a statute to allow people to abandon children, and it's on the books today. You are allowed to come in and turn your child over to the proper people so that people like that have a way out. I've met several people since I've been in the General Assembly that I – Gordon Greenwood, that served with me in the House, that, you know, he was a similar type of fellow to Bob Carpenter, and I describe them both as two of the nicest people that I've ever known. I've come to understand from learning a little history down here that possibly being part of that greater generation just made people that way, altruistic, very caring about their fellow man. They had that ability that Charlie was talking about – to pick around and figure out the good things you were doing. He left here in '04 when I had just gotten to the Senate. I don't think a year's gone by that I haven't had a call from the Carpenters. They'd really have to hunt hard to find something that year I did that they liked, but that's all they wanted to talk about, that I'd done a good thing. They are the type of people that we all should try to be. Nothing's too little to them; they take the time that we all should take for people that we know and care about in this world, and it was great to have him as a friend."

Senator Apodaca: "Martin, very well done, and I just want to echo some of the thoughts of Martin and Charlie, and I want to speak to the pages here today – the young people. You know, you're at the age where you think you're going to live forever, and as you get older, you're going to find out that's not necessarily true. Some of us think we are, but we're really not! We have members in here that are facing life threatening diseases right now, and life is precious and short. But you never would have known that with Bob and Helen Carpenter. You think about Bob – and I thought about it for the last couple of days – and I could not think of one ugly thing to say about Bob Carpenter. He has to be one of the finest men I've ever met in my life, and, as you know, I can think of bad things about a lot of people – most everybody in this room, but Bob was not one of those. He was a good man. He was an honest man and he loved people; he loved Western North Carolina like no other. Martin, I guarantee you, when you got that complimentary call, it was probably 10:30 or 11:00 at night. Helen called me a

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couple of weeks ago, about quarter to 11, and it was sure good to hear from her. It really was. She's a good lady; that is a great family. Here's a story that goes back about – goodness – about 15 years ago. A lot of you – Martin, you'll probably be upset by this – but our dear friend, Peter Hans – Helen called me, and Bob was thinking about not running for office or stepping down, retiring, and wanted to know if I'd be interested, and that is the first time in my life I ever thought about being in the North Carolina Senate, and I don't know if it's good or bad, but I thank Senator Bob for that call and that confidence. And Peter wanted me to extend to you his congratulations on this resolution and his apologies that he couldn't be here today. But if we leave life and nobody can think of anything bad to say about us, isn't that something. Thank you."

Senator Berger: "Members of the Senate, I'd just like to add a couple of things, and I don't know that I can add too much to what's already been said. But in the course of serving in the Senate, I, like you, have met a lot of very impressive people and have met a lot of people who have done great things for the State of North Carolina, but I don't know that I have met a finer person than Bob Carpenter, and I think the words of the members bear that out. In the gallery today, and upon the motion of Senator Jim Davis of Macon County, we would like to recognize Helen Carpenter, wife of former Senator Bob Carpenter. Helen, if you would stand. Her grandson, Jeremiah; family friend, Elaine Funderburk; and Bill Edwards, Senator Carpenter's nephew. Thank you for being here, and Helen, thank you for sharing Bob with us for all those years."

The Joint Resolution passes its second reading (43-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM 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** on April 5, 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 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**.

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Upon motion of Senator Apodaca, seconded by Senator Dannelly, the Senate adjourns at 2:56 p.m., subject to the introduction of bills and resolutions and receipt and referral of committee reports, to meet Wednesday, May 23, 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 Pate:

S.B. 832, A BILL TO BE ENTITLED AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

Referred to the **Health Care Committee**.

By Senator Pate:

S.B. 833, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONVEYANCE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

By Senator Pate:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

Referred to the **Health Care Committee**.

By Senator Pate:

S.B. 835, A BILL TO BE ENTITLED AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

Referred to the **Health Care Committee**.

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By Senator Brown:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS AND THE AFFORDABILITY OF PROPERTY INSURANCE FOR LOW-INCOME HOMEOWNERS BY REQUIRING THAT MORE THAN ONE CATASTROPHE MODEL BE USED TO ESTIMATE POTENTIAL LOSSES FOR PURPOSES OF A RATE FILING; AND BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL; AND BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING FOR A PREHEARING CONFERENCE FOR THE COMMISSIONER OF INSURANCE TO SCRUTINIZE CATASTROPHE MODELING WHEN SUCH MODELING IS THE BASIS FOR ANY FACTOR IN A RATE FILING FOR WHICH THE COMMISSIONER HAS ISSUED A NOTICE OF HEARING; AND BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW; AND BY REQUIRING THAT, WHEN THE COST OF REINSURANCE IS INCLUDED AS A FACTOR IN A PROPOSED RATE, CERTAIN SUPPORTING INFORMATION BE PROVIDED AND THAT THE FILING INCLUDE ONLY THE REINSURANCE COST SPECIFIC TO PROPERTY INSURANCE LOSSES IN NORTH CAROLINA; AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON PROPERTY INSURANCE RATE MAKING.

Referred to the **Insurance Committee**.

By Senator Hartsell:

S.J.R. 837, A JOINT RESOLUTION EXPRESSING THE OPINION OF THE GENERAL ASSEMBLY THAT THE LOCAL PROVISION OF WORKFORCE INVESTMENT ACT SERVICES SHOULD BE STREAMLINED BY REALIGNING LOCAL WORKFORCE DEVELOPMENT AREAS WITH THE BOUNDARIES OF COUNCILS OF GOVERNMENTS ESTABLISHED PURSUANT TO G.S 160A-470, AS RECOMMENDED BY THE PROGRAM EVALUATION DIVISION AND ENDORSED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senator Hartsell:

S.B. 838, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE STATUTORY FORM SET FORTH IN G.S. 1C-1603 SO

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THAT THE FORM CORRESPONDS WITH THE SUBSTANCE OF G.S. 1C-1601, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Jackson:

S.B. 839, A BILL TO BE ENTITLED AN ACT TO REFORM THE MANAGEMENT AND OVERSIGHT OF STATE-OWNED MOTOR VEHICLES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Program Evaluation Committee**.

By Senator Hartsell:

S.B. 842, A BILL TO BE ENTITLED AN ACT (1) TO PROHIBIT LOCAL SCHOOL ADMINISTRATIVE UNITS FROM ASSESSING INDIRECT COSTS TO A CHILD NUTRITION PROGRAM UNLESS THE PROGRAM IS FINANCIALLY SOLVENT AND (2) TO APPROPRIATE FUNDS TO PROMOTE OPTIMAL PRICING FOR CHILD NUTRITION PROGRAM FOODS AND SUPPLIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 843, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING

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TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

By Senator Hartsell:

S.B. 844, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 845, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 846, A BILL TO BE ENTITLED AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

By Senator Hartsell:

S.B. 847, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senators McKissick and Atwater (Primary Sponsors):

S.B. 848, A BILL TO BE ENTITLED AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS.

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

By Senators Goolsby (Primary Sponsor); Allran, Blake, Brown, Daniel, Davis, Hunt, Jackson, Meredith, Newton, Preston, Rabon, Soucek, Tillman, Tucker, and Westmoreland:

S.B. 849, A BILL TO BE ENTITLED AN ACT TO AMEND THE SALARY CONTINUATION LAWS TO PROVIDE THAT ONLY OFFICERS INJURED AND INCAPACITATED AS THE RESULT OF EXTREME ACTIVITY IN THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES RECEIVE A HIGHER COMPENSATION RATE FOR THE TWO-YEAR PERIOD BEFORE REVERTING TO THE RATES PROVIDED UNDER THE WORKERS' COMPENSATION LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

Referred to the **Insurance Committee**.

By Senators Brown, Goolsby, Rabon (Primary Sponsors); and Jackson:

S.B. 850, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON FISH AND WILDLIFE.

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

By Senators Brown, Rouzer, Soucek (Primary Sponsors); Jackson and Rabon:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES, REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS, AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE.

Referred to the **Program Evaluation Committee**.

By Senators Daniel and D. Berger (Primary Sponsors):

S.B. 852, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE FRAUD UNIT OF THE INDUSTRIAL COMMISSION TO THE DEPARTMENT OF INSURANCE ALONG WITH ALL APPROPRIATIONS MADE TO THAT UNIT.

Referred to the **Insurance Committee**.

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BILLS HELD AS FILED

Bills filed are disposed of as follows:

By Senator Hartsell:

S.B. 853, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL PLATE TO COMMEMORATE THE 50TH ANNIVERSARY OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

Held as filed.

By Senators McKissick, Bingham, and Brown (Primary Sponsors):

S.B. 854, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO SELL, PURCHASE, INSTALL, POSSESS, TRANSFER, USE, OR ACCESS AN AUTOMATED SALES SUPPRESSION DEVICE.

Held as filed.

By Senator Clodfelter:

S.B. 855, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TRIAL JUDGE MAY DENY A MOTION FOR COMPLETE RECORDATION OF PROCEEDINGS IN NON-CAPITAL CASES.

Held as filed.

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

ONE HUNDRED AND FOURTEENTH DAY

Senate Chamber
Wednesday, May 23, 2012

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 know the plans you have for us, to give us a future and a hope. We, your servants, we don't need to worry – despite division, despite confusion, despite perception. Lord, in your strength, you will restore to Israel our fortunes, and you will provide cattle on a thousand hills. You say that you will restore the fortune of Jacob's tents and have compassion on his dwellings. The city will be rebuilt on her ruins, and the palace will stand in its proper place. And so these

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plans lead to peace, Lord, the peace that surpasses understanding. Breathe on this beloved body, and encourage these brothers and sisters through the power of your Holy Spirit, and bring about the peace that only exists in you. In Christ's name we pray, Amen."

The Chair grants leaves of absence for today to Senator Blue, Senator Hise, and Senator Jones.

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

The Chair extends privileges of the floor to Misty Kargi 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 Allran for the **Judiciary II Committee**:

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, 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 70272, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11322, is adopted and engrossed.

CALENDAR

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

S.B. 798, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO

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ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE, upon second reading.

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. 816, A BILL TO BE ENTITLED AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, upon second reading.

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 engrossed and sent to the House of Representatives.

H.B. 803 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A COURT TO ASSESS ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDERS, upon second reading.

The Senate Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

S.B. 820, A BILL TO BE ENTITLED AN ACT TO (1) ESTABLISH AN OIL AND GAS BOARD WITH JURISDICTION AND AUTHORITY OVER MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, AND DIRECT THE BOARD TO CREATE A MODERN REGULATORY PROGRAM FOR MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (2) AUTHORIZE THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THE PURPOSE OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE AND PLACE A MORATORIUM ON PERMITTING RELATED TO THOSE PROCESSES UNTIL JULY 1, 2014; (3) ENACT VARIOUS OTHER PROVISIONS RELATED TO MANAGEMENT OF OIL AND GAS EXPLORATION ACTIVITIES, INCLUDING PROVISIONS RELATED TO LOCAL GOVERNMENT AUTHORITY OVER THESE ACTIVITIES; (4) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY WITH LEGISLATIVE OVERSIGHT OF ALL MATTERS

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RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, AND OTHER ENERGY-RELATED ISSUES; (5) DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO PURCHASE SCHOOL BUSES THAT OPERATE ON COMPRESSED NATURAL GAS (CNG); (6) DIRECT THE DEPARTMENT OF TRANSPORTATION TO PURCHASE NEW THREE-QUARTER TON PICKUP TRUCKS AND NEW ONE-HALF TON PICKUP TRUCKS THAT OPERATE ON COMPRESSED NATURAL GAS (CNG) OR COMPRESSED NATURAL GAS (CNG) AND GASOLINE; (7) CREATE AN INTERAGENCY TASK FORCE TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS FOR THE CONSTRUCTION AND DEVELOPMENT OF COMPRESSED NATURAL GAS (CNG) FUELING INFRASTRUCTURE; (8) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS; (9) ENSURE THE USE OF FUEL-EFFICIENT AND COST-EFFICIENT RETREAD TIRES ON STATE VEHICLES; AND (10) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ENERGY ISSUES POLICY COMMITTEE, referred to the **Agriculture/Environment/Natural Resources Committee** on May 21.

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 **Commerce 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 **Commerce Committee**.

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** on June 6, 2011.

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

The Chair orders the Committee Substitute bill withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-refers the measure to the **Commerce 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

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ILLNESS, IN A MANNER CONSISTENT WITH THE FIRST EVALUATION PILOT PROGRAM, referred to the **Rules and Operations of the Senate Committee** on May 12, 2011.

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 **Mental Health & Youth Services 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 **Mental Health & Youth Services Committee**.

The Senate recesses at 2:31 p.m., subject to the introduction of bills and resolutions, to reconvene at 3:00 p.m.

RECESS

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Davis (Primary Sponsor) and Pate:

S.R. 856, A SENATE RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT C. "BOB" CARPENTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senator East:

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

By Senators East, Jackson (Primary Sponsors) and Allran:

S.B. 858, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

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By Senator East:

S.B. 859, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN ARE HELD IN EVEN-NUMBERED YEARS BEGINNING IN 2012.

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

By Senators Vaughan (Primary Sponsor); Allran, Atwater, Bingham, Jackson, Kinnaird, Mansfield, McKissick, Meredith, Purcell, Robinson, Rouzer, and Walters:

S.B. 860, 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, VOLUNTEER FIRE DEPARTMENTS, OR RESCUE SQUADS IN CONFORMITY WITH FEDERAL GOVERNMENT CONTRACT SPECIFICATIONS.

Referred to the **Finance Committee**.

By Senators Vaughan, Robinson (Primary Sponsors); and Bingham:

S.B. 861, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HIGH POINT FURNITURE MARKET.

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

By Senators Vaughan and Robinson (Primary Sponsors):

S.B. 862, 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 Senator Brunstetter:

S.B. 863, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

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

By Senator Brunstetter:

S.B. 864, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS.

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

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By Senator Stevens:

S.B. 866, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

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

By Senators Newton (Primary Sponsor); Apodaca, Blake, Brock, Brown, Davis, Goolsby, Jackson, Mansfield, Meredith, Rucho, and Tillman:

S.B. 867, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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**.

By Senators Newton, Brown (Primary Sponsors); Bingham, Brock, Carney, Daniel, Davis, Goolsby, Hunt, Jackson, Meredith, Preston, Rucho, Stevens, Tillman, Tucker, and Westmoreland:

S.B. 868, A BILL TO BE ENTITLED AN ACT ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL.

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

By Senators Daniel, Newton, Carney (Primary Sponsors); Bingham, Blake, Davis, Goolsby, Meredith, Preston, Stevens, Tucker, and Westmoreland:

S.B. 869, A BILL TO BE ENTITLED AN TO ACT REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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 **Insurance Committee**.

By Senators Purcell (Primary Sponsor); Atwater, Dannelly, Garrou, Kinnaird, McKissick, Robinson, Stein, Tucker, Walters, and White:

S.B. 870, A BILL TO BE ENTITLED AN ACT IMPOSING AGE RESTRICTIONS ON THE USE OF TANNING EQUIPMENT IN TANNING FACILITIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

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

By Senators Purcell (Primary Sponsor); Atwater, Clodfelter, Dannelly, Garrou, Kinnaird, McKissick, Robinson, Stein, Walters, and White:

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S.B. 871, A BILL TO BE ENTITLED AN ACT TO RESTORE FUNDING FOR THE TEACHING FELLOWS PROGRAM.

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

By Senator Kinnaird:

S.B. 872, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE 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**.

By Senators Kinnaird (Primary Sponsor) and Gunn:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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.

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

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

S.B. 874, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL, AS RECOMMENDED BY THE ARTS EDUCATION COMMISSION.

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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 797 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR; AND TO REQUIRE PRIOR APPROVAL FROM THE GENERAL ASSEMBLY BEFORE ISSUING ANY REQUESTS FOR PROPOSALS OR ENTERING INTO ANY NEW CONTRACTS FOR

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THE OPERATIONAL OVERSIGHT OR MANAGEMENT OF HEALTH SERVICES FOR INMATES IN THE STATE PRISON SYSTEM, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, May 24.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1033, A JOINT RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar for immediate consideration, and debate is allowed on the resolution.

The Chair grants leaves of absence for the remainder of today's session to Senator Vaughan and Senator Walters.

Upon motion of Senator Pate, the remarks of Senator Goolsby are spread upon the journal.

Senator Goolsby: "It is my honor to rise today regarding this resolution, which expresses gratitude as the reading clerk just read to members of the military for their service honoring the memory of those who were killed. This is not Veterans Day, this is Memorial Day. It was originally started by a union general, John Long, under general order number eleven. It was originally called decoration day and that was the day that in Arlington National Cemetery, they honored the graves of both the union and the confederate soldiers. After World War I it was expanded to include all the military and all the wars that they lost their lives and then after World War II it became Memorial Day. I sat through the entire House recognition of this resolution and their reading clerk read all the names that are listed there and I ask you to please look at those starting at lines 26 and going all the way over the second page line 5. Those aren't just names on a list, those are Americans, those are North Carolinians who gave their all for us like many that went before us. I noticed there are a lot of young people on that list: Specialists, Lance Corporals. There is only one officer on that list. And that made me look back to the history and I was proud to serve my country as a United States Marine and it made me look back to a young man from Plymouth, North Carolina, and I would like to read you his Medal of Honor citation, if I can get through it all. His name is Jacklyn Harold Lucas. He was born in 1928. February 14, 1928. He died on February 20, 1945. We will talk about the math on that one in just a minute. Six days after his birthday. Let me read you, if I may Mr. President, the citation. It's a short one. 'For conspicuous gallantry and intrepidity, at the risk of his life above and beyond the call of duty while serving with first battalion twenty-sixth marines, fifth Marine division. During action

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against enemy Japanese forces on Iwo Jima volcano islands twenty 20 February 1945. While creeping through a treacherous, twisting ravine, which ran in close proximity to a fluid and uncertain front line on D plus one day. Private First Class Lucas and three other men were suddenly ambushed by a hostile patrol which savagely attacked with rifle fire and grenades. Quick to act when the lines of his small group were endangered by two grenades which landed directly in front of them. Private First Class Lucas unhesitatingly hurled himself over his comrades upon one grenade and pulled the other grenade under him absorbing the whole blasting force of the explosions in his own body in order to shield his companions from the concussion and murderous flying fragments. By his aspiring action and valiant spirit of self-sacrifice he not only protected his comrades from certain injury and possibly death but also enabled them to route the Japanese patrol and continue the advance.' Those dates I gave you, when you do the math on those, that young man from Plymouth, North Carolina was 16 when he showed up a few days before. He turned 17 six days prior to hurling himself on the first grenade, reaching out in the last moments of his life grabbing the second grenade and pulling it underneath him. That is what we're memorializing. That's the spirit of a fighting people in our state. Out of a young recently turned 17 year old Marine back in 1945 fighting the Japanese on Iwo Jima. I hope like me, all of you are going to spend Memorial Day at a cemetery somewhere before veterans speaking and memorializing these young people. I have the ability in Wilmington, pretty much every day that I'm not here to go to the court house and I see, a lot of times, Marines that are there dealing with issues. They are Marines after all. And it amazes me to watch those young Marines as they show up and I know Senator Brown sees a lot of them. And to see the medals that are on their chest. I served in the Marine Corps from 1984 to about 1988 and then I got called back for service during the first Gulf War and we didn't have people with the kind of medals and the kind of honors that these young people have nowadays. And when I see them, invariably I see a PFC or a Lance Corporal decked with medals and I'll stop and say, 'son how long have you been in the Marine Corps?' 'four years sir; three years' 'how many tours have you had?' And invariably it's more tours than years. It is unbelievable what these young men and women are doing in the line of duty these days and what they have done for us in the past. It is just my pleasure to ask for you to please vote for this resolution to honor all of the people that have served us over all these years. God bless North Carolina, God bless the United States of America, and God bless these young men and women."

The Joint Resolution passes its second reading (43-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered enrolled.

Upon motion of Senator Phil Berger, seconded by Senator Stevens, the Senate adjourns at 3:43 p.m., in memory of Chief Special Warfare Operator Christopher G. Campbell, Jacksonville, North Carolina; Captain Shawn P. T. Charles, Hickory, North Carolina; Specialist Junot M. L. Cochilius, Charlotte, North Carolina; Corporal Michael J. Dutcher, Asheville, North Carolina; Staff

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Sergeant Brandon F. Eggleston, Candler, North Carolina; Specialist Daniel L. Elliott, Youngsville, North Carolina; Specialist David Emanuel Hickman, Greensboro, North Carolina; Specialist Patrick L. Lay II, Fletcher, North Carolina; Lance Corporal Christopher P. J. Levy, Ramseur, North Carolina; Staff Sergeant Leon H. Lucas, Jr., Wilson, North Carolina; Staff Sergeant Christopher R. Newman, Shelby, North Carolina; Lance Corporal Nicholas S. O'Brien, Stanley, North Carolina; Staff Sergeant Ergin V. Osman, Jacksonville, North Carolina; Specialist Calvin M. Pereda, Fayetteville, North Carolina; Sergeant Colby Lee Richmond, Providence, North Carolina; and Sergeant Jeffrey C. S. Sherer, Four Oaks, North Carolina, subject to receipt of messages from the House of Representatives, receipt and referral of committee reports, and introduction of bills and resolutions, to meet Thursday, May 24, at 11:00 a.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 745 (House 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; AND TO ALLOW THE ABC COMMISSION TO GRANT A WAIVER ALLOWING THE GENERAL MANAGER OF A LOCAL BOARD TO ALSO BE THE FINANCE OFFICER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, May 24.

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

ONE HUNDRED AND FIFTEENTH DAY

Senate Chamber
Thursday, May 24, 2012

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:

"The Lord is my shepherd, I shall not want. He makes me lie down in green pastures and leads me beside still waters. He revives my soul. He guides me along right pathways for His name's sake. Though I walk through the valley of the shadow of death, I shall fear no evil. For you are with me, the rod and your staff, they comfort me. You spread a table before me in the presence of those who trouble me. You have anointed my head with oil and my cup is running over. Surely your goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever, Amen."

PLEDGE OF ALLEGIANCE

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

The Chair grants leaves of absence for today to Senator East, Senator Jones, Senator Preston, and Senator Robinson.

Senator Apodaca announces that the Senate Journal of Wednesday, May 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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 Brandy Ellis from Lumberton, North Carolina, and Jennifer Caulder from Lumberton, North Carolina, who are serving the Senate as Nurses of the Day.

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ENROLLED JOINT 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. 1033, A JOINT RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY. (Res. 2)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 806, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, with a favorable report.

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

By Senator Brunstetter for the **Judiciary I 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, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 29.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70285, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar for Tuesday, May 29.

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CALENDAR

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

H.B. 345 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MOVE-OVER LAW TO INCLUDE ALL HIGHWAY MAINTENANCE VEHICLES AND UTILITY VEHICLES, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Phil Berger.

The Senate Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 745 (House 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; AND TO ALLOW THE ABC COMMISSION TO GRANT A WAIVER ALLOWING THE GENERAL MANAGER OF A LOCAL BOARD TO ALSO BE THE FINANCE OFFICER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Allran, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 797 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; TO PROHIBIT THE

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DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR; AND TO REQUIRE PRIOR APPROVAL FROM THE GENERAL ASSEMBLY BEFORE ISSUING ANY REQUESTS FOR PROPOSALS OR ENTERING INTO ANY NEW CONTRACTS FOR THE OPERATIONAL OVERSIGHT OR MANAGEMENT OF HEALTH SERVICES FOR INMATES IN THE STATE PRISON SYSTEM, for concurrence in the House Committee Substitute bill.

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

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor by special message.

CALENDAR REFERRALS

Upon motion of Senator Apodaca, all bills placed on tomorrow's calendar will be removed and placed on the calendar of Tuesday, May 29, 2012.

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.

ENROLLED BILL

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

S.B. 797, A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR; AND TO REQUIRE PRIOR APPROVAL FROM THE GENERAL ASSEMBLY BEFORE ISSUING ANY REQUESTS FOR PROPOSALS OR ENTERING INTO ANY NEW CONTRACTS FOR THE OPERATIONAL OVERSIGHT OR MANAGEMENT OF HEALTH SERVICES FOR INMATES IN THE STATE PRISON SYSTEM.

ADDITIONAL SPONSOR

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

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S.B. 869, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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 Apodaca, seconded by Senator Stevens, the Senate adjourns at 11:26 a.m., subject to the ratification of bills, the introduction of bills and resolutions, reading of a Senatorial Statement, and the receipt and referral of committee reports, to meet Friday, May 25, at 9:00 a.m.

A SENATORIAL STATEMENT

Recognizing the Women Veterans of Coastal North Carolina Organization

Submitted by Senator Jean Preston

WHEREAS, in January of 2011, the Women Veterans of Coastal North Carolina organization was established to bring together women veterans and active duty service members to share information regarding services and benefits available to veterans, to acknowledge the role women have played in protecting this country's freedom, and to preserve the history of women veterans; and

WHEREAS, the Women Veterans of Coastal North Carolina celebrated its first anniversary in January 2012; and

WHEREAS, since its inception, the organization has grown from three to 44 members, including veterans and active duty service members from Carteret, Craven, Onslow, and Pitt Counties representing all branches of the military; and

WHEREAS, the organization has seven women who served during World War II, five of whom were able to participate in the May 2011 Flight of Honor; and

WHEREAS, in 2011, the organization was the first all-female unit to participate in the Morehead City Veterans Day Parade; and

WHEREAS, the organization is active in the community, participating in programs at local schools during Women's History Month and other times of the year; and

NOW, THEREFORE, the North Carolina Senate congratulates the members of the Women Veterans of Coastal North Carolina on the organization's first anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 24th day of May, 2012.

S/Sarah Clapp
Senate Principal Clerk

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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 Pate:

S.B. 875, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

By Senator Carney:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

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

By Senators Hise, Soucek (Primary Sponsors); and Brock:

S.B. 877, 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, AS RECOMMENDED BY THE LRC COMMITTEE ON EFFICIENCIES IN STATE GOVERNMENT.

Referred to the **Program Evaluation Committee**.

By Senators Hise, Soucek, and Brock (Primary Sponsors):

S.B. 878, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ENTERPRISE-WIDE BUSINESS INTELLIGENCE AS A KEY COMPONENT OF ALL STATE GOVERNMENTAL OPERATIONS IN ORDER TO MAXIMIZE DATA INTEGRATION AND ANALYTICS, THEREBY YIELDING MORE EFFICIENT GOVERNMENT AND ADVANCING INNOVATION IN NORTH CAROLINA, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON EFFICIENCIES IN STATE GOVERNMENT.

Referred to the **Program Evaluation Committee**.

By Senators Hise, Soucek (Primary Sponsors); and Brock:

S.B. 879, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE EFFICIENCY AND COST SAVINGS IN STATE GOVERNMENT STUDY COMMISSION, AS RECOMMENDED BY THE LRC COMMITTEE ON EFFICIENCIES IN STATE GOVERNMENT.

Referred to the **Program Evaluation Committee**.

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By Senators Goolsby (Primary Sponsor); Brown and Newton:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); Brown and Newton:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

Referred to the **Judiciary I Committee**.

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

S.J.R. 882, A JOINT RESOLUTION EXPRESSING GRATITUDE TO THE MEMBERS OF THE MILITARY FOR THEIR SERVICE AND HONORING THE MEMORY OF THOSE KILLED IN THE LINE OF DUTY.

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

By Senator Jenkins:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES.

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

By Senator Hunt:

S.B. 884, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE.

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

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By Senator Westmoreland:

S.B. 885, A BILL TO BE ENTITLED AN ACT RELATING TO CLEVELAND AND RUTHERFORD COUNTIES.

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

By Senators Harrington (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Meredith, Rabon, and Rouzer:

S.B. 886, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, and Rouzer:

S.B. 887, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, Rouzer, and Westmoreland:

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO THE STATE GOVERNMENT ETHICS ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, and Rouzer:

S.B. 889, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION ON AN AREA THAT CAN BE REPRESENTED BY A RURAL PLANNING ORGANIZATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, and Rouzer:

S.B. 890, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS,

AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, and Rouzer:

S.B. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Meredith, Rouzer, and Harrington:

S.B. 892, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Goolsby, Harrington, Meredith, Rouzer, and Westmoreland:

S.B. 893, A BILL TO BE ENTITLED AN ACT TO ENSURE THE PRIVACY OF TOLL DATA COLLECTED BY THE DEPARTMENT OF TRANSPORTATION THROUGH THE NORTH CAROLINA TURNPIKE AUTHORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

By Senators Rabon, Kinnaird (Primary Sponsors); Harrington and Davis:

S.B. 894, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX THE SALE OF MEDICINE AND DEVICES SOLD ON PRESCRIPTION BY VETERINARIANS FOR THE TREATMENT OF ANIMALS.

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, Carney, Davis, Goolsby, Harrington, Meredith, Rouzer, and Westmoreland:

S.B. 895, A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO ELIMINATE A REQUIREMENT TO LIST RACE ON DRIVERS LICENSES, AND TO

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DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Referred to the **Transportation Committee**.

ENROLLED BILL

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

S.B. 745, 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; AND TO ALLOW THE ABC COMMISSION TO GRANT A WAIVER ALLOWING THE GENERAL MANAGER OF A LOCAL BOARD TO ALSO BE THE FINANCE OFFICER.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 810, A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES

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ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) REQUIRE AGENCIES TO GIVE WRITTEN NOTICE BEFORE AUDITING OR EXAMINING A BUSINESS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM 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 15231, which changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE

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RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar for Tuesday, May 29.

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

ONE HUNDRED AND SIXTEENTH DAY

Senate Chamber
Friday, May 25, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Neal Hunt, Senator from Wake County.

Prayer is offered by The Honorable Dan Blue, Senator from Wake County, as follows:

“God, you told us, ‘If my people who are called by my name shall humble themselves and pray and seek my face and turn from their wicked ways,’ that ‘I will hear from heaven and will forgive their sin and will heal the land.’ You lifted us up, God, to represent your people in this democracy, so humbleness, sometimes, is a tough act. But as we begin this Memorial Day, commemorating those who paid the ultimate price to protect us from the enemy without, we ask you to give us wisdom and resolve so that we may be willing to fight to protect us from the enemy within. May we be willing to sacrifice our comfort, our egos, our power, our parties, and all that is passing among us so that in all we do, we seek justice, fairness, equality, freedom, and love. For these and other things, we ask, dear God, in thy Holy name, Amen.”

Senator Stein announces that the Senate Journal of Thursday, May 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

Upon motion of Senator Stein, seconded by Senator Blue, the Senate adjourns at 9:04 a.m. to meet Tuesday, May 29, at 5:00 p.m.

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ONE HUNDRED AND SEVENTEENTH DAY

Senate Chamber
Tuesday, May 29, 2012

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

Prayer is offered by The Reverend James D. Ewing of Community Presbyterian Church of Pinehurst, North Carolina, as follows:

“Heavenly Lord, as we return to work after a weekend dedicated to remembering those that have given their very lives for the gift of our freedom, we pause to give you thanks, understanding that you are the great author of freedom. Lord, we know that you are present now, and so I raise before you the Senators and staff assembled here today who are each called to serve the people of this great state. Be with them, we humbly pray, for they need your wisdom and guidance now as they engage in the many challenges that face our government. You have called them to lead, and we have affirmed that call by electing them and entrusting them to faithfully follow that calling. Inspire our Senators, O Lord, with unyielding leadership and courage. Grant them the clarity, the passion, and the conviction to champion the great causes of justice and mercy which you call each of us to. May this house of law forever be a sanctuary of hope. For it is truly in thy name that we pray, Amen.”

The Chair grants leaves of absence for tonight to Senator Blue, Senator Clodfelter, Senator Jenkins, Senator Jones, and Senator Kinnaird.

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

The Chair extends privileges of the floor to Racheal Shaddeau from Grandy, North Carolina, and Carol Womble from Greensboro, North Carolina, who are serving the Senate as Nurses of the Day.

SENATE PAGES

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

Sarah Ammons, Fayetteville; Morgan Best, Mount Olive; Max Britt, Winston-Salem; Kris Brown, Lincolnton; Devin Burse, Raleigh; Tyler Coe, Denton; Paden Earnhardt, Raleigh; Autumn Fulton, Pleasant Garden; Travis Gillespie, Aberdeen; Jeremy Glover, Bailey; Jonathan Glover, Bailey; Leanne Gosey, Mooresboro; Abigail Griffith, Minneapolis; Jaylyn Harvey, Fayetteville;

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Melinda Hobbs, Gaston; Elaine Kearney, Pinehurst; Mallory Lowe, Trinity; Jeffrey Masar, Pinehurst; Jennifer Quick, Warrenton; Sofie Stein-Montalvo, Raleigh; and Lauren Strickland, Ellenboro.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Allran for 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, with a favorable report.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30595, is adopted and engrossed.

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

S.B. 795, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 65125, which changes the title to read **S.B. 795** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER

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LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, is adopted and engrossed.

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

WITHDRAWAL FROM 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** on June 10, 2011.

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**.

CALENDAR

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

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND

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REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Wednesday, May 30.

H.B. 517 (Senate 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, upon second reading.

The Senate Committee Substitute bill passes its second reading (43-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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, upon second reading.

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.

ADDITIONAL SPONSOR

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

S.B. 795, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR START AND END DATES; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY

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INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; END TENURE; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 5:19 p.m., subject to receipt of messages from the House of Representatives, receipt and referral of committee reports, and introduction of bills and resolutions, to meet Wednesday, May 30, at 2:00 p.m.

A BILL HELD AS FILED

A bill filed is disposed of as follows:

By Senators Rabon (Primary Sponsor) and Harrington:

S.B. 896, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONTINUED ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE PLATE BACKGROUND DESIGNS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

Held as filed.

INTRODUCTION OF BILLS

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

By Senators Brunstetter (Primary Sponsor); Apodaca and Brock:

S.B. 897, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL.

Referred to the **Finance Committee**.

By Senator Jenkins:

S.B. 898, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE MARTIN COUNTY BOARD OF EDUCATION TO CONVEY THE BEAR GRASS SCHOOL PROPERTY TO THE TOWN OF BEAR GRASS ON A LEASE-TO-PURCHASE BASIS FOR SPECIFIED CONSIDERATION.

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

By Senators Atwater and McKissick (Primary Sponsors):

S.B. 899, A BILL TO BE ENTITLED AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS.

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

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By Senators Rabon (Primary Sponsor); Bingham, Carney, Davis, Harrington, and Rouzer:

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY.

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

By Senators Rabon (Primary Sponsor) and Davis:

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH.

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

By Senators Newton, Jackson, Jones (Primary Sponsors); Daniel, Mansfield, Meredith, Rouzer, and Walters:

S.B. 902, A BILL TO BE ENTITLED AN ACT TO STUDY THE IMPOSITION OF TOLLS ON INTERSTATE 95 AND TO DELAY TOLLING UNTIL APPROVED BY THE GENERAL ASSEMBLY.

Referred to the **Transportation Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 941, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

Referred to the **Judiciary II Committee**.

H.B. 966, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

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

H.B. 1028 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE.

Referred to the **Finance Committee**.

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

ONE HUNDRED AND EIGHTEENTH DAY

Senate Chamber
Wednesday, May 30, 2012

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

Prayer is offered by Pastor Kirby Jones of Williams Grove Baptist Church of Raleigh, North Carolina, as follows:

“Heavenly Father, we come before you this day with hearts of thanksgiving. We are thankful for the goodness and mercy that you have showered upon all who have gathered here. We thank you for the innumerable blessings that you have bestowed on this great state and her great citizens. God, today we are especially thankful for the men and women who have assembled in this chamber to lead us, to watch over us, and to serve us. Help them to know that their strength and their power is ordained of you and that it is you who have brought them to such a place of abundant honor and tremendous responsibility. In all that they do, in every decision that they make, give them, this day, wisdom and understanding that can come only from you. Help them in every law and decree, every resolution and ordinance, to bring dignity and benefit to all the peoples of North Carolina – the rich and the poor, the great and the small. Lord, watch over these, our leaders and your servants, that their judgment be clear, that their resolve to do that which is right be firm, so that their verdicts might bring the blessings of quiet, peaceful, and prosperous lives to the citizens of North Carolina. Now, God, we commit all done in this chamber into your hands, so that the will of Heaven might be made done and manifest on earth this day. These things we ask in the name of that great shepherd, our Lord and Savior Jesus Christ, Amen.”

The Chair grants leaves of absence for today to Senator Blue and Senator Newton.

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

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The Chair extends privileges of the floor to Racheal Shaddeau from Grandy, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

H.B. 778, AN ACT TO AMEND LAWS RELATING TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AND THE PRESERVATION OF BIOLOGICAL EVIDENCE.

H.B. 925, AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY.

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

H.B. 5, 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE 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. 797, AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR; TO PROHIBIT THE DRAWING DOWN OR TRANSFERRING OF MEDICAID DISPROPORTIONATE SHARE RECEIPTS OR OTHER FUNDS IF DOING SO WOULD CREATE OR INCREASE A FINANCIAL OBLIGATION IN THE 2012-2013 FISCAL YEAR; AND TO REQUIRE PRIOR APPROVAL FROM THE GENERAL ASSEMBLY BEFORE ISSUING ANY REQUESTS FOR PROPOSALS OR ENTERING INTO ANY NEW CONTRACTS FOR THE OPERATIONAL OVERSIGHT OR MANAGEMENT OF HEALTH SERVICES FOR INMATES IN THE STATE PRISON SYSTEM. (Became law upon approval of the Governor, May 24, 2012 - S.L. 2012-2.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Transportation Committee**:

S.B. 893, A BILL TO BE ENTITLED AN ACT TO ENSURE THE PRIVACY OF TOLL DATA COLLECTED BY THE DEPARTMENT OF TRANSPORTATION THROUGH THE NORTH CAROLINA TURNPIKE AUTHORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85280, is adopted and engrossed.

S.B. 895, A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO ELIMINATE A REQUIREMENT TO LIST RACE ON DRIVERS LICENSES, AND TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85282, is adopted and engrossed.

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

S.B. 795 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, 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, 35358, is adopted and engrossed.

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Pursuant to Rule 43, the Committee Substitute bill No. 2 is referred to the **Finance Committee**.

By Senator Rabon for the **Transportation Committee**:

S.B. 886, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

S.B. 889, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION ON AN AREA THAT CAN BE REPRESENTED BY A RURAL PLANNING ORGANIZATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

S.B. 890, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS, AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

S.B. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

S.B. 892, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

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, with a favorable report.

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

S.B. 805, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ISOTHERMAL COMMUNITY COLLEGE 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 65126, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80360, which changes the title to read **H.B. 503** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PARENTALLY SUPPLIED FOODS FROM NUTRITION STANDARDS AND EVALUATIONS, AND TO CLARIFY ELIGIBILITY AND REPEAL CO-PAY REQUIREMENTS FOR THE NC PRE-K PROGRAM, is adopted and engrossed.

CALENDAR

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

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE

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ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, upon second reading.

Senator Rouzer offers Amendment No. 1 which is adopted (48-0).

Senator East offers Amendment No. 2.

The President orders, without objection, the Committee Substitute bill, with Amendment No. 2 pending, temporarily displaced.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 806, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, with a favorable report.

S.B. 824, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE, with a favorable report.

CALENDAR *(continued)*

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, upon second reading.

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.

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H.B. 637 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION, upon second reading.

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

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, displaced earlier today, with Amendment No. 2 pending, upon second reading.

Senator East withdraws Amendment No. 2.

The Committee Substitute bill, as amended, passes its second reading (46-2).

Senator East objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Thursday, May 31, upon third reading.

The Senate recesses at 2:40 p.m., subject to the introduction of bills and resolutions, receipt of committee reports, and receipt of messages from the House of Representatives, to reconvene at 2:50 p.m.

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RECESS**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

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

S.B. 795 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, with a favorable report.

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

WITHDRAWAL FROM COMMITTEE

H.B. 966, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, referred to the **Education/Higher Education Committee** on May 29, with a sequential referral to the **Appropriations/Base Budget Committee**.

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**, with a sequential referral to the **Appropriations/Base Budget 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** with a sequential referral to the **Appropriations/Base Budget Committee**.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

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, 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 80371, which changes the title to read **H.B. 302** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXEMPTION FROM CHARITABLE LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES AND TO EXTEND THE SUNSET ON A WAIVER RELATING TO ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES, is adopted and engrossed.

Upon motion of Senator Phil Berger, seconded by Senator Doug Berger, the Senate adjourns at 3:11 p.m., subject to the ruling on a Senatorial Statement, receipt of messages from the House of Representatives, receipt and referral of committee reports, re-referral of bills, and introduction of bills and resolutions, to meet Thursday, May 31, at 12:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance 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, 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 80364, which changes the title to read **H.B. 391** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES AND TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, is adopted and engrossed.

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INTRODUCTION OF BILLS

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

By Senators D. Berger (Primary Sponsor); Atwater, Blue, Clodfelter, Dannelly, Graham, Jenkins, Kinnaird, Mansfield, McKissick, Purcell, Robinson, Stein, Vaughan, and White:

S.B. 903, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF PUBLIC HEALTH, FOR CONTINUED FUNDING OF PLANNED PARENTHOOD, INC., AND AFFILIATED ORGANIZATIONS; AND REPEALING THE PROHIBITION ON FUNDING FOR PLANNED PARENTHOOD DURING THE 2011-2013 FISCAL BIENNIUM.

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

By Senator White:

S.B. 905, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

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

By Senator White:

S.B. 906, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE.

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

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

S.B. 907, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, AS RECOMMENDED BY THE GOVERNOR AND INTRODUCED BY THE APPROPRIATIONS COMMITTEE CHAIRS PURSUANT TO G.S. 143C-5-1.

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

By Senators Brunstetter (Primary Sponsor) and Brock:

S.B. 908, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT

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AND THE VOTER-OWNED ELECTION ACT AND TO MAKE CONFORMING AND RELATED CHANGES.

Referred to the **Judiciary I Committee**.

By Senators Carney (Primary Sponsor) and Daniel:

S.B. 909, A BILL TO BE ENTITLED AN ACT TO INCREASE THE DEDUCTION TO ELIGIBLE RESCUE WORKERS.

Referred to the **Finance Committee**.

By Senators Atwater (Primary Sponsor); D. Berger, Bingham, Brock, East, and McKissick:

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A CHILD; TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO ASSIST WITH THE COST OF INCREASED PRISON BED CAPACITY; AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO HELP EDUCATE INVESTIGATORS AND DISTRICT ATTORNEYS REGARDING THIS TYPE OF CRIMINAL ACTIVITY AND THE LEGAL RESOURCES AVAILABLE TO FIGHT THESE CRIMES AND TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY.

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

By Senator Brown:

S.B. 911, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL GOVERNMENT UNITS TO ENROLL THEIR EMPLOYEES, RETIREES, AND DEPENDENTS IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, SUBJECT TO CERTAIN CONDITIONS.

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

By Senator Gunn:

S.B. 913, A BILL TO BE ENTITLED AN ACT TO EXPAND THE SALES TAX EXEMPTION FOR REPAIR PARTS AND ACCESSORIES SOLD TO AN INTERSTATE AIR BUSINESS.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Clodfelter:

S.B. 915, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION.

Referred to the **Program Evaluation Committee**.

By Senators McKissick and Atwater (Primary Sponsors):

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO

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THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED.

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

By Senator Preston:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRICT ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.

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

By Senator Tucker:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REPLACEMENT CYCLE ON SCHOOL BUSES AND TO REDUCE STATE EXPENDITURES FOR SCHOOL BUSES ACCORDINGLY.

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

By Senators Goolsby (Primary Sponsor) and Brock:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO ADD THE OFFENSE OF HUMAN TRAFFICKING TO THE LIST OF CRIMINAL CONVICTIONS THAT REQUIRE REGISTRATION UNDER THE SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM.

Referred to the **Judiciary I Committee**.

By Senator Goolsby:

S.B. 923, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT THE DIVISION OF CRIMINAL STATISTICS COLLECT TRAFFIC LAW STATISTICS.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); Brock and Hise:

S.B. 924, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A HANDGUN ON EDUCATIONAL PROPERTY THAT IS THE LOCATION OF BOTH A SCHOOL AND A PLACE OF WORSHIP DURING THE REGULARLY SCHEDULED HOURS OF WORSHIP, PROVIDED THOSE HOURS DO NOT COINCIDE WITH THE OPERATING HOURS OF THE SCHOOL.

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

By Senator Goolsby:

S.B. 925, 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 **Finance Committee**.

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By Senator Bingham:

S.B. 927, A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, 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.

Referred to the **Commerce Committee**.

By Senators Apodaca and Nesbitt (Primary Sponsors):

S.B. 929, A BILL TO BE ENTITLED AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND.

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

By Senators D. Berger and White, (Primary Sponsors); Daniel and Walters:

S.B. 931, A BILL TO BE ENTITLED AN ACT REQUIRING THE SECRETARY OF ADMINISTRATION, STATE AGENCIES, COUNTIES, AND CITIES WHEN PURCHASING GOODS TO GIVE A PRICE-MATCH PREFERENCE TO NORTH CAROLINA COMPANIES THAT MEET CERTAIN REQUIREMENTS, AND APPROPRIATING FUNDS TO ASSIST SMALL BUSINESS MANUFACTURERS IN EXPANDING EXPORT OPPORTUNITIES.

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

BILLS HELD AS FILED

Bills filed are disposed of as follows:

By Senators D. Berger (Primary Sponsor); Atwater, Blue, Clodfelter, Dannelly, Graham, Jenkins, Kinnaird, Mansfield, McKissick, Purcell, Robinson, Stein, Vaughan, and White:

S.B. 904, A BILL TO BE ENTITLED AN ACT REPEALING THE WOMAN'S RIGHT TO KNOW ACT AND PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM USING STATE APPROPRIATIONS TO MAINTAIN ANY REQUIREMENTS OF THE WOMAN'S RIGHT TO KNOW ACT.

Held as filed.

By Senator D. Berger:

S.B. 912, A BILL TO BE ENTITLED AN ACT TO MODIFY DRIVERS LICENSE FEES FOR SHORTENED DURATION LICENSES AND PERSONS WHO RETAKE THE ROAD TEST, TO AUTHORIZE THE

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DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL PLATE FOR MEMBERS OF THE HALIWA-SAPONI TRIBE, AND TO REQUIRE THE TIMELY COMPLETION OF THE U.S. 401 PROJECT FROM WAKE COUNTY INTO FRANKLIN COUNTY.

Held as filed.

By Senator Hartsell:

S.B. 914, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS AND TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES.

Held as filed.

By Senator McKissick:

S.B. 916, A BILL TO BE ENTITLED AN ACT TO TRANSFER FUNDS FROM THE SPECIAL REGISTRATION PLATE ACCOUNT TO THE SPAY/NEUTER ACCOUNT.

Held as filed.

By Senator McKissick:

S.B. 917, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPACE ON THE STATE INCOME TAX RETURN FOR INDIVIDUALS TO MAKE DONATIONS FOR SPAYING AND NEUTERING OF DOGS AND CATS IN ORDER TO HELP REDUCE THE POPULATION OF UNWANTED ANIMALS IN THE STATE.

Held as filed.

By Senator McKissick:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON GRANDPARENTS' VISITATION RIGHTS AND CHILD CUSTODY.

Held as filed.

By Senator Hartsell:

S.B. 926, A BILL TO BE ENTITLED AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

Held as filed.

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By Senator Tucker:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO STREAMLINE PUBLIC SCHOOL REPORTING REQUIREMENTS.

Held as filed.

By Senator Walters:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY; TO DIRECT HOW THE PROPERTY IS TO BE DISPOSED OF; AND TO AMEND THE STATUTORY RECOGNITION OF THE LUMBEE TRIBE OF NORTH CAROLINA.

Held as filed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 1015, A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE, AND THE INSURANCE REGULATORY CHARGE.

Referred to the **Finance Committee**.

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

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ONE HUNDRED AND NINETEENTH DAY

Senate Chamber
Thursday, May 31, 2012

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

Prayer is offered by The Reverend Phillip Brickle of Lost Sheep Outreach Ministries of Raleigh, North Carolina, as follows:

“My Father, as we assemble in this great place today, we want to first acknowledge you and thank you for the gift of life, for we realize how precious the gift of life is. My Father, we give you thanks for the blessings of the state of North Carolina, with such wonderful and gifted leaders who are assembled in this place today. We pray for your presence, your wisdom, your understanding, that these powerful decision makers will continue to make an impact in the state of North Carolina, the United States of America, and this entire world. We pray for the well-being of each leader of this state along with also praying blessings over their families. We pray that your Will will be done this day and each and every day of our lives and in all things we do give you thanks. It is in His name that we do give thanks, praise, glory, and honor, in Jesus’ name we pray, and the entire assembly was able to say, 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 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 Cubie Beasley from Wake Forest, 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. 340, 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.

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:

May 31, 2012

H.B. 5, 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 DEANNEXING SPECIFIED LOCAL INVOLUNTARY ANNEXATION AREAS, BY REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS. (Became law upon ratification, May 30, 2012 - S.L. 2012-3.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 966, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT PROVISION IN THE SCHOOL AND TEACHER PAPERWORK REDUCTION ACT OF 2011, AS RECOMMENDED BY THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30619, which changes the title to read **H.B. 966** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS, is adopted and engrossed.

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

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

S.B. 826, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85286, is adopted and engrossed.

The Senate recesses at 12:14 p.m., subject to the introduction of bills and resolutions and receipt of messages from the House of Representatives, to reconvene at 12:30 p.m.

May 31, 2012

RECESS

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 808, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE REQUIREMENTS OF THE COMPREHENSIVE STRATEGIC ECONOMIC DEVELOPMENT PLAN AND TO SIMPLIFY AND STREAMLINE OTHER REPORTING REQUIREMENTS FOR THE DEPARTMENT OF COMMERCE, with a favorable report.

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

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS, with a favorable report.

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

CALENDAR

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

S.B. 805 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ISOTHERMAL COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, upon second reading.

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 sent to the House of Representatives.

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES AND TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, upon second reading.

Senator Stevens offers Amendment No. 1 which is adopted (49-0), and changes the title to read **H.B. 391** (Senate Committee Substitute), A BILL TO

May 31, 2012

BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES, TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 RELATING TO APPROVAL OF PROPERTY TAXES IN MULTI-JURISDICTIONAL INDUSTRIAL PARK DISTRICTS.

The amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, is placed on the calendar for Monday, June 4, upon second reading.

S.B. 795 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, upon second reading.

Upon motion of Senator Apodaca, the Chair orders, without objection, the Committee Substitute bill No. 2 temporarily displaced.

S.B. 806, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, upon second reading.

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. 824, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE, upon second reading.

Senator Rucho offers Amendment No. 1 which is adopted (49-0).

May 31, 2012

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. 886, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 889, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEFINITION ON AN AREA THAT CAN BE REPRESENTED BY A RURAL PLANNING ORGANIZATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 890, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS, AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 892, A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF

TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 893 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THE PRIVACY OF TOLL DATA COLLECTED BY THE DEPARTMENT OF TRANSPORTATION THROUGH THE NORTH CAROLINA TURNPIKE AUTHORITY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

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. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO ELIMINATE A REQUIREMENT TO LIST RACE ON DRIVERS LICENSES, AND TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

The Committee Substitute bill passes its second reading (46-3).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Monday, June 4, upon third reading.

H.B. 302 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXEMPTION FROM CHARITABLE LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES AND TO EXTEND THE SUNSET ON A WAIVER RELATING TO ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES, upon second reading.

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.

H.B. 503 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PARENTALLY SUPPLIED FOODS FROM NUTRITION STANDARDS AND EVALUATIONS, AND TO CLARIFY ELIGIBILITY AND REPEAL CO-PAY REQUIREMENTS FOR THE NC PRE-K PROGRAM, upon second reading.

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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.

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, upon second reading.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; AND (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED, AS RECOMMENDED BY THE JOINT REGULATORY REFORM COMMITTEE, upon third reading.

Without objection, Senator Walters requests to be excused from voting on the Committee Substitute bill due to a conflict of interest.

Senator East offers Amendment No. 3 which is adopted (46-2), and changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED

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AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; AND (11) EXEMPT FROM SANITATION REGULATIONS OF FOOD AND LODGING FACILITIES SEASONAL MARKETS AT WHICH THE OPERATOR OF THE MARKET SELLS PRODUCTS PRODUCED ONLY BY THE OPERATOR.

Senator Jackson offers Amendment No. 4 which is adopted (48-0), and changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE

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TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; AND (11) EXEMPT FROM SANITATION REGULATIONS OF FOOD AND LODGING FACILITIES SEASONAL MARKETS AT WHICH THE OPERATOR OF THE MARKET SELLS PRODUCTS PRODUCED ONLY BY THE OPERATOR.

Senator Rabon offers Amendment No. 5 which is adopted (48-0), and changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; AND (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE.

The Committee Substitute bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives.

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WITHDRAWAL FROM COMMITTEE

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM, referred to the **Rules and Operations of the Senate Committee** on April 25.

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

The Chair orders the Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and re-refers the measure to the **Judiciary I Committee**.

BILL TRANSMISSION

In accordance with Senate Rule 77(b), Senator Apodaca, without objection, moves that Senate Rule 57.1 be temporarily suspended to the end that no amendment to S.B. 795 shall be in order if it would increase the total appropriations made by that bill beyond those provided for in the third edition of the bill that was reported favorably by the committee on Appropriations/Base Budget.

CALENDAR (*continued*)

S.B. 795 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, displaced earlier today, upon second reading.

The Chair grants leaves of absence for the remainder of today's session to Senator Dannelly, Senator Jenkins, and Senator White.

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 Honorable Philip E. Berger, President Pro Tempore, relinquishes the gavel to Senator Brunstetter, who presides for the remainder of the day.

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Senator McKissick offers Amendment No. 1 which fails of adoption (16-30).

Senator Rucho offers Amendment No. 2 which is adopted (36-10), and changes the title to read **S.B. 795** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; AND ESTABLISH TEACHER CONTRACTS.

The Committee Substitute bill No. 2, as amended, passes its second reading (31-15).

Senator Phil Berger objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill No. 2, as amended, placed on the calendar for Monday, June 4, upon third reading.

H.B. 966 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Rucho.

Senator Garrou offers Amendment No. 1 which fails of adoption (15-29).

The Senate Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Judiciary II 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

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BY THE NORTH CAROLINA BAR ASSOCIATION; AND TO PROVIDE FOR TERMINATION OF CHILD SUPPORT WHEN A CHILD IS ENROLLED IN AN EARLY COLLEGE 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 30623, which changes the title to read **H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT 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, is adopted and engrossed.

WITHDRAWAL FROM 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 **Rules and Operations of the Senate Committee** on June 15, 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 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 Nesbitt, the Senate adjourns at 3:08 p.m., in recognition of Lieutenant General William E. Ingram, Jr. and the North Carolina National Guard, subject to receipt of messages from the House of Representatives, receipt and referral of committee reports, referral of bills, and introduction of bills and resolutions, to meet Monday, June 4, at 7:00 p.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 843, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES, 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 80372, is adopted and engrossed.

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

H.B. 493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80374, which changes the title to read **H.B. 493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS AND ESTABLISHING A PROCESS WHEREBY A LANDLORD MAY REMOVE FROM A RESIDENTIAL DWELLING UNIT TANGIBLE PERSONAL PROPERTY BELONGING TO A DECEASED TENANT AFTER FILING AN AFFIDAVIT WITH THE CLERK OF COURT IN THE COUNTY IN WHICH THE RESIDENTIAL DWELLING UNIT IS LOCATED, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30622, is adopted and engrossed.

INTRODUCTION OF BILLS

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

By Senator Tucker:

S.B. 932, A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS.

Referred to the **Commerce Committee**.

By Senator Jenkins:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIRSPACE ABOVE STATE ROAD 1224, CHAPANOKE ROAD, IN PERQUIMANS COUNTY FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM.

Referred to the **Transportation Committee**.

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By Senator Rabon:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA.

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

By Senator Hise:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN AVERY COUNTY.

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

By Senator Goolsby:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ENERGY PRODUCED BY A WASTE-TO-ENERGY FACILITY UTILIZING MUNICIPAL WASTE IS A RENEWABLE ENERGY RESOURCE FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARDS.

Referred to the **Commerce Committee**.

By Senators Meredith (Primary Sponsor) and Mansfield:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES.

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

By Senators Mansfield (Primary Sponsor) and Meredith:

S.B. 940, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN VETERANS SHALL BE CHARGED THE RESIDENT TUITION TO ATTEND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN NORTH CAROLINA WITHOUT HAVING FIRST MAINTAINED LEGAL RESIDENCE IN NORTH CAROLINA FOR AT LEAST ONE YEAR.

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

By Senator Davis:

S.B. 941, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES.

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

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By Senator Davis:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX.

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

By Senator Jenkins:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO MODIFY THE AMOUNT OF THE MARTIN COUNTY OCCUPANCY TAX REVENUE THAT MAY BE RETAINED BY THE COUNTY FOR ADMINISTRATIVE EXPENSES.

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

By Senator Jackson:

S.B. 944, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE.

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

By Senator Rabon:

S.B. 945, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX.

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

By Senator Rabon:

S.B. 946, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW.

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

By Senator Rabon:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION OF WATER PROJECTS.

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

By Senator Apodaca:

S.B. 948, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE STATE THEATER OF NORTH CAROLINA KNOWN AS THE FLAT ROCK PLAYHOUSE.

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

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

S.B. 949, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION.

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

By Senator Atwater:

S.B. 950, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF SANFORD TO CONVEY CERTAIN PROPERTY AT A PUBLIC OR PRIVATE SALE.

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

By Senator Westmoreland:

S.B. 951, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE.

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

By Senators Stein and Stevens (Primary Sponsors):

S.B. 952, A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF CARY, GARNER, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON.

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

BILLS HELD AS FILED

Bills filed are disposed of as follows:

By Senator Meredith:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO RESTORE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT SO THAT THE SENIOR RESIDENT JUDGE IS THE JUDGE WHO HAS THE MOST CONTINUOUS SERVICE AS A SUPERIOR COURT JUDGE.

Held as filed.

By Senator Kinnaird:

S.J.R. 937, A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

Held as filed.

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By Senator Kinnaird:

S.B. 936, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINT LEGISLATIVE STUDY COMMISSION TO STUDY THE FEASIBILITY OF ESTABLISHING THE "NORTH CAROLINA INVESTMENT TRUST," WHICH WOULD BE A STATE-OWNED BANK RECEIVING DEPOSITS OF STATE FUNDS.

Held as filed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

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

H.J.R. 1034, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

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

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL.

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

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

ONE HUNDRED AND TWENTIETH DAY

Senate Chamber
Monday, June 4, 2012

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 and ever-living God, we ask you to open our lips. Make haste to help us. Be gracious with us. Let your face shed its light on us. Teach us like a great parent. Write your law on our hearts, and help us to make room for you in all the events and affairs of our days; then we will find rest – then we will be at peace. And let your peace and your justice roll down like an ever-living stream into our lives, into our homes, into our neighborhoods, into our back waters and into our cities, for Christ’s sake, Amen.”

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, May 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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. 821, 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.

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. 745, A BILL TO BE ENTITLED AN ACT TO PRESERVE THE THREE-TIER DISTRIBUTION SYSTEM FOR MALT BEVERAGES IN

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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; AND TO ALLOW THE ABC COMMISSION TO GRANT A WAIVER ALLOWING THE GENERAL MANAGER OF A LOCAL BOARD TO ALSO BE THE FINANCE OFFICER. (Became law upon approval of the Governor, June 4, 2012 - S.L. 2012-4.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90247, which changes the title to read **H.B. 707** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE REGISTER OF DEEDS PROVISIONS FROM THE GENERAL STATUTES, TO AMEND LOCAL AGENCY CHARGES FOR VITAL RECORDS SEARCHES, TO CLARIFY THE LAW GOVERNING PERSONS HOLDING THE POWER TO

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DIRECT TRUSTEES, TRUST PROTECTORS, AND DIRECTED TRUSTEES AND OTHER FIDUCIARIES, TO MAKE TECHNICAL CHANGES IN THE LAW GOVERNING TRUSTS AND DECEDENTS' ESTATES, AND TO AUTHORIZE THE REVISOR OF STATUTES TO PRINT OFFICIAL COMMENTS TO THE UNIFORM TRUST CODE, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1034, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, referred to the **Rules and Operations of the Senate Committee** on May 31.

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 **Commerce 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 **Commerce Committee**.

CALENDAR

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

H.B. 843 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 5.

WITHDRAWAL FROM COMMITTEE

S.B. 915, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION, referred to the **Program Evaluation Committee** on May 30.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Program Evaluation 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 **Program Evaluation Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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RECONSIDERATION

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; AND (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE.

Upon motion of Senator Apodaca, having voted in the majority on the passage of S.B. 810 upon its third reading, the measure is reconsidered, without objection, and placed on tonight's calendar for immediate consideration.

CALENDAR *(continued)*

S.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE

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MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; AND (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE, upon third reading.

Senator Rabon offers Amendment No. 6 which is adopted (48-0), and changes the title to read **S.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (2) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH

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WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) EXEMPT FROM SANITATION REGULATIONS OF FOOD AND LODGING FACILITIES SEASONAL MARKETS AT WHICH THE OPERATOR OF THE MARKET SELLS PRODUCTS PRODUCED ONLY BY THE OPERATOR; AND (12) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE.

The Committee Substitute bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives.

S.B. 826 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, upon second reading.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0).

The amendment is ruled to be material, which constitutes first reading.

The Committee Substitute bill, as amended, is placed on the calendar for Tuesday, June 5, upon second reading.

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES, TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 RELATING TO APPROVAL OF PROPERTY TAXES IN MULTIJURISDICTIONAL INDUSTRIAL PARK DISTRICTS, upon second reading.

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

The Senate 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, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Tuesday, June 5, upon third reading.

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S.B. 808, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE REQUIREMENTS OF THE COMPREHENSIVE STRATEGIC ECONOMIC DEVELOPMENT PLAN AND TO SIMPLIFY AND STREAMLINE OTHER REPORTING REQUIREMENTS FOR THE DEPARTMENT OF COMMERCE, upon second reading.

Senator Brown 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 engrossed and sent to the House of Representatives.

H.B. 493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS AND ESTABLISHING A PROCESS WHEREBY A LANDLORD MAY REMOVE FROM A RESIDENTIAL DWELLING UNIT TANGIBLE PERSONAL PROPERTY BELONGING TO A DECEASED TENANT AFTER FILING AN AFFIDAVIT WITH THE CLERK OF COURT IN THE COUNTY IN WHICH THE RESIDENTIAL DWELLING UNIT IS LOCATED, upon second reading.

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.

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT 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, upon second reading.

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.

H.B. 673 (Senate 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, upon second reading.

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.

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S.B. 795 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO IMPROVE K-3 LITERACY; PROVIDE LITERACY VOLUNTEER LEAVE TIME; ASSIGN SCHOOL PERFORMANCE GRADES; MAXIMIZE INSTRUCTIONAL TIME; ADJUST SCHOOL CALENDAR; FUND FIVE ADDITIONAL INSTRUCTIONAL DAYS WITHIN THE EXISTING SCHOOL CALENDAR; ESTABLISH AN NC TEACHER CORPS; STRENGTHEN TEACHER LICENSURE REQUIREMENTS; PROVIDE PROOF OF STATE-FUNDED LIABILITY INSURANCE; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; CLARIFY NC PRE-K PROGRAM ELIGIBILITY AND ADD SLOTS; REPEAL PROHIBITION ON TEACHER PREPAYMENT; PROVIDE A TAX DEDUCTION FOR EDUCATIONAL SUPPLIES; ESTABLISH TEACHER CONTRACTS; AND ELIMINATE PUBLIC FINANCING FOR THE OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, upon third reading.

Senator Stein offers Amendment No. 3 which fails of adoption (17-31).

The Committee Substitute bill No. 2, as amended, passes its third reading (31-17) and is ordered engrossed and sent to the House of Representatives by special message.

SENATE PAGES

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

Emma Blackwell, Roanoke Rapids; Catherine Blalock, Asheville; Meghan Breden, Wilkesboro; Shelby Cartret, Whiteville; Julia Chavis, Raleigh; Bryles Cutts, Henderson; Kate Finlayson, New Bern; Beverly Foster, Henderson; Luke Glenn, Marion; Tristan Gordon, Monroe; Hugh Gore III, Little River, South Carolina; Bellamy Harden, Raleigh; Rebecca Harris, Charlotte; Katie Honaker, Raleigh; Ruth Jackson, Harrisburg; Charles M. Keen, Jr., Raleigh; McKinnon Martin, Rutherfordton; Brock McKinney, Arden; Davis McKinney, Spruce Pine; McKayla McNeill, Whiteville; Peter Ojo, Fayetteville; Taylor Parrish, Angier; Ryan Phillips, Pinehurst; Alyssa Smith, Morganton; Hunter Wainwright, Old Fort; Richard Whelan, High Point; LaVell Williams, Clayton; Ryan Williams, Laurinburg; and Allyson Wilson, Burlington.

CALENDAR *(continued)*

S.B. 895 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO ELIMINATE A REQUIREMENT TO LIST RACE ON DRIVERS LICENSES, AND TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon third reading.

The Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

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WITHDRAWAL FROM 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** on April 14, 2011.

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 **Judiciary I 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 **Judiciary I Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Jones, the Senate adjourns at 8:27 p.m., subject to receipt of messages from the House of Representatives, the receipt and referral of committee reports, re-referral of bills, and introduction of bills and resolutions, to meet Tuesday, June 5, at 9:00 a.m.

INTRODUCTION OF BILLS

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

By Senator Rabon:

S.B. 954, A BILL TO BE ENTITLED AN ACT PROVIDING THE TOWNS OF TOPSAIL BEACH, SURF CITY, AND NORTH TOPSAIL BEACH AUTHORITY TO CONDEMN AND REMOVE ESPECIALLY DANGEROUS BUILDINGS AND STRUCTURES ON THE PUBLIC TRUST OCEAN AND ESTUARINE BEACHES WITHIN THEIR RESPECTIVE JURISDICTIONS.

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

By Senators Apodaca and Hartsell (Primary Sponsors):

S.J.R. 955, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

By Senator Jones:

S.B. 956, A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

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

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 942 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE IDENTIFICATION AND ELECTRONIC RECORD-KEEPING REQUIREMENTS FOR PSEUDOEPHEDRINE PRODUCTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

Referred to the **Judiciary II Committee**.

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS.

Referred to the **Finance Committee**.

H.B. 1066, A BILL TO BE ENTITLED AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

H.B. 1067, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

H.B. 1068, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

H.B. 1069, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S

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ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

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

ONE HUNDRED AND TWENTY-FIRST DAY

Senate Chamber
Tuesday, June 5, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Senator from Henderson County.

Senator Brock announces that the Senate Journal of Monday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Senate recesses at 9:08 a.m., subject to the ratification of bills, re-referral of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, and introduction of bills and resolutions, to reconvene at 2:00 p.m.

RECESS

ENROLLED BILL

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

H.B. 966, AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 908, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT AND TO MAKE CONFORMING AND RELATED CHANGES, with a favorable report.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 1029, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN.

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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for 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, with a favorable report.

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

Prayer is offered by Chaplain Abdullah T. Antepi from Duke University, of Durham, North Carolina, as follows:

“Oh, God of mercy and compassion, with your divine light, shine upon this esteemed Senate, its members, and their loved ones. Preserve them in good health and spirit. Oh, God of wisdom, guide these important decision makers in their leadership to our beloved state of North Carolina. Be their source of strength and comfort. Enable them to serve you and glorify your name by serving the citizens of this great state and to the entire humanity, regardless of their gender, ethnicity or religion. Oh, God of love and healing, our beautiful state and its people came a long way in recovering and redeeming our souls from racism, sexism, patriarchy, anti-Semitism, homophobia, poverty, disunity

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and many other manifestations of hate and discrimination. Merciful God, despite our significant achievements, the job is far from being done. Empower the respected members of our Senate to further our cause in defeating any form of hate, inequality and unfairness in our society and beyond. Oh, God of benevolence and beauty, enable our political leaders to achieve unity in our society. Bring their hearts together in love and determination to serve fellow human beings. Help these noble women and men to model and exemplify – to unite for the betterment of our society despite their irreconcilable differences and disagreements. Oh, God of all, in many different revelations of yours, you teach us that love is the most essential element of every being. Do not deprive us from this essential element. Shower your blessings and love upon us. Help us to accept and love each other as who we are and recognize the divinely endowed dignity in each and every one of us. Oh, God of forgiveness, as life pulls and pushes us into different directions, if we forget you, do not forget us. In your most holy and beautiful name we pray, Amen.”

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

The Chair extends privileges of the floor to Jason Godaire from Lumberton, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, with a favorable report.

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

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70289, is adopted and engrossed.

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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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80379, which changes the title to read **H.B. 741** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET A MAXIMUM LENGTH FOR LAW ENFORCEMENT AND EMERGENCY MANAGEMENT VEHICLES, is adopted and engrossed.

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

S.B. 818, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY, with a favorable report.

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE, with a favorable report.

S.B. 848, A BILL TO BE ENTITLED AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS, with a favorable report.

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

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with a favorable report.

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

H.B. 224, A BILL TO BE ENTITLED AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE, with a favorable report.

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

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CALENDAR

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

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES AND TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 2:20 p.m. to reconvene at 2:25 p.m.

RECESS

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.J.R. 1034, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, with a favorable report.

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

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS, with a favorable report.

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CALENDAR (*continued*)

S.B. 826 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, upon second reading.

The Committee Substitute bill, 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, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, 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, Westmoreland and White---48.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the calendar for Wednesday, June 6, upon third reading.

H.B. 707 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE REGISTER OF DEEDS PROVISIONS FROM THE GENERAL STATUTES, TO AMEND LOCAL AGENCY CHARGES FOR VITAL RECORDS SEARCHES, TO CLARIFY THE LAW GOVERNING PERSONS HOLDING THE POWER TO DIRECT TRUSTEES, TRUST PROTECTORS, AND DIRECTED TRUSTEES AND OTHER FIDUCIARIES, TO MAKE TECHNICAL CHANGES IN THE LAW GOVERNING TRUSTS AND DECEDENTS' ESTATES, AND TO AUTHORIZE THE REVISOR OF STATUTES TO PRINT OFFICIAL COMMENTS TO THE UNIFORM TRUST CODE, upon second reading.

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 bill.

H.B. 843 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES, upon second reading.

Senator Brunstetter 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

June 5, 2012

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

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL, with a favorable report.

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

BILL TRANSMISSION

Senator Apodaca moves that the rules be suspended and that all bills and resolutions sent to the House of Representatives for the remainder of the 2012 session, including bills sent today, be sent by special message.

Without objection, the Chair orders all bills and resolutions for the remainder of the 2012 session sent by special message.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90248, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 1063, A BILL TO BE ENTITLED AN ACT TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL, upon second reading.

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.

Upon motion of Senator Phil Berger, seconded by Senator Robinson, the Senate adjourns at 2:48 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, re-referral of bills, and introduction of bills and resolutions, to meet Wednesday, June 6, at 9:30 a.m.

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MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 142, A BILL TO BE ENTITLED AN ACT TO PROMOTE ECONOMIC DEVELOPMENT AND TO PROVIDE FISCAL RELIEF TO CITIZENS OF THE STATE BY (1) TEMPORARILY CAPPING THE GAS TAX, (2) DELAYING THE IMPOSITION OF TOLLS ON FERRY ROUTES, (3) EXEMPTING CERTAIN MOTIONS FROM CIVIL MOTIONS FILING FEE, (4) WAIVING THE FILING FEE OTHERWISE DUE FROM UNEMPLOYED INDIVIDUALS ORGANIZING LIMITED LIABILITY COMPANIES, (5) CLARIFYING AND EXTENDING THE APPROPRIATE FILING PERIOD FOR AN ECONOMIC INCENTIVE, (6) EXPANDING THE USE OF INDUSTRIAL DEVELOPMENT FUNDS FOR CERTAIN PROJECTS, (7) MAKING A TECHNICAL CORRECTION TO THE PORT ENHANCEMENT ZONE, AND (8) EXTENDING THE LOCAL GOVERNMENT HOLD HARMLESS SUNSET FOR REPEALED REIMBURSEMENTS.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 941, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, with a favorable report.

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

S.B. 859, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN ARE HELD IN EVEN-NUMBERED YEARS BEGINNING IN 2012, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95233, which changes the title to read **S.B. 859** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS, is adopted and engrossed.

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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, 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 70292, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70291, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70294, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 582 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 6.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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By Senator Walters for the **State and Local Government 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, 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 90249, which changes the title to read **H.B. 180** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, is adopted and engrossed.

Upon motion of Senator Walters, the Senate Committee Substitute bill is referred to the **Finance 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, 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 70290, which changes the title to read **H.B. 438** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, is adopted and engrossed.

H.B. 511 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70293, is adopted and engrossed.

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

H.B. 1015, A BILL TO BE ENTITLED AN ACT TO SET THE PUBLIC UTILITY REGULATORY FEE, THE ELECTRIC MEMBERSHIP CORPORATION REGULATORY FEE, AND THE INSURANCE REGULATORY CHARGE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

June 5, 2012

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80380, which changes the title to read **H.B. 1015** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, is adopted and engrossed.

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

S.B. 820, A BILL TO BE ENTITLED AN ACT TO (1) ESTABLISH AN OIL AND GAS BOARD WITH JURISDICTION AND AUTHORITY OVER MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, AND DIRECT THE BOARD TO CREATE A MODERN REGULATORY PROGRAM FOR MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE; (2) AUTHORIZE THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THE PURPOSE OF OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE AND PLACE A MORATORIUM ON PERMITTING RELATED TO THOSE PROCESSES UNTIL JULY 1, 2014; (3) ENACT VARIOUS OTHER PROVISIONS RELATED TO MANAGEMENT OF OIL AND GAS EXPLORATION ACTIVITIES, INCLUDING PROVISIONS RELATED TO LOCAL GOVERNMENT AUTHORITY OVER THESE ACTIVITIES; (4) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY WITH LEGISLATIVE OVERSIGHT OF ALL MATTERS RELATED TO OIL AND GAS EXPLORATION AND DEVELOPMENT IN THE STATE, AND OTHER ENERGY-RELATED ISSUES; (5) DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO PURCHASE SCHOOL BUSES THAT OPERATE ON COMPRESSED NATURAL GAS (CNG); (6) DIRECT THE DEPARTMENT OF TRANSPORTATION TO PURCHASE NEW THREE-QUARTER TON PICKUP TRUCKS AND NEW ONE-HALF TON PICKUP TRUCKS THAT OPERATE ON COMPRESSED NATURAL GAS (CNG) OR COMPRESSED NATURAL GAS (CNG) AND GASOLINE; (7) CREATE AN INTERAGENCY TASK FORCE TO ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS FOR THE CONSTRUCTION AND DEVELOPMENT OF COMPRESSED NATURAL GAS (CNG) FUELING INFRASTRUCTURE; (8) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS; (9) ENSURE THE USE OF FUEL-EFFICIENT AND COST-EFFICIENT RETREAD TIRES ON STATE VEHICLES; AND (10) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ENERGY ISSUES POLICY 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 85291, which changes the title to read **S.B. 820** (Committee Substitute), A BILL TO BE

June 5, 2012

ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 5, 2012

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 503** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT PARENTALLY SUPPLIED FOODS FROM NUTRITION STANDARDS AND EVALUATIONS, AND TO CLARIFY ELIGIBILITY AND REPEAL CO-PAY REQUIREMENTS FOR THE NC PRE-K PROGRAM, and requests conferees.

Speaker Tillis has appointed:

Representative LaRoque, Chair
Representative Insko
Representative Murry
Representative Carney
Representative Hollo and
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

June 5, 2012

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

ONE HUNDRED AND TWENTY-SECOND DAY

Senate Chamber
Wednesday, June 6, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Senator from Henderson County.

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

ENROLLED BILLS

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

H.B. 302, AN ACT TO BROADEN THE EXEMPTION FROM CHARITABLE LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES AND TO EXTEND THE SUNSET ON A WAIVER RELATING TO ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES.

H.B. 345, AN ACT TO MODIFY THE MOVE-OVER LAW TO INCLUDE ALL HIGHWAY MAINTENANCE VEHICLES AND UTILITY VEHICLES.

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

H.B. 1063, AN ACT TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL.

The Senate recesses at 9:35 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, re-referral of bills, receipt and referral of committee reports, and introduction of bills and resolutions, to reconvene at 2:00 p.m.

RECESS

June 6, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 5, 2012

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute for **H.B. 517** (Senate 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, and requests conferees.

Speaker Tillis has appointed:

Representative Stevens, Chair
Representative Spear
Representative Randleman
Representative Brisson
Representative Hurley

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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 Apodaca (Primary Sponsor) and Brock:

S.R. 957, A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.

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

June 6, 2012

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

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

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75203, which changes the title to read **S.B. 444** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, is adopted and engrossed.

S.B. 828, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE 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 35369, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1075 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

H.B. 1055, A BILL TO BE ENTITLED AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

June 6, 2012

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

H.B. 1081, A BILL TO BE ENTITLED AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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

H.B. 954 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 961, A BILL TO BE ENTITLED AN ACT TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE.

Referred to the **Transportation Committee**.

H.B. 981 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ANY CONVEYANCE OF STATE-OWNED REAL PROPERTY ENCOMPASSING THE DOROTHEA DIX HOSPITAL CAMPUS WITHOUT THE APPROVAL OF THE GENERAL ASSEMBLY, AND TO ESTABLISH THE INTENT OF THE GENERAL ASSEMBLY THAT THE NET PROCEEDS FROM ANY DISPOSITION OF THAT REAL PROPERTY BE USED FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITY, AND SUBSTANCE ABUSE SERVICES PROGRAMS.

Referred to the **Finance Committee**.

H.B. 1036, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO JOINTLY STUDY EXPEDITING WATER QUALITY REGULATION MONITORING AND IMPLEMENTATION FOR TRANSPORTATION PROJECTS.

Referred to the **Transportation Committee**.

June 6, 2012

H.B. 1065, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER.

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

H.B. 1096, A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REMOVING LOCAL SCHOOL ADMINISTRATIVE UNITS FROM THE SEPARATE BID REQUIREMENTS FOR JUICE AND WATER, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY.

Referred to the **Transportation Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Transportation 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," with a favorable report.

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

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

H.B. 737, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90250, is adopted and engrossed.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

S.B. 804, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, with a favorable report.

By Senator Rabon for the **Transportation Committee**:

S.B. 888, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO

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THE STATE GOVERNMENT ETHICS ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15237, is adopted and engrossed.

H.B. 261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30627, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY, DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, AND DESIGNATING THE SWANSBORO MULLET FESTIVAL AS THE OFFICIAL MULLET FESTIVAL OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, June 7.

H.B. 947 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE MONETARY COMPENSATION TO PERSONS ASEXUALIZED OR STERILIZED UNDER THE AUTHORITY OF THE EUGENICS BOARD OF NORTH CAROLINA.

Referred to the **Judiciary II Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

S.B. 803, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 85293, is adopted and engrossed.

S.B. 929, A BILL TO BE ENTITLED AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75205, is adopted and engrossed.

By Senator Apodaca for the **Insurance Committee**:

S.B. 869, A BILL TO BE ENTITLED AN TO ACT REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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 a favorable report.

S.B. 836, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS AND THE AFFORDABILITY OF PROPERTY INSURANCE FOR LOW-INCOME HOMEOWNERS BY REQUIRING THAT MORE THAN ONE CATASTROPHE MODEL BE USED TO ESTIMATE POTENTIAL LOSSES FOR PURPOSES OF A RATE FILING; AND BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL; AND BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING FOR A PREHEARING CONFERENCE FOR THE COMMISSIONER OF INSURANCE TO SCRUTINIZE CATASTROPHE MODELING WHEN SUCH MODELING IS THE BASIS FOR ANY FACTOR IN A RATE FILING FOR WHICH THE COMMISSIONER HAS ISSUED A NOTICE OF HEARING; AND BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW; AND BY REQUIRING THAT, WHEN THE COST OF REINSURANCE IS INCLUDED AS A FACTOR IN A PROPOSED RATE, CERTAIN SUPPORTING INFORMATION BE PROVIDED AND THAT THE FILING INCLUDE ONLY THE REINSURANCE COST SPECIFIC TO PROPERTY INSURANCE LOSSES IN NORTH CAROLINA; AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON PROPERTY INSURANCE RATE

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MAKING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95235, which changes the title to read **S.B. 836** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING, is adopted and engrossed.

S.B. 849, A BILL TO BE ENTITLED AN ACT TO AMEND THE SALARY CONTINUATION LAWS TO PROVIDE THAT ONLY OFFICERS INJURED AND INCAPACITATED AS THE RESULT OF EXTREME ACTIVITY IN THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES RECEIVE A HIGHER COMPENSATION RATE FOR THE TWO-YEAR PERIOD BEFORE REVERTING TO THE RATES PROVIDED UNDER THE WORKERS' COMPENSATION LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC 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 75204, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70288, which changes the title to read **H.B. 244** (Senate 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, is adopted and engrossed.

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

Prayer is offered by The Reverend Rit Varriale from Elizabeth Church in Shelby, North Carolina, as follows:

“Merciful God, forgive us for our cowardliness, insomuch as we have accepted the notion that the general religious sentiments of our people have no place in politics, and yet our Constitution reflects those very sentiments. Humble us with the reality that we have abdicated the education of our children to a system that disparages religion and downplays morality, and yet the first word on public education in our State’s constitution is ‘religion’ and the second word is ‘morality,’ emphasizing that, ‘Religion [and] morality...[are] necessary to good government.’ Almighty God, enable the leaders of the Church to rise up from the ashes of ambivalence and complacency in order to champion the general religious sentiments of our people. Likewise, enable the leaders of our government to rise up on behalf of the people and challenge those who do not believe that issues of constitutionality and human rights should be adjudicated by public consensus. Turn our government away from what it has become, namely, a government of the courts for the disenfranchised minority, to that which it was intended to be, ‘a government of the people, by the people, and for the people.’ Heavenly Father, use these leaders of North Carolina to bring about a reformation in our State that will serve as a model for reformation in our nation – a reformation that reorders our responsibilities to You and to one another. For You, the Living God, are not responsible to us. Rather, we are responsible to You. Likewise, our society should not be responsible for serving the whims of the individual. Rather, individuals should be responsible to serve for the good of society (starting with their families). Lastly, in our renewed fulfillment of our responsibilities, may we live up to the motto of this great State, ‘To be rather than to seem!’ May we be an honorable and responsible people, serving you and serving others in your name. I present this prayer in the name of Jesus Christ, Amen.”

PLEDGE OF ALLEGIANCE

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

The Chair grants leaves of absence for the remainder of today’s session to Senator Preston and Senator Phil Berger.

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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 Hartsell for the **Program Evaluation Committee**:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON STATE LEASED SPACE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35370, which changes the title to read **S.B. 612** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY AND ASSESS THE LEASING OF PROPERTY BY STATE AGENCIES, is adopted and engrossed.

S.B. 851, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT BY ABOLISHING CERTAIN STATE BOARDS, COMMISSIONS, AND COMMITTEES, REORGANIZING THE MEMBERSHIP OF SOME STATE BOARDS, COMMISSIONS, AND COMMITTEES, AND MAKING CONFORMING CHANGES, AS RECOMMENDED BY THE JOINT REGULATORY REFORM 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 35372, is adopted and engrossed.

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

WITHDRAWAL FROM COMMITTEE

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** on March 2, 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 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**.

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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 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** on June 6, 2011.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Program Evaluation 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 **Program Evaluation Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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** on June 1, 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 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. 1096, A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REMOVING LOCAL SCHOOL ADMINISTRATIVE UNITS FROM THE SEPARATE BID REQUIREMENTS FOR JUICE AND WATER, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY, referred to the **Transportation Committee** on June 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Transportation Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent.

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The Chair orders the bill withdrawn from the **Transportation Committee** and re-refers the measure to the **Education/Higher Education Committee**.

CALENDAR

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

S.B. 582 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed as the first order of business on the calendar for immediate consideration.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (35-11) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 818, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY, upon second reading.

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 by special message.

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE, upon second reading.

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 by special message.

S.B. 859 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS, upon second reading.

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.

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H.B. 296 (Senate 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, upon second reading.

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 by special message.

H.B. 328 (Senate Committee Substitute), 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, upon second reading.

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 by special message.

H.B. 437 (Senate 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, upon second reading.

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 by special message.

H.B. 511 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, upon second reading.

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 by special message.

H.B. 1015 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, upon second reading.

Upon motion of Senator Rucho, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 7.

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H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS, upon second reading.

Upon motion of Senator Rucho, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 6.

S.B. 826 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---48.

Voting in the negative: None.

The Committee Substitute bill 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. 582, AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS.

CALENDAR (*continued*)

S.B. 820 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, upon second reading.

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Senator Hunt offers Amendment No. 1 which fails of adoption (23-25).

Upon the appearance of Senator Phil Berger in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Chair grants a leave of absence for the remainder of today's session to Senator Davis.

Senator Stein offers Amendment No. 2 which fails of adoption (18-30).

The Committee Substitute bill passes its second reading (29-19) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

The Honorable Walter Dalton, Lieutenant Governor, relinquishes the gavel to Senator Phil Berger, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon second reading.

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

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 by special message.

S.B. 908, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT AND TO MAKE CONFORMING AND RELATED CHANGES, upon second reading.

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.

H.B. 149 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM, upon second reading.

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. 176 (Senate 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

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RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON DOMESTIC VIOLENCE, AND TO EXPAND THE TYPES OF OFFENSES REPORTED BY THE CLERK, upon second reading.

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. 438 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, upon second reading.

The Senate Committee Substitute bill passes its second reading (39-9).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the Senate Committee Substitute bill placed on the calendar for Thursday, June 7, upon third reading.

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, upon second reading.

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. 741 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET A MAXIMUM LENGTH FOR LAW ENFORCEMENT AND EMERGENCY MANAGEMENT VEHICLES, upon second reading.

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. 941, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, upon second reading.

The bill passes its second reading (48-0).

Senator Mansfield objects to third reading of the measure. Pursuant to Rule 50, the President *Pro Tempore* orders the bill placed on the calendar for Thursday, June 7, upon third reading.

H.J.R. 1034, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, upon second reading.

The Joint Resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 1065, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER, referred to the **Education/Higher Education Committee** on June 6.

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**.

ADDITIONAL SPONSORS

Senator Atwater, Senator Blue, Senator McKissick, Senator Purcell, and Senator Robinson request to be added as sponsors of previously filed legislation:

S.J.R. 937, A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

Upon motion of Senator Apodaca, seconded by Senator Rouzer, the Senate adjourns at 4:15 p.m., subject to the ratification of bills, introduction of bills and resolutions, re-referral of bills, receipt of committee reports, and receipt of messages from the House of Representatives, to meet Thursday, June 7, at 1:00 p.m.

June 6, 2012

ONE HUNDRED AND TWENTY-THIRD DAY

Senate Chamber
Thursday, June 7, 2012

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:

“Transcendent Lord, you know our hearts. You know our goings and our comings, and today we come to you in this place – this chamber – a bit weary and also a bit full, but also a bit empty. Lord, we’ve come to believe that what we do – what we say – might turn your attention towards us, but there is a better way. Whether there is a storm or whether there is quiet, you lead us through temptation. And through Isaiah, you remind us that you always have compassion on us. ‘A bruised reed he will not break, and a smoldering wick he will not quench until he brings justice to victory.’ Give us confidence today, Lord, that you will always have compassion, that a bruised reed will not be broken, in the name of Christ, Amen.”

The Chair grants leaves of absence for today to Senator Dannelly, Senator Meredith, Senator Preston, Senator Robinson, and Senator Tillman.

Senator Apodaca announces that the Senate Journal of Wednesday, June 6, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Susan A. Letvak from Burlington, 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. 493, AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS AND ESTABLISHING A PROCESS WHEREBY A LANDLORD MAY REMOVE FROM A RESIDENTIAL DWELLING UNIT TANGIBLE PERSONAL PROPERTY BELONGING TO A DECEASED TENANT AFTER FILING AN AFFIDAVIT WITH THE CLERK OF COURT IN THE COUNTY IN WHICH THE RESIDENTIAL DWELLING UNIT IS LOCATED.

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H.B. 589, AN ACT 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.

H.B. 637, AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION.

H.B. 660, 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.

H.B. 673, 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.

H.B. 707, AN ACT TO ELIMINATE OBSOLETE REGISTER OF DEEDS PROVISIONS FROM THE GENERAL STATUTES, TO AMEND LOCAL AGENCY CHARGES FOR VITAL RECORDS SEARCHES, TO CLARIFY THE LAW GOVERNING PERSONS HOLDING THE POWER TO DIRECT TRUSTEES, TRUST PROTECTORS, AND DIRECTED TRUSTEES AND OTHER FIDUCIARIES, TO MAKE TECHNICAL CHANGES IN THE LAW GOVERNING TRUSTS AND DECEDENTS' ESTATES, AND TO AUTHORIZE THE REVISOR OF STATUTES TO PRINT OFFICIAL COMMENTS TO THE UNIFORM TRUST CODE.

H.B. 843, AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES.

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

H.B. 437, 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.

H.J.R. 1034, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF TAMARA NANCE TO THE NORTH CAROLINA INDUSTRIAL COMMISSION. (Res. 3)

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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. 1063, AN ACT TO GIVE THE JOHNSTON COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY WITH REGARD TO INSTRUCTIONAL TIME LOST AT MCGEE'S CROSSROADS ELEMENTARY SCHOOL. (Became law upon ratification, June 6, 2012 - S.L. 2012-5.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, with a favorable report.

H.B. 1066, A BILL TO BE ENTITLED AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 1067, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 1069, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING

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CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

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

S.B. 815, A BILL TO BE ENTITLED AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, with a favorable report.

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, 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 30631, which changes the title to read **H.B. 237** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA, is adopted and engrossed.

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

H.B. 1055, A BILL TO BE ENTITLED AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, with a favorable report.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR

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CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, with a favorable report.

H.B. 1081, A BILL TO BE ENTITLED AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, with a favorable report.

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, 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 11365, which changes the title to read **H.B. 423** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MAINTAIN COUNTY LEVEL EXPENDITURES IN LOCAL FUNDS FOR CHILD PROTECTIVE SERVICES WORKERS; (2) USE 2011 DATA SOURCE FOR CHILD CARE SUBSIDY ALLOCATION FORMULA; (3) CLARIFY THE TERM SUBSTANTIAL COMPLIANCE AS IT RELATES TO MEDICAID AND HEALTH CHOICE PROVIDER REQUIREMENTS, AND (4) EXEMPT CONTRACTS FOR THE RENTAL OF OFFICE SPACE THAT DO NOT CONSTITUTE A FINANCIAL RELATIONSHIP UNDER THE FEDERAL STARK ACT FROM THE CONFLICT OF INTEREST PROVISION OF THE HOSPITAL AUTHORITY ACT, is adopted and engrossed.

CALENDAR

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

S.B. 444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 14.

H.B. 941, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS,

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AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, upon third reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 12.

WITHDRAWAL FROM COMMITTEE

S.B. 880, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, referred to the **Judiciary I Committee** on May 24.

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**.

CALENDAR *(continued)*

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING, upon second reading.

Upon motion of Senator Brown, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 12.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary II 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," with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11367, which changes the title to read **H.B. 235** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS TO INCLUDE CONVICTION OF A SEXUALLY RELATED OFFENSE THAT RESULTS IN THE CONCEPTION OF THE JUVENILE AS A BASIS FOR TERMINATION OF PARENTAL RIGHTS, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 1015 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, upon second reading.

Without objection, Senator Walters requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

Senator Rabon offers Amendment No. 1.

The Lieutenant Governor displaces the bill to the end of today's calendar with Amendment No. 1 pending.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY AND ASSESS THE LEASING OF PROPERTY BY STATE AGENCIES, upon second reading.

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 by special message.

S.B. 803 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS, upon second reading.

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 by special message.

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S.B. 804, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, upon second reading.

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 by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30632, which changes the title to read **H.B. 177** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CREATE AN INTERAGENCY TASK FORCE TO STUDY THE FEASIBILITY AND DESIRABILITY OF ADVANCING THE USE OF ALTERNATIVE FUELS BY STATE AGENCIES AND THE DEVELOPMENT OF ASSOCIATED FUELING INFRASTRUCTURE; (2) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS AND; (3) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, is adopted and engrossed.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

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

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY, with a favorable report.

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

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH, with a favorable report.

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

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S.B. 906, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE, with a favorable report.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED, with a favorable report.

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

S.B. 919, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS, with a favorable report.

S.B. 934, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA, with a favorable report.

S.B. 939, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, with a favorable report.

S.B. 941, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES, with a favorable report.

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

S.B. 942, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX, with a favorable report.

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

S.B. 945, A BILL TO BE ENTITLED AN ACT TO MODIFY THE SOUTHPORT OCCUPANCY TAX, with a favorable report.

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

S.B. 946, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, with a favorable report.

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

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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, with a favorable report.

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, with a favorable report.

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

H.B. 552 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, 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 60143, which changes the title to read **H.B. 552** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, is adopted and engrossed.

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

CALENDAR (*continued*)

S.B. 828 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, upon second reading.

Senator Rucho offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 849 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SALARY CONTINUATION LAWS TO PROVIDE THAT ONLY OFFICERS INJURED AND INCAPACITATED AS THE RESULT OF EXTREME ACTIVITY IN THE COURSE OF PERFORMING THEIR OFFICIAL DUTIES RECEIVE A HIGHER COMPENSATION RATE FOR THE TWO-YEAR PERIOD BEFORE REVERTING TO THE RATES

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PROVIDED UNDER THE WORKERS' COMPENSATION LAWS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, upon second reading.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

S.B. 869, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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 second reading.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

S.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO THE STATE GOVERNMENT ETHICS ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, upon second reading.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

S.B. 929 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND, upon second reading.

The Committee Substitute bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

H.B. 244 (Senate 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, upon second reading.

Without objection, Senator Brunstetter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

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

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Senator McKissick offers Amendment No. 2 which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED, upon second reading.

Senator Rabon offers Amendment No. 1 which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 932, A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85297, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES, upon second reading.

The Senate Committee Substitute bill passes its second reading (44-0).

Senator Daniel objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill placed on the calendar for Monday, June 11, upon third reading.

H.B. 1025 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS, upon second reading.

Senator Hartsell offers Amendment No. 1 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in Senate Amendment No. 1.

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H.B. 438 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, upon third reading.

Senator Mansfield offers Amendment No. 1.

Upon the motion of Senator Hartsell, H.B. 438 is withdrawn from today's calendar and placed on the calendar for Monday, June 11, with Amendment No. 1 pending.

S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY, DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, AND DESIGNATING THE SWANSBORO MULLET FESTIVAL AS THE OFFICIAL MULLET FESTIVAL OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (40-3) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

S.B. 894, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX THE SALE OF MEDICINE AND DEVICES SOLD ON PRESCRIPTION BY VETERINARIANS FOR THE TREATMENT OF ANIMALS, referred to the **Agriculture/Environment/Natural Resources Committee** on May 24.

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

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

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 **Appropriations/Base Budget Committee** on June 6.

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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 Monday, June 11, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the **Appropriations/Base Budget Committee** and placed on the calendar for Monday, June 11.

CALENDAR *(continued)*

H.B. 1015 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, displaced earlier today, with Amendment No. 1 pending, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Apodaca.

Senator Rabon's proposed Amendment No. 1 is adopted (40-0).

The Chair grants a leave of absence for the remainder of today's session to Senator Stein.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Carney, Clodfelter, Daniel, Davis, East, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stevens, Tucker, Vaughan, Westmoreland and White---40.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 11, upon third reading.

ADDITIONAL SPONSORS

Senator Doug Berger, Senator Dannelly, and Senator Garrou request to be added as sponsors of previously filed legislation:

S.J.R. 937, A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

Upon motion of Senator Phil Berger, seconded by Senator Gunn, the Senate adjourns at 2:15 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, introduction of bills and resolutions, and re-referral of bills and resolutions, to meet Monday, June 11, at 7:00 p.m.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Newton for the **Judiciary II 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80385, which changes the title to read **H.B. 111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO POSSESS HANDGUNS IN RESTAURANTS IF NOT PROHIBITED BY THE POSTING OF A NOTICE PROHIBITING POSSESSION ON THE PREMISES, TO IMPOSE CRIMINAL PENALTIES ON FELONS WHO UNLAWFULLY POSSESS FIREARMS WHEN THE VIOLATION RESULTS IN INJURY TO A PERSON, AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS, is adopted and engrossed.

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

By Senator Brown for 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, 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 11369, which changes the title to read **H.B. 462** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, is adopted and engrossed.

H.B. 799, A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES, 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 70302, is adopted and engrossed.

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

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

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A CHILD; TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO ASSIST WITH THE COST OF INCREASED PRISON BED CAPACITY; AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO HELP EDUCATE INVESTIGATORS AND DISTRICT ATTORNEYS REGARDING THIS TYPE OF CRIMINAL ACTIVITY AND THE LEGAL RESOURCES AVAILABLE TO FIGHT THESE CRIMES AND TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY, with a favorable report.

H.B. 1065, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER, with a favorable report.

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, 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 11368, which changes the title to read **H.B. 203** (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, is adopted and engrossed.

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

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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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 90251, which changes the title to read **H.B. 813** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF INDUSTRIAL MACHINERY EXEMPT FROM BUILDING CODE INSPECTION TO INCLUDE EQUIPMENT AND MACHINERY ACQUIRED BY STATE-SUPPORTED CENTERS PROVIDING TESTING, RESEARCH, AND DEVELOPMENT SERVICES TO MANUFACTURING CLIENTS, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 1170, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL.

Referred to the **Commerce Committee**.

H.B. 1121, A BILL TO BE ENTITLED AN ACT TO ALLOW ABC STORES IN MECKLENBURG COUNTY TO BE OPEN ON LABOR DAY IN 2012.

Referred to the **Commerce Committee**.

S.B. 816 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 11.

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H.B. 960, A BILL TO BE ENTITLED AN ACT TO ENSURE PAYMENT OF JUST COMPENSATION TO PROPERTY OWNERS WITH MORTGAGE DEBT EXCEEDING THE FAIR MARKET VALUE OF THE PROPERTY BY AUTHORIZING THE CONSIDERATION OF OUTSTANDING MORTGAGE DEBT WHEN DETERMINING DAMAGES IN A CONDEMNATION ACTION, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

Referred to the **Commerce Committee**.

H.B. 968, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

Referred to the **Judiciary I Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 944, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35375, is adopted and engrossed.

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

S.B. 949, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35379, is adopted and engrossed.

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

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

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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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70301, which changes the title to read **H.B. 199** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY THE PROVISIONS OF THE GENERAL STATUTES THAT REGULATE PRECIOUS METALS BUSINESSES, PAWNBROKERS AND CASH CONVERTERS, AND SECONDARY METALS RECYCLERS, AND TO STRENGTHEN METALS THEFT PREVENTION BY REQUIRING PERMITTING OF NONFERROUS METALS PURCHASERS, MAKING IT A CRIME TO CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE THE PROPERTY OF ANOTHER TO OBTAIN NONFERROUS METALS, CREATING RELATED CRIMINAL OFFENSES, AND MAKING OTHER RELATED CHANGES TO THE GENERAL STATUTES, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70303, which changes the title to read **H.B. 451** (Senate 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 PROVIDING FOR THE SEIZURE AND FORFEITURE OF THE VEHICLE BEING OPERATED BY A DRIVER WHOSE LICENSE OR DRIVING PRIVILEGES ARE REVOKED IF THE DRIVER HAS TWO PRIOR CONVICTIONS FOR DRIVING WHILE LICENSE REVOKED AND IT IS THE THIRD SUCH OFFENSE IN A TEN-YEAR PERIOD, is adopted and engrossed.

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

By Senator Brunstetter for the **Judiciary I 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

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EXPANSION, 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 70304, which changes the title to read **H.B. 483** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, TO APPROPRIATE FUNDS TO FACILITATE THE EXPANSION, AND TO RESTRICT THE EXPENDITURE OF STATE FUNDS ON ACCREDITATION OF THE STATE CRIME LABORATORY, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80386, which changes the title to read **H.B. 614** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70306, which changes the title to read **H.B. 690** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, is adopted and engrossed.

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

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

ONE HUNDRED AND TWENTY-FOURTH DAY

Senate Chamber
Monday, June 11, 2012

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:

"Oh, Lord, thank you for this day. Thank you for these people, for the Senators, for the clerks, for the assistants, for the Nurse of the Day, for the Sergeant-at-Arms, everyone to my left and everyone to my right. God, we thank you for everything you have given us. Now, Lord, we come to you, and we ask that you might come into our hearts and heal every one of us. Protect us; lead us through hard times that we may grow deeper in our trust of you. It is in Jesus' name that we make our prayers, Amen."

The Chair grants leaves of absence for tonight to Senator Jones, Senator Soucek, and Senator Stein.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, June 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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:

S.B. 236, AN ACT ADOPTING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY, DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH

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FESTIVAL OF THE STATE OF NORTH CAROLINA, DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, AND DESIGNATING THE SWANSBORO MULLET FESTIVAL AS THE OFFICIAL MULLET FESTIVAL OF NORTH CAROLINA.

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. 582, AN ACT TO AUTHORIZE ADDITIONAL CLASS III GAMING ON INDIAN LANDS PURSUANT TO A TRIBAL-STATE GAMING COMPACT, TO CREATE THE INDIAN GAMING EDUCATION REVENUE FUND, AND TO APPROPRIATE FUNDS. (Became law upon approval of the Governor, June 6, 2012 - S.L. 2012-6.)

H.B. 778, AN ACT TO AMEND LAWS RELATING TO THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION AND THE PRESERVATION OF BIOLOGICAL EVIDENCE. (Became law upon approval of the Governor, June 7, 2012 - S.L. 2012-7.)

H.B. 821, 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. (Became law upon approval of the Governor, June 7, 2012 - S.L. 2012-8.)

H.B. 340, 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. (Became law upon approval of the Governor, June 7, 2012 - S.L. 2012-9.)

H.B. 437, 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. (Became law upon ratification, June 7, 2012 - S.L. 2012-10.)

H.B. 925, AN ACT TO REQUIRE A VOTE OF THE RESIDENTS PRIOR TO THE ADOPTION OF AN ANNEXATION ORDINANCE INITIATED BY A MUNICIPALITY. (Became law without the approval of the Governor, June 10, 2012 - S.L. 2012-11.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Mental Health & Youth Services Committee**:

H.B. 1075 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80384, which changes the title to read **H.B. 1075** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, is adopted and engrossed.

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

S.B. 905, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, with a favorable report.

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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S.B. 813, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, 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 35376, is adopted and engrossed.

S.B. 821, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35378, which changes the title to read **S.B. 821** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS, is adopted and engrossed.

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

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S.B. 868, A BILL TO BE ENTITLED AN ACT ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 35377, is adopted and engrossed.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70305, which changes the title to read **H.B. 819** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, is adopted and engrossed.

CALENDAR

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

S.B. 949 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION, upon second reading.

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

H.B. 423 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MAINTAIN COUNTY LEVEL EXPENDITURES IN LOCAL FUNDS FOR CHILD PROTECTIVE SERVICES WORKERS; (2) USE 2011 DATA SOURCE FOR CHILD CARE SUBSIDY ALLOCATION FORMULA; (3) CLARIFY THE TERM SUBSTANTIAL COMPLIANCE AS IT RELATES TO MEDICAID AND HEALTH CHOICE PROVIDER REQUIREMENTS, AND (4) EXEMPT CONTRACTS FOR THE RENTAL OF OFFICE SPACE THAT DO NOT CONSTITUTE A FINANCIAL RELATIONSHIP UNDER THE FEDERAL STARK ACT FROM THE CONFLICT OF INTEREST PROVISION OF THE HOSPITAL AUTHORITY ACT, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is re-referred to the **Rules and Operations of the Senate Committee**.

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H.B. 483 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, TO APPROPRIATE FUNDS TO FACILITATE THE EXPANSION, AND TO RESTRICT THE EXPENDITURE OF STATE FUNDS ON ACCREDITATION OF THE STATE CRIME LABORATORY, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 12.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Wednesday, June 13.

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

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H.B. 1055, A BILL TO BE ENTITLED AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 1066, A BILL TO BE ENTITLED AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 1067, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 1069, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

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H.B. 1081, A BILL TO BE ENTITLED AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 438 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, upon third reading, with Amendment No. 1 pending.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

H.B. 737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

WITHDRAWAL FROM CALENDAR

H.B. 1075 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, placed on the calendar for Tuesday, June 12, upon second reading.

Senator Apodaca offers a motion that the rules be suspended and that the Senate Committee Substitute bill be withdrawn from the calendar for Tuesday, June 12, and placed on the calendar for Tuesday, June 19, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the calendar for Tuesday, June 12, and placed on the calendar for Tuesday, June 19.

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE

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FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING, placed on the calendar for Tuesday, June 12, upon second reading.

Senator Apodaca offers a motion that the rules be suspended and that the Committee Substitute bill be withdrawn from the calendar for Tuesday, June 12, and placed on tonight's calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the calendar for Tuesday, June 12, and placed on tonight's calendar.

CALENDAR *(continued)*

S.B. 906, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE, upon second reading.

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 by special message.

S.B. 919, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS, upon second reading.

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 by special message.

S.B. 934, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA, upon second reading.

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 by special message.

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S.B. 939, A BILL TO BE ENTITLED AN ACT TO PERMIT THE CITY OF FAYETTEVILLE TO DISCLOSE LIMITED PERSONNEL INFORMATION TO THE MEMBERS OF THE CITIZEN REVIEW BOARD TO FACILITATE ITS REVIEW OF POLICE DISCIPLINARY CASES, upon second reading.

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 by special message.

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, upon second reading.

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. 1065, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER, upon second reading.

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. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS, upon second reading.

Without objection, Senator Clodfelter 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 by special message.

H.B. 1015 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, upon third reading.

Senator Rucho offers Amendment No. 2 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, 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, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Stevens, Tillman, Tucker, Vaughan, Westmoreland and White---46.

Voting in the negative: None.

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The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 815, A BILL TO BE ENTITLED AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, upon second reading.

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 by special message.

S.B. 881, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, upon second reading.

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 by special message.

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A CHILD; TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC SAFETY TO ASSIST WITH THE COST OF INCREASED PRISON BED CAPACITY; AND TO APPROPRIATE FUNDS TO THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO HELP EDUCATE INVESTIGATORS AND DISTRICT ATTORNEYS REGARDING THIS TYPE OF CRIMINAL ACTIVITY AND THE LEGAL RESOURCES AVAILABLE TO FIGHT THESE CRIMES AND TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY, upon second reading.

Senator Atwater offers Amendment No. 1 which is adopted (47-0), and changes the title to read **S.B. 910**, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A CHILD; AND TO REQUIRE THE

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NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY.

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 engrossed and sent to the House of Representatives by special message.

H.B. 177 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO: (1) CREATE AN INTERAGENCY TASK FORCE TO STUDY THE FEASIBILITY AND DESIRABILITY OF ADVANCING THE USE OF ALTERNATIVE FUELS BY STATE AGENCIES AND THE DEVELOPMENT OF ASSOCIATED FUELING INFRASTRUCTURE; (2) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS AND; (3) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW, upon second reading.

Senator Rucho 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. 199 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY THE PROVISIONS OF THE GENERAL STATUTES THAT REGULATE PRECIOUS METALS BUSINESSES, PAWNBROKERS AND CASH CONVERTERS, AND SECONDARY METALS RECYCLERS, AND TO STRENGTHEN METALS THEFT PREVENTION BY REQUIRING PERMITTING OF NONFERROUS METALS PURCHASERS, MAKING IT A CRIME TO CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE THE PROPERTY OF ANOTHER TO OBTAIN NONFERROUS METALS, CREATING RELATED CRIMINAL OFFENSES, AND MAKING OTHER RELATED CHANGES TO THE GENERAL STATUTES, upon second reading.

Senator Daniel offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill, as amended, placed on the calendar for Tuesday, June 12, upon third reading.

H.B. 235 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS TO INCLUDE CONVICTION OF A SEXUALLY RELATED OFFENSE THAT RESULTS IN THE CONCEPTION OF THE JUVENILE AS A BASIS FOR TERMINATION OF PARENTAL RIGHTS, upon second reading.

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The Senate Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 237 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA, upon second reading.

Senator Brown offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill, as amended, placed on the calendar for Tuesday, June 12, upon third reading.

SENATE PAGES

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

Alex Anderson, Burlington; Sarah Blau, Raleigh; Mark Burnett, Raleigh; Josh Closson, Wilmington; Rachael Cockrell, Beaufort; Andy Faulk, Sanford; Kristen Gray, Matthews; Ashley Hodges, Raleigh; Matthew Inabnit, Burlington; Zeke Janicello, Burlington; Kelli Johnson, Cary; Jake Kaylor, Raleigh; Victoria Kroll, Holly Springs; Maria Kunath, Apex; Stephanie Lamm, Cary; Savanna Lupton, Cedar Island; Patrick Lydon, Winston-Salem; Rob McCarthy, Greenville; Chase McLamb, Garner; Truman Phipps, Faison; Joey Sasso, Jr., Mooresville; Andy Shiver, Knightdale; Freeman Slaughter, Greensboro; Sam Stephenson, Wrightsville Beach; Clark Streets, Pittsboro; Myra Waheed, Goldsboro; Rollins Wallace, Raleigh; and Stuart Welch, Winston-Salem.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

CALENDAR *(continued)*

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," upon second reading.

Senator Brock 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 (46-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

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H.B. 813 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF INDUSTRIAL MACHINERY EXEMPT FROM BUILDING CODE INSPECTION TO INCLUDE EQUIPMENT AND MACHINERY ACQUIRED BY STATE-SUPPORTED CENTERS PROVIDING TESTING, RESEARCH, AND DEVELOPMENT SERVICES TO MANUFACTURING CLIENTS, upon second reading.

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.

S.B. 816 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING, upon second reading.

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

The Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

Upon motion of Senator Phil Berger, seconded by Senator Graham, the Senate adjourns at 8:28 p.m., subject to the ratification of bills, introduction of bills and resolutions, receipt and referral of committee reports, re-referral of bills and resolutions, and receipt of messages from the House of Representatives, to meet Tuesday, June 12, at 8:00 a.m.

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SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 956 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY.

Referred to the **Finance Committee**.

H.B. 1021 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT.

Referred to the **Judiciary II Committee**.

H.B. 1035 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONTINUED ISSUANCE OF SPECIAL LICENSE PLATES WITH UNIQUE PLATE BACKGROUND DESIGNS, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, AND TO CORRECT THE AMERICAN RED CROSS SPECIAL PLATE AUTHORIZATION.

Referred to the **Finance Committee**.

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

ONE HUNDRED AND TWENTY-FIFTH DAY

Senate Chamber
Tuesday, June 12, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Senator from Henderson County.

Senator Brown announces that the Senate Journal of Monday, June 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Senate recesses at 8:01 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, introduction of bills and resolutions, and re-referral of bills and resolutions, to reconvene at 3:00 p.m.

RECESS

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SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 518 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 13.

H.B. 943, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.

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

H.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE.

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

H.B. 991, A BILL TO BE ENTITLED AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

H.B. 1059, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET.

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

H.B. 1108, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY.

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

H.B. 1131, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.

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

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H.B. 1133, A BILL TO BE ENTITLED AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS.

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

H.B. 1197, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

H.B. 1204 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS.

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

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION.

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

H.B. 1138, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

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

H.B. 1071, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW.

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

H.B. 1093 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF FOR FARMERS BY DESIGNATING THAT AN ADDITIONAL REPRESENTATIVE OF AGRICULTURE SHALL BE INCLUDED AMONG THE GENERAL ASSEMBLY'S APPOINTMENTS TO THE ENVIRONMENTAL MANAGEMENT COMMISSION; BY REQUIRING THAT NOTICE BE GIVEN TO THE BOARD OF AGRICULTURE WHEN ANY PROPOSED RULE WOULD DIRECTLY AFFECT AGRICULTURE; AND BY CLARIFYING THAT THE POWER TO ISSUE CIVIL PENALTIES CONFERRED BY STATUTE ON THE COMMISSIONER, BOARD OF AGRICULTURE, PESTICIDE BOARD, OR STRUCTURAL PEST CONTROL COMMITTEE INCLUDES THE POWER FOR THOSE BODIES TO DETERMINE THAT NONMONETARY SANCTIONS, EDUCATION, OR TRAINING ARE SUFFICIENT TO ADDRESS A VIOLATION OF RULE OR STATUTE, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON AGRICULTURAL REGULATIONS.

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

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 950 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill with unengrossed Amendments Nos. 1-7.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30634, with unengrossed Amendments Nos. 1-7 is adopted.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill, with unengrossed Amendments Nos. 1-7, is re-referred to the **Finance Committee**.

ENROLLED BILLS

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

S.B. 816, AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.

H.B. 149, AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM.

H.B. 176, 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.

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

S.B. 799, AN ACT TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY.

S.B. 830, AN ACT TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE.

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H.B. 296, 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.

H.B. 322, 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.

H.B. 328, 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.

H.B. 511, AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

H.B. 1065, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 950 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, with a favorable report, as amended.

Pursuant to Rule 43, the Senate Committee Substitute bill, as amended, is referred to the **Pensions & Retirement and Aging Committee**.

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

Prayer is offered by The Reverend Peter N. Smith of First Presbyterian Church in Eden, North Carolina, as follows:

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“Great God, our Father in heaven, you are sovereign over all creation and attentive to every detail of our lives, even politics – especially politics because governing well is godly work. We thank you for the trust of the people across this state who have elected these Senators to lead us, and we praise you for the privilege of responsibility to do so. Grant the men and women of this legislative body wisdom to discern what is best for North Carolina, vision for the common good, willingness to listen, and ability to hear not only one another but also your voice through the process of reason and debate. Fill this chamber with a spirit of humility and servant-hood, passion and devotion to matters both large and small, bold and mundane. Lord God, we ask your blessings upon this Capital and all who work here, the great state of North Carolina, and the United States of America. Cause us to prosper. Forgive us where we err. Deliver us from doing harm. Use us for your glory. Be strong in our weakness. We pray in the name of Jesus Christ our Lord, Amen.”

PLEDGE OF ALLEGIANCE

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

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

The Chair extends privileges of the floor to Dr. David Messerly from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Caroline Baugess from Burlington, North Carolina, who is serving the Senate as Nurse of the Day.

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 Carney (Primary Sponsor); Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Robinson, Rouzer, Rucho, Tillman, Tucker, Vaughan, Walters, Westmoreland and White:

S.J.R. 958, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS “JIM” FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the rules are suspended, without objection, and the Joint Resolution is placed on today’s calendar for immediate consideration, to be read in its entirety and to allow for debate on the resolution.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

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H.J.R. 1007, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER.

Upon motion of Senator Apodaca, the rules are suspended, without objection, and the Joint Resolution is placed on today's calendar.

CALENDAR

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

S.J.R. 958, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS "JIM" FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

Upon motion of Senator Apodaca, the remarks of the Senators are spread upon the Journal as follows:

Senator Carney:

"Thank you, Mr. President. First of all, I know so many in this room were great friends to Senator Forrester. I had the unique position in the fact that I grew up under his great guidance. He was my Senator, and he was a man that stood as a gentleman before all of us as a true representative of the Senate back at home. So I can tell you, it's not only an honor to serve the citizens in this Senate, but it is most certainly an honor to serve in the footsteps behind somebody who left such a big shadow as Senator Forrester. We thank him, and we thank his family for what they did in sacrificing their time with him – allowing him to be the great representative that he was. I can't thank Mary Frances enough for all she did to help the community and what she did in parting with Jim and allowing him to serve the community like he did. Again, it is an honor, and this couldn't have been a more appropriate resolution for one of the greatest men I ever knew."

Senator Allran:

"Mary Frances and family members, Jim Forrester was one of the very finest people I ever served with in the House or Senate and a good personal friend as well. During the terms I served in the Senate, there was only one Senator who ever I shared Catawba County with in representation, and that was Jim Forrester. At one time, he represented half of Catawba County, including the county seat, and during that time, I came to know Jim really well. He was so nice, I sometimes wondered if it was for real, and I found out, yes, it was definitely for real. Jim was always kind, soft-spoken, positive. He was a supportive, gentle spirit – always there with a smile and a chuckle. He was one of the most accomplished people I ever met or ever knew, as we saw from the resolution. As his granddaughter said at his memorial service, with all the accomplishments and titles, he should have been a big shot, or at least he should have thought he was a big shot. But it was just the opposite, and that's so true. Jim was always quiet and humble and unassuming. He always had something encouraging to say about everything. Philosophically, he was strictly conservative, and that was not just on fiscal matters but also social issues. As a father and grandfather, he was a

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tireless champion of traditional values, and always there beside him was Mary Frances. And Jim took great pride in the accomplishments of Mary Frances – her own accomplishments. He was always there supporting her – so proud of her. That was something Jim just liked to do, and that was support other people and encourage them. He liked a lot of things, and he loved a lot of things. He loved God; he loved the mountains, his Scotch ancestry, his wife, his children, his grandchildren. He loved public service, and he loved the Lord steadfastly. At his memorial service, his son, also a doctor, Jim, Jr., gave the finest eulogy I've ever heard. Among many wonderful things that he said about his father, he said that his Dad's advice to his children was, 'If you can't say something good, don't say anything.' Dr. Forrester, Senator Forrester, Sir Jim, as we sometimes called him, I don't know if the resolution mentioned that he was knighted by the Government of Portugal, but he was, so sometimes we called him Sir Jim. He was just a great man, a good man, and a friend. I miss Jim, but I'm thankful I had the privilege of knowing him. I do miss him, but he enriched the lives of thousands of people, including me, and all I have to say is thank you, Jim."

Senator Rucho:

"Ladies and Gentlemen of the Senate, when I first came here, Jim Forrester and I were roommates, and we had plenty of time to sit, have dinner together, talk, joke, and laugh. I considered him a dear friend. A lot of the stories that he told me about, you know, one, he was an avid golfer. Mary Frances, he took a lot of my money, so apparently he had a lot of nice meals up there, but he tells a story about his Dad – you know he was a golfer in Scotland. He was very proud of his Scottish heritage. He talked about how the story about him winning the tournament and going back to Scotland and reading the articles in the newspaper, and he was very proud of that, and I could see a real twinkle in his eye when he mentioned that story, and he talked about his time with his father and all of that. He had his special golf clubs that we wouldn't recognize today because most of us use high tech golf clubs, Senator Apodaca. But he had these wooden shafts with the metal ends and it was really a treat. I'm going to miss him very much because we don't have the chance to sit and talk and laugh and tell stories, but one thing for sure, he is in Heaven today with his father, playing golf, and I'm very happy and very proud of him. Thank you."

Senator Apodaca:

"Mary Frances, I'm glad Senator Rucho paid Jim because he seldom pays me! When I think of Jim Forrester, I think back to when I was a freshman and came in; the first note I got in the mail when I won the election was a note from Jim Forrester. I always looked forward to getting notes from Jim. What impressed me most is how he would give guidance to a freshman, and, you know, spend extra time with the whole class because we had a large freshman class then, probably one of the finest classes ever to come in, but anyway, that's another matter. But Jim always had an open door, and he always had an open door for everybody in this chamber. He and Dr. Purcell would always see us when we needed to see someone about a medical issue. Even though we had doctors of the day, we felt good to have our two doctors look after us. And as I

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said time before, these are bittersweet moments when we have a resolution like this because it means we've lost a family member, and Jim was certainly a family member of the Senate. He loved this body, and he loved North Carolina; he loved the politics of North Carolina, but more than anything, he loved Mary Frances. Because when he spoke about Mary Frances, Bob, that twinkle would come back in the eye, like when he talked about his father. But I've never seen quite a romance last so many years, and that's a testament to both of you – something I hope to be able to accomplish in my lifetime. He is missed; he was an important person in this Senate, and he will continue to be missed. I recommend this resolution to you.”

Senator Purcell:

“When I first came to the Senate, Jim Forrester had been here six years, and I immediately turned to him as kind of a relationship between physicians that most of you probably don't understand. But we do have respect for each other and try to work together. And although some of you back in those days did act like children, you were better off having Jim Forrester treat you than me, but we both did it. But I first developed great respect for him when I found out that he was going home and practicing medicine every weekend. I was not quite that dedicated. I've been on weekend calls probably more years than he had, but anyway, he did that, and he was able to carry on his practice, at least on a part-time basis, and still serve in the Senate, and I had great admiration for him. We often talked about issues that were before the Health Care Committee where we both served, and it was good to have a fellow physician to talk about some of the health issues that were coming up, and I think that resulted in us doing some better work in that committee. But I had great respect for Jim Forrester and his service to his country in the military, and I always called him 'General.' But, anyway, I think that he certainly is already missed here, and I know his family has been through a lot, and I wish the very best for them.”

Senator Tillman:

“After having Bill Rabon treat me, Mary Frances, I much prefer Jim treating me! I played golf a few times with Jim, but I will go back just a little earlier than that. When I was running along with Tom Apodaca and some of us who came in in that illustrious class, Jim called me, and he understood that I was having a fundraiser. He and Bob Shaw, who has also passed on, got together and called all the Senators that were sitting at that time, nearly all of them, and many of them came or sent checks. Jim sent one before calling those folks, and later on, he didn't think I was raising enough money, Mary Frances sent me another very healthy check. I've always thought that Jim was the kind of person that I wanted to be like. I don't know of anybody else that's an M.D., a Brigadier General, State Senator, Sir Jim Forrester, knighted by the country of Portugal, and his father won the Scottish Open in the '30's. If anybody else has got that pedigree, I'd like to know it! He was just as down to earth as you could be, and he carried his little black bag with him nearly all of the time, and then he served us well. He had a nickname for me. Dr. Rabon, you'd understand this. We played golf,

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and the day that we were playing was Captain's choice, and I was just killing the ball down the middle – a long ways for me. Everything was clicking that day. He named me 'Animal,' Bill, he named me 'Animal' And he stuck with that for a good long while, but I called him 'Gentleman Jim' and several other names that I fondly remember, but he was a friend of all of us. And I know that there was a special smile on Jim's face when one thing he worked for for over 10 years passed on primary election day – and we all know what that was. He worked tirelessly to see that it was done, and I was so thankful that that happened for Jim Forrester, as much as anything, and I thought of Jim on that day, and I think about him nearly every day. But I certainly recommend this resolution to you."

Senator Brock:

"We've talked about when we lose family members – coming up here first as an intern and meeting so many Senators and how they would take time out of their busy schedules to talk to the students and about how their classes were going and how their life was, and he was always interested in young people. But also we would discuss our Scottish heritage and how I didn't have enough guts to wear a kilt the way he would! But you know, one thing I thought about – and one thing I've missed – is to hear his story of coming to America and how lucky we are that we were born in such a great country, and to hear his story, and to hear that from somebody who lived the American dream is just something that I'll never forget, and it's one of the best moments that I've ever had in the Senate. I miss you, Jim."

Senator Blake:

"Senator Berger, thank you very much for allowing me to sit in the chair that Senator Forrester sat in last year. When I came here ten years ago, I remembered the first person that I can remember today was the gray-haired gentleman that was Dr. Forrester. Mary Frances, from that day until today, he stands out in my mind as being so special that when you meet someone like that – that *is* special – you really can't put the words together to say it. But I was honored to sit next to Senator Forrester, and I was seated here today thinking about the pain that he went through right here on this Senate floor from his condition. Every day, we'd chat about the sun and all the great things; he never, never complained about having the pain that he was going through. For me, Mary Frances, and my fellow Senators, being in this Senate and being able to know Senator Forrester will be one of the highlights of my life. I urge everyone to support this resolution for a great American and a great Senator. Thank you."

Senator Harrington:

"Senator Forrester was many things to many people, but to me he was a friend. When I first got here last year, he was always ready to answer questions; he was very supportive and very kind to me. I miss him very much. I urge you to support this resolution."

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Senator Rouzer:

“I’ve been sitting here listening to all the comments about Senator Forrester. In 2009, I sat right where Ed Jones is sitting, and Senator Forrester was to my left, and my friend, Stan Bingham, was to my right; I have many stories. And old Stan would be cracking jokes and so forth and showing me his insight, and then a vote would come up and Senator Forrester would tap me on the arm and say, ‘David, this is a tax vote. You need to vote “no.” ‘And I, too, Senator Apodaca, would get notes from him after my reelection in 2010. He was a fine man, and may God always bless his family.”

Senator Gunn:

“I told my wife coming back from the celebration of Jim’s life on that Sunday afternoon at the Stanley Baptist Church, that was some of the most heartfelt words I had ever heard, and I have reflected back on those words many a time. I could summarize it like this: there is no better tribute that a father could ever want to have than to have your namesake and your son in front of his family and his friends and his peers to express his love and his admiration and his respect to his father.”

Senator Phil Berger:

“Thank you, Mr. President. Mary Frances, as a number of folks have indicated, we thank you for allowing Jim to serve in this body. You know, all you have to do is read through the resolution quickly, and what you see is a story that is the story of America in many respects. A young man, lost his Dad, moves to a foreign country, goes to school, becomes successful – and not just average successful, but very successful. There’s no place on this earth that that story can happen but here. And so Jim Forrester, although not born in America, is the story of America, and the words you’ve heard from the members today are heartfelt words and are the words that really reflect how people felt about him and continue to feel about him, so, Mary Frances, again, thank you, and we thank the members of the body for the words that have been spoken today. I urge your support for the resolution.”

Lt. Governor Dalton:

“Members of the Senate, I knew Jim Forrester before I ever came to the North Carolina Senate. He was in a combined district, and one of his counties was Rutherford County. I was the county attorney, and I would say anytime we’d call with an issue or concern, he was always there with a ready ear. He was always willing to be responsive. When I was elected to the Senate, I served Rutherford and Cleveland Counties, Senator Westmoreland, and Jim also had Cleveland County, so we had many conversations about the good people in that Senate district. He was always a gentleman; he was always fighting for his constituents. You’re right, he was very proud of that Scottish heritage, and anytime he got near the golf course, he would talk about his father who had been

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a golf professional. He did appreciate the opportunities that this country gave him and others, and certainly he was proud of his military service. I think it's appropriate that he now rests in Arlington Cemetery. We want to thank the family; we appreciate the family for their sacrifice in sharing him with the State of North Carolina. Upon the motion of Senator Carney of Iredell, the chair is happy to extend courtesies of the gallery to his widow, Mary Frances Forrester; his sister-in-law, Sally Beach; and his former assistants, Lois Tyree, Mary Cannon, and Mona Fitzgerald. If you would stand, and let's recognize them. (Applause) You may be seated. Thank you."

The Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM CALENDAR

S.B. 518 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE 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, placed on the calendar for Wednesday, June 13, upon second reading.

Senator Apodaca offers a motion that the rules be suspended and that the House Committee Substitute bill be withdrawn from the calendar for Wednesday, June 13, and placed on the calendar for Tuesday, June 19.

The Chair orders the House Committee Substitute bill withdrawn from the calendar for Wednesday, June 13, and placed on the calendar for Tuesday, June 19.

CALENDAR (*continued*)

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 20.

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H.B. 237 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA, upon third reading.

Upon motion of Senator Brown, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 13.

S.B. 905, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN CURRITUCK COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, upon second reading.

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 by special message.

S.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, 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, June 13.

S.B. 868 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL, upon second reading.

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. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon second reading.

Senator Gunn offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-2).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill, as amended, placed on the calendar for Wednesday, June 13, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 950 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, with an unfavorable report as to Senate Committee Substitute bill with unengrossed Amendments Nos. 1-7, but favorable as to Senate Committee Substitute bill No. 2 with engrossed amendments.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 30636 is adopted and engrossed.

The Chair grants a leave of absence for the remainder of today's session to Senator Apodaca.

CALENDAR *(continued)*

H.B. 819 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, upon second reading.

Senator Rouzer offers Amendment No. 1 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its second reading (35-12) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 199 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY THE PROVISIONS OF THE GENERAL STATUTES THAT REGULATE PRECIOUS METALS BUSINESSES, PAWNBROKERS AND CASH CONVERTERS, AND SECONDARY METALS RECYCLERS, AND TO STRENGTHEN METALS THEFT PREVENTION BY REQUIRING PERMITTING OF NONFERROUS METALS PURCHASERS, MAKING IT A

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CRIME TO CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE THE PROPERTY OF ANOTHER TO OBTAIN NONFERROUS METALS, CREATING RELATED CRIMINAL OFFENSES, AND MAKING OTHER RELATED CHANGES TO THE GENERAL STATUTES, upon third reading.

Senator Daniel offers Amendment No. 2 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM CALENDAR

S.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, placed on the calendar for Wednesday, June 13, earlier in today's session, upon second reading.

Senator Hartsell offers a motion that the Committee Substitute bill be withdrawn from the calendar for Wednesday, June 13, and placed on today's calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the calendar for Wednesday, June 13, and placed on today's calendar.

CALENDAR *(continued)*

H.B. 941, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, upon third reading.

Senator Newton offers Amendment No. 1 which is adopted (47-0), and changes the title to read **H.B. 941**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AND TO CLARIFY THE IDENTIFICATION AND ELECTRONIC RECORD-KEEPING REQUIREMENTS FOR PSEUDOEPHEDRINE PRODUCTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

The 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. 1.

June 12, 2012

S.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon second reading.

The Committee Substitute bill passes its second reading (47-1).

Senator Bingham objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Wednesday, June 13, upon third reading.

H.J.R. 1007, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER, upon second reading.

The Joint Resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered enrolled.

Upon motion of Senator Phil Berger, seconded by Senator Mansfield, the Senate adjourns at 4:31 p.m., subject to the ratification of bills, introduction of bills and resolutions, referral of bills and resolutions, reading and receipt of committee reports, and receipt of messages from the House of Representatives, to meet Wednesday, June 13, at 10:30 a.m.

WITHDRAWAL FROM CALENDAR

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, placed on the calendar for Wednesday, June 20, upon second reading.

Senator Brunstetter offers a motion that the rules be suspended and that the Committee Substitute bill be withdrawn from the calendar for Wednesday, June 20, and placed on the calendar, for Thursday, June 14.

The Chair orders the Committee Substitute bill withdrawn from the calendar for Wednesday, June 20, and placed on the calendar for Thursday, June 14.

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

June 12, 2012

ONE HUNDRED AND TWENTY-SIXTH DAY

Senate Chamber
Wednesday, June 13, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

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

“Lord, you are so good. You are in this place, and we are thankful. This is the day that you have made. Let us rejoice and be glad in it. Let us come to you and lay our burdens at your cross. And so we come, Lord, again, from the mountains, from the plains, from the deserts, and from the city to ask your blessing. Empower us to walk on in humility and walk on in love and wisdom. Let those that are new at this talk with the seasoned. Pursue the old and remind them of their being precious in your sight and vital for the imparting of wisdom. Let all of us fall to our knees to acknowledge that we cannot make laws, we cannot pass bills on our own. We need the guidance and admonition of your Holy Spirit. We need you to train us, Lord, train us to listen for your Holy Spirit. And so today, Lord, push us beyond being selfish; push us beyond being stuck in our own perspective. Help us to listen to those that are wise around us, and help us to admit when we have lost our way. But mostly, Lord, we ask you to send your spirit into this place, into the places where we wouldn’t want to keep you out, and we ask you to have your way. It is in your long suffering, spirit giving name that we pray, Amen.”

The Chair grants leaves of absence for today to Senator Apodaca and Senator Stein.

Senator Blake, Deputy President *Pro Tempore*, announces that the Senate Journal of Tuesday, June 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Christopher Golding from Greensboro, North Carolina, and Joanne Goodchild from Charlotte, North Carolina, who are serving the Senate as Nurses of the Day.

ENROLLED BILLS AND A RESOLUTION

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

H.B. 235, AN ACT TO AMEND THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS TO INCLUDE CONVICTION OF A SEXUALLY RELATED OFFENSE THAT RESULTS IN THE CONCEPTION OF THE JUVENILE AS A BASIS FOR TERMINATION OF PARENTAL RIGHTS.

June 13, 2012

H.B. 261, AN ACT TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED.

H.B. 741, AN ACT TO SET A MAXIMUM LENGTH FOR LAW ENFORCEMENT AND EMERGENCY MANAGEMENT VEHICLES.

H.B. 1025, AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS.

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

H.J.R. 1007, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DANIEL LUCAS ELLIOTT, NORTH CAROLINA CITIZEN AND SOLDIER. (Res. 4)

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. 843, AN ACT TO MODERNIZE THE NORTH CAROLINA EMERGENCY MANAGEMENT ACT AND RELATED STATUTES. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-12.)

H.B. 966, AN ACT TO REPEAL THE PROHIBITION ON TEACHER PREPAYMENT, CLARIFY ELIGIBILITY FOR THE NC PRE-K PROGRAM, AND ENACT 2012-2013 SALARY SCHEDULES FOR TEACHERS AND SCHOOL ADMINISTRATORS. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-13.)

H.B. 345, AN ACT TO MODIFY THE MOVE-OVER LAW TO INCLUDE ALL HIGHWAY MAINTENANCE VEHICLES AND UTILITY VEHICLES. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-14.)

H.B. 302, AN ACT TO BROADEN THE EXEMPTION FROM CHARITABLE LICENSING REQUIREMENTS FOR CERTAIN NONPROFIT ADULT RESIDENTIAL TREATMENT FACILITIES AND TO EXTEND THE SUNSET ON A WAIVER RELATING TO ALTERNATIVE STAFFING REQUIREMENTS FOR FACILITIES THAT USE ELECTRONIC SUPERVISION DEVICES. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-15.)

June 13, 2012

H.B. 637, AN ACT TO AMEND THE LAWS APPLICABLE TO ADOPTIONS, AS RECOMMENDED BY THE NORTH CAROLINA BAR ASSOCIATION. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-16.)

H.B. 493, AN ACT AMENDING THE LAWS RELATED TO LANDLORD TENANT RELATIONSHIPS AND ESTABLISHING A PROCESS WHEREBY A LANDLORD MAY REMOVE FROM A RESIDENTIAL DWELLING UNIT TANGIBLE PERSONAL PROPERTY BELONGING TO A DECEASED TENANT AFTER FILING AN AFFIDAVIT WITH THE CLERK OF COURT IN THE COUNTY IN WHICH THE RESIDENTIAL DWELLING UNIT IS LOCATED. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-17.)

H.B. 707, AN ACT TO ELIMINATE OBSOLETE REGISTER OF DEEDS PROVISIONS FROM THE GENERAL STATUTES, TO AMEND LOCAL AGENCY CHARGES FOR VITAL RECORDS SEARCHES, TO CLARIFY THE LAW GOVERNING PERSONS HOLDING THE POWER TO DIRECT TRUSTEES, TRUST PROTECTORS, AND DIRECTED TRUSTEES AND OTHER FIDUCIARIES, TO MAKE TECHNICAL CHANGES IN THE LAW GOVERNING TRUSTS AND DECEDENTS' ESTATES, AND TO AUTHORIZE THE REVISOR OF STATUTES TO PRINT OFFICIAL COMMENTS TO THE UNIFORM TRUST CODE. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-18.)

H.B. 660, 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. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-19.)

H.B. 589, AN ACT 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. (Became law upon approval of the Governor, June 11, 2012 - S.L. 2012-20.)

S.B. 799, AN ACT TO REMEDY INFIRMITIES FOUND BY A FEDERAL COURT IN A LOCAL ACT RELATING TO ELECTION OF THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY. (Became law upon ratification, June 12, 2012 - S.L. 2012-21.)

S.B. 830, AN ACT TO ALLOW IREDELL COUNTY TO ESTABLISH A SATELLITE REGISTER OF DEEDS OFFICE AND TO AUTHORIZE THE RECORDING OF DOCUMENTS AT THAT OFFICE. (Became law upon ratification, June 12, 2012 - S.L. 2012-22.)

June 13, 2012

H.B. 296, 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. (Became law upon ratification, June 12, 2012 - S.L. 2012-23.)

H.B. 322, 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. (Became law upon ratification, June 12, 2012 - S.L. 2012-24.)

H.B. 328, 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. (Became law upon ratification, June 12, 2012 - S.L. 2012-25.)

H.B. 511, AN ACT DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY. (Became law upon ratification, June 12, 2012 - S.L. 2012-26.)

H.B. 1065, AN ACT TO ALLOW THE MOORE COUNTY BOARD OF EDUCATION TO (I) PERMIT THE USE OF PUBLIC SCHOOL BUSES TO SERVE THE TRANSPORTATION NEEDS OF THE 2014 U.S. OPEN GOLF TOURNAMENT AND (II) BEGIN THE 2013-2014 SCHOOL YEAR ONE WEEK EARLIER. (Became law upon ratification, June 12, 2012 - S.L. 2012-27.)

MOTION PERTAINING TO SESSION

Upon the motion of Senator Brunstetter, the rules are suspended, without objection, to allow research staff on the Senate chamber floor while H.B. 950 is being considered.

CALENDAR

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

H.B. 950 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, upon second reading.

June 13, 2012

Senator Phil Berger, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Walter Dalton, who presides.

Senator Robinson offers Amendment No. 1 which fails of adoption (17-30).

Senator Purcell offers Amendment No. 2 which fails of adoption (17-30).

Senator Doug Berger offers Amendment No. 3 which fails of adoption (17-30).

Senator White offers Amendment No. 4 which fails of adoption (21-26).

Senator Doug Berger offers Amendment No. 5 which fails of adoption (18-30).

Senator Jenkins offers Amendment No. 6.

Senator Davis offers Amendment No. 7 as a Substitute Amendment for Amendment No. 6.

Amendment No. 7 is adopted (30-18).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 30, noes 18, as follows:

Voting in the affirmative: Senators Allran, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---30.

Voting in the negative: Senators Atwater, D. Berger, Blue, Clodfelter, Dannelly, Garrou, Graham, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Robinson, Vaughan, Walters and White---18.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and remains on the calendar for Thursday, June 14, upon third reading.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS, upon second reading.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 14.

S.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon third reading.

June 13, 2012

Upon motion of Senator Brunstetter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 14.

H.B. 237 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA, upon third reading.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 14.

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon third reading.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Thursday, June 14.

Upon motion of Senator Phil Berger, seconded by Senator Walters, the Senate adjourns at 1:52 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, introduction of bills and resolutions, and re-referral of bills and resolutions, to meet Thursday, June 14, at 11:00 a.m.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF "DEPENDENT CHILD" IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE.

Referred to the **Insurance Committee**.

June 13, 2012

H.B. 1087, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX.

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

H.B. 1107, A BILL TO BE ENTITLED AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY.

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

H.B. 1109, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER.

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

H.B. 1114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER.

Referred to the **Finance Committee**.

H.B. 1196, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH.

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

H.B. 1212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS,

KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, THE CITY OF RALEIGH, AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT.

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

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

ONE HUNDRED AND TWENTY-SEVENTH DAY

Senate Chamber
Thursday, June 14, 2012

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 come to you today, and we ask for mercy. That’s the first thing we ask for, Lord, is mercy. And we ask for more of it, and we ask for abundant buckets of mercy to flow like the fountain flows outside of these walls. Take away our feeling of superiority which leads to separation, separation which leads to caricaturing others, which leads to active oppression. Help us believe in your grace. Make us slow to speak. Have mercy on us again today. What if we took seriously the man praying for his enemies as He was killed? What if we started where Martin Luther King started, by quoting the book of Amos, ‘Let justice roll down like waters and righteousness like a mighty stream.’ And so today, Lord, we come and we ask you to remind us here that what we are doing flows from that stream of your saving power and grace. We are not simply repeating vain acts to be repeated over and over just to pass time. No, Lord, these acts here made are so important for the living of our lives. You are here, and we ask you to consecrate our actions to remind us that you are with us. Keep the devil’s voice away that tells us, ‘Nothing you do makes any difference.’ Because in the end, there is a future that matters, and that is one that has been redeemed and placed in your loving arms. We pray in Christ’s name, Amen.”

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

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, 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.

June 14, 2012

The Chair extends privileges of the floor to Cheryl Duke from Greenville, North Carolina, who is serving the Senate as Nurse of the Day.

PLEDGE OF ALLEGIANCE

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

ENROLLED BILLS

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

S.B. 806, AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS.

S.B. 824, AN ACT TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE.

S.B. 889, AN ACT TO CHANGE THE DEFINITION ON AN AREA THAT CAN BE REPRESENTED BY A RURAL PLANNING ORGANIZATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 490, AN ACT TO NAME THE YADKIN RIVER BRIDGE AT THE DAVIDSON AND ROWAN COUNTY LINES THE "YADKIN RIVER VETERANS MEMORIAL BRIDGE."

H.B. 813, AN ACT TO EXPAND THE DEFINITION OF INDUSTRIAL MACHINERY EXEMPT FROM BUILDING CODE INSPECTION TO INCLUDE EQUIPMENT AND MACHINERY ACQUIRED BY STATE-SUPPORTED CENTERS PROVIDING TESTING, RESEARCH, AND DEVELOPMENT SERVICES TO MANUFACTURING CLIENTS.

H.B. 941, AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AND TO CLARIFY THE IDENTIFICATION AND ELECTRONIC RECORD-KEEPING REQUIREMENTS FOR PSEUDOEPHEDRINE PRODUCTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

June 14, 2012

MOTION PERTAINING TO SESSION

Upon the motion of Senator Brunstetter, the rules are suspended, without objection, to allow research staff on the Senate chamber floor while H.B. 950 is being considered.

CALENDAR

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

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

Upon motion of Senator Brunstetter, the Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, June 18.

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon third reading.

Upon motion of Senator Brunstetter, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Monday, June 18.

H.B. 950 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, upon third reading.

Senator Jenkins offers Amendment No. 8.

Senator Brunstetter offers a motion that Amendment No. 8 lie upon the table, seconded by Senator Newton, which motion carries (30-19).

Senator White offers Amendment No. 9 which fails of adoption (19-30).

Senator Rucho offers Amendment No. 10.

Senator White offers Amendment No. 11 as a Substitute Amendment for Amendment No. 10.

Senator Brunstetter offers a motion that Amendment No. 11 lie upon the table, seconded by Senator Newton, which motion carries (30-19).

Senator Rucho's Amendment No. 10 fails of adoption (0-49).

The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 30, noes 19, as follows:

June 14, 2012

Voting in the affirmative: Senators Allran, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---30.

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. 2 is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, upon second reading.

Senator Jackson offers Amendment No. 1 which is adopted (49-0).

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

Senator East offers Amendment No. 3 which is adopted (43-6).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered engrossed and remains on the calendar for Monday, June 18, upon third reading.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS, upon second reading.

Senator Goolsby 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.

June 14, 2012

S.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon third reading.

The Committee Substitute bill passes its third reading (48-1) and is ordered sent to the House of Representatives by special message.

H.B. 237 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA, upon third reading.

Senator Brown offers Amendment No. 2 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.

REMOVAL OF BILL SPONSORS

Senator Jenkins, Senator Mansfield, and Senator McKissick request that they be removed as sponsors of previously introduced legislation:

S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES.

ADDITIONAL SPONSOR

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

S.J.R. 937, A JOINT RESOLUTION REQUESTING THAT CONGRESS PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO OVERTURN THE UNITED STATES SUPREME COURT RULING IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION CONCERNING CORPORATE CAMPAIGN SPENDING.

Upon motion of Senator Phil Berger, seconded by Senator Purcell, the Senate adjourns at 12:55 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, appointment of conferees, introduction of bills and resolutions, and re-referral of bills and resolutions, to meet Monday, June 18, at 7:00 p.m.

June 14, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 13, 2012

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. 1015** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, and requests conferees.

Speaker Tillis has appointed:

Representative Howard, Chair
Representative Starnes, and
Representative Carney

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 957 (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. 964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

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

June 14, 2012

H.B. 1018, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR.

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

H.B. 1032, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

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

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT BLADEN COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION IN THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM.

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

H.B. 1086, A BILL TO BE ENTITLED AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.

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

H.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LAKE LURE TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

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

H.J.R. 1223, A JOINT RESOLUTION HONORING THE STATE LIBRARY FOR PROVIDING SERVICE FOR TWO HUNDRED YEARS AND THOSE WHO PLAYED A ROLE IN THE LIBRARY'S SUCCESS.

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

S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES, for concurrence in the House Committee Substitute bill No. 2.

Referred to the **Judiciary II Committee**.

S.B. 798, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE, for concurrence in the House Amendment No. 1.

The bill is placed on the calendar for Monday, June 18.

June 14, 2012

S.B. 805 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COASTAL CAROLINA COMMUNITY COLLEGE AND ISOTHERMAL COMMUNITY COLLEGE MAY OPT OUT OF PARTICIPATION AND THE WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM, for concurrence in the House Committee Substitute bill.

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

S.B. 890 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AND STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 18.

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

Referred to the **Transportation Committee**.

H.B. 945, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED.

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

H.B. 963, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.

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

June 14, 2012

H.B. 971 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.

Referred to the **Judiciary I Committee**.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT.

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

H.B. 1200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND.

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

H.B. 1207, A BILL TO BE ENTITLED AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 14, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **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, notwithstanding the objections of the Governor. Pursuant to Article II, Section 22, of the North Carolina Constitution, the bill together with the objections and veto message are hereby delivered to your Honorable Body for reconsideration.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 14, 2012

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 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."

As North Carolina continues to pull out of this global economic recession, it is more important than ever that we grow and strengthen students' opportunities to get career training or a college education. As a state, I believe we should search for more pathways for students to follow towards higher education, and I understand the importance of financial aid in helping more students succeed in their goal of a college degree or career training.

So I gladly signed a law passed last year that required community colleges to participate in a federal loan program that makes it easier for students to borrow money to attend a community college. That law was necessary because only 20 of North Carolina's 58 community colleges were making federal loan programs available to their students.

The General Assembly has now reversed course, and chosen to allow community colleges to opt out from the federal financial aid program. More than 177,000 students would be denied access to the safest and least expensive method of borrowing money for college, and North Carolina would be last among the 50 states in providing access to these loans. I strongly believe House Bill 7 will harm students, deny them valuable opportunities to pursue their educations, and turn North Carolina in the wrong direction.

Therefore I veto this bill.

S/Beverly Eaves Perdue

This bill, having been vetoed, is returned to the Clerk of the North Carolina House of Representatives on this 13th day of April, 2011, at 5:58 p.m. for reconsideration by that body.

Pursuant to the message from the House of Representatives, received by the Senate June 14, that the House passed H.B. 7 notwithstanding the objections of the Governor, the bill is placed on the calendar for June 18 for reconsideration by that body.

June 14, 2012

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 724 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 18.

H.B. 1048 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

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 14, 2012

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. 950** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, and requests conferees.

Speaker Tillis has appointed:

Representative Brubaker, Chair
Representative Johnson
Representative Crawford
Representative Dollar
Representative Gillespie, and
Representative Lewis

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 14, 2012

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 950 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 950 and requests conferees, the President announces the appointment of Senator Stevens, Chair; Senator Brown, Senator Brunstetter, Senator Hunt, 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.

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

ONE HUNDRED AND TWENTY-EIGHTH DAY

Senate Chamber
Monday, June 18, 2012

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 so good to stand before you. And today we need your word, especially the word you spoke through your prophet Jeremiah, ‘Thus says the LORD of hosts... to all the exiles whom I have sent into exile from Jerusalem to Babylon: “Build houses and live in them; plant gardens and eat their produce. Take wives [and husbands] and have sons and daughters...multiply there and do not decrease. But seek the welfare of the city.”’ So as we come to you tonight, Lord, help us to do these small things. Remind us, through this letter, that while we are in exile, ‘[You] know the plans [you] have for [us], declares the LORD, plans for welfare, and not for evil, to give [us] a future and a hope.’ ‘Then you will call upon me and come and pray to me, and I will hear you. You will seek me and find me, when you seek me with all your heart. I will be found by you.’ So we thank you, Lord, that you desire relationship with us, and that you desire to use our hearts in this public place. For Christ’s sake we pray, Amen.”

The Chair grants leaves of absence for tonight to Senator Garrou, Senator Robinson, and Senator Walters.

June 18, 2012

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, June 14, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 906, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE.

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. 673, 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. (Became law upon approval of the Governor, June 15, 2012 - S.L. 2012-28.)

S.B. 236, AN ACT ADOPTING THE EASTERN TIGER SWALLOWTAIL AS THE OFFICIAL STATE BUTTERFLY, DESIGNATING THE SHELBY LIVERMUSH FESTIVAL AS THE OFFICIAL FALL LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, DESIGNATING THE MARION LIVERMUSH FESTIVAL AS THE OFFICIAL SPRING LIVERMUSH FESTIVAL OF THE STATE OF NORTH CAROLINA, AND DESIGNATING THE SWANSBORO MULLET FESTIVAL AS THE OFFICIAL MULLET FESTIVAL OF NORTH CAROLINA. (Became law upon approval of the Governor, June 15, 2012 - S.L. 2012-29.)

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A

June 18, 2012

PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, 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 19.

S.B. 820 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 19.

CALENDAR

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

H.B. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Thursday, June 21.

WITHDRAWAL FROM COMMITTEE

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES

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WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, referred to the **Transportation Committee** on June 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the House Committee Substitute bill be withdrawn from the **Transportation Committee** and placed on the calendar for Tuesday, June 19, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Transportation Committee** and placed on the calendar for Tuesday, June 19.

CALENDAR *(continued)*

S.B. 444 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Westmoreland and White---45.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special message.

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon third reading.

Senator Gunn offers Amendment No. 2 which is adopted (46-0).

Senator Gunn offers Amendment No. 3 which is adopted (47-0).

Senator Kinnaird offers Amendment No. 4 which is adopted (24-23).

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 19.

S.B. 724 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (46-1) and the bill is ordered enrolled and sent to the Governor.

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S.B. 798, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE, for concurrence in the House Amendment No. 1.

Upon motion of Senator Brunstetter, the Senate concurs in the House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 890 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AND STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 7, (Ratified) 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, for reconsideration upon the Governor's veto.

Senator Gunn offers a motion that H.B. 7 become law notwithstanding the objections of the Governor. The motion prevails (31-16) 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, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

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

In accordance with Article II, Section 22(1) of the Constitution of North Carolina, H.B. 7 becomes law notwithstanding the objections of the Governor at 7:35 p.m.

June 18, 2012

SENATE PAGES

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

Kevin Alfaro, Raleigh; Zach Barefoot, Lewisville; Chandler Byrd, Wake Forest; Margaret Carlson, Winston-Salem; Emily Clark, Greenville; Hannah Cox, Laurinburg; Holt Evans, Wilmington; Anna Garwood, Waxhaw; Kate Garwood, Lewisville; Emily Goldstein, Chapel Hill; Parker Hambright, Jacksonville; Darbi Michelle Harriman, Wade; Bryson Hester, Wake Forest; Erin Jones, Raleigh; Martin Kendrick, Jr., Sanford; Shirley Marshall, Cary; Aly Moser, Raleigh; Grant Murphy-Herndon, Raleigh; Andrew Reid, New Bern; John Scott, Greensboro; Cam Staton, New Bern; David Stone, Monroe; Caroline Tervo, Wilmington; Bailey Turner, Charlotte; Victoria Wendell, Laurinburg; Jonathan Williams, Raleigh; and Mary-Holland Wilson, Cary.

REMARKS BY SENATOR ED JONES

The Chair orders the words of Senator Ed Jones spread upon the journal as follows:

SENATOR JONES: "Thank you, Mr. President. First of all, I'd like to thank everyone in here who gave me your prayers. You came by my office to pray; I've had people pray for me in the stairways. I've had the Sergeant-at-Arms take me into offices and pray. I tell you what, I have had more prayers for my situation than you will know. It means so much to me to have family like this that know what prayer is all about. And I thank each one of you who took a little bit of your time to say how you appreciate me being here, but I appreciate you being here also. It's been a tough time. I won't be here on Thursday because I've got to be back with chemo again, and so I appreciate everyone in here. I really do. Thank you so much for what you have done – even the ones who helped me get the medical attention that I needed. But it's one other thing I want to talk a little bit about tonight – that I've spoken in this chamber before about. And it's when you tell me that you want to do something to help me, I'm just like a little kid with candy, you know, I want you to hold your promise to do what you say you'll do. You know, when I come here – and I've never been real satisfied with this chamber, the way it looks, you know, we have Republicans and Democrats. When I had a page last year to ask me, 'Why are all the black folks sitting on the back row,' I told him that it was the party that was in power at the time – where they sit at. And then when I went to my schools, and I still see the same thing in our schools: that we still don't sit together in our schools, we don't eat together, and we've got everybody still separated. Unless we get together – all of us can't be 19-31 on every vote we have in here. We can't do that. But when I came here, I sat in Seat 33, and I told everyone, 'I have always sat on the back row, even when the Democrats were in power.' But I met Stan Bingham, who got me in a lot of trouble talking about animals. And I got to go away with Stan and Senator Weinstein, and I met great people. We went down

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to the coast and spent some time together. We don't spend enough time in here together. And I went with Senator Tillman and Senator East, and Senator East let me sleep in his RV. I was scared to death, but I slept! But you know, I looked at what people have, and he was telling me who had this and owned that. And we went fishing, we went clamming, and we had some shrimp, and at the end of the day, they gave me all the fish. When I thought all the Republicans had the money, I really believed that. I thought Republicans have a lot of money, and then they pointed to Clark Jenkins' yacht and said what he had – Clark just left – but anyway, you know I tell you what. But I ask you one favor. We can do anything in here we want to do. And I told some people this weekend, 'I grew up with an outhouse, now I got to come to the State House.' I've come a long ways, but I always want to make sure that race and people were always treated the same, no matter where you're at. So if you would please do one thing for me when I'm no longer here, is to take one day and set aside that you sit with somebody that you don't know – and talk with that individual. If you just do that little bit, we'll have a better Senate, I believe. Everything would not be 19-31. Thank you, Mr. President."

Upon motion of Senator Phil Berger, seconded by all members in the chamber, the Senate adjourns at 7:48 p.m., in honor of Senator Ed Jones and in memory of Shelly Warner, subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Tuesday, June 19, at 2:00 p.m.

ONE HUNDRED AND TWENTY-NINTH DAY

Senate Chamber
Tuesday, June 19, 2012

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:

"Thank you, Lord, for gathering us into such a unique place as this where we can listen to one another, and we don't have to get on boxing gloves, but we can come and share and listen and create and vote. And, Lord, if we are honest, we all have questions, and so we need your mercy again today. Guide us, your servants, as we use our minds, and give us wisdom as these servants deliberate. When they disagree, give them courage, and when they agree, let them move forward with caution. This democratic system is a thing of glory, and these

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United States are a thing of immense beauty. Protect them, and protect us here, dear Lord, and, specifically, heal the wounds of the afflicted. As these men and women represent their constituents, may they know the blessing that comes from you in this place – in their office – the blessing, the dayspring from on high, in the name of the Father, and the Son, and the Holy Spirit, Amen.”

The Chair grants leaves of absence for today to Senator Phil Berger, Senator Garrou, Senator Pate, and Senator Stein.

Senator Apodaca announces that the Senate Journal of Monday, June 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Lucirene “Lue” McZeak 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. 724, AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS.

S.B. 798, AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE.

S.B. 890, AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AND STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

S.B. 929, AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN’S LOCAL RELIEF FUND.

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H.B. 199, AN ACT TO RECODIFY THE PROVISIONS OF THE GENERAL STATUTES THAT REGULATE PRECIOUS METALS BUSINESSES, PAWNBROKERS AND CASH CONVERTERS, AND SECONDARY METALS RECYCLERS, AND TO STRENGTHEN METALS THEFT PREVENTION BY REQUIRING PERMITTING OF NONFERROUS METALS PURCHASERS, MAKING IT A CRIME TO CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE THE PROPERTY OF ANOTHER TO OBTAIN NONFERROUS METALS, CREATING RELATED CRIMINAL OFFENSES, AND MAKING OTHER RELATED CHANGES TO THE GENERAL STATUTES.

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

S.B. 818, AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY.

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. 906, AN ACT TO ALLOW THE TOWN OF NAGS HEAD TO LEASE OUT PROPERTY FOR A LICENSED NURSING HOME FOR UP TO FORTY YEARS WITHOUT TREATING IT AS A SALE. (Became law upon ratification, June 18, 2012 - S.L. 2012-30.)

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. (Became law after veto by the Governor overridden, June 18, 2012 - S.L. 2012-31.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 971 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS, with a favorable report.

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H.B. 1068, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

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

S.B. 848, A BILL TO BE ENTITLED AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS, with a favorable report.

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with a favorable report.

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY, with a favorable report.

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH, with a favorable report.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED, with a favorable report.

H.B. 180 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, with a favorable report.

CALENDAR

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

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR

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ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is displaced to the end of today's calendar.

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 20.

S.B. 820 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, 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 Wednesday, June 20.

H.B. 1075 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, referred to the **Education/Higher Education Committee** on June 14.

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**.

S.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS, referred to the **Finance Committee** on June 11.

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 20, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and placed on the calendar for Wednesday, June 20.

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H.B. 1096, A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REMOVING LOCAL SCHOOL ADMINISTRATIVE UNITS FROM THE SEPARATE BID REQUIREMENTS FOR JUICE AND WATER, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON CHILDHOOD OBESITY, referred to the **Education/Higher Education Committee** on June 6.

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**.

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** on June 10, 2011.

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 **Judiciary II 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 **Judiciary II Committee**.

CALENDAR *(continued)*

H.B. 1055, A BILL TO BE ENTITLED AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1056, A BILL TO BE ENTITLED AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

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The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

WITHDRAWAL FROM CALENDAR

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, placed on the calendar for Wednesday, June 20, upon third reading.

Senator Apodaca offers a motion that the rules be suspended and that the Senate Committee Substitute bill, as amended, be withdrawn from the calendar for Wednesday, June 20, and placed on today's calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill, as amended, withdrawn from the calendar for Wednesday, June 20, and placed on today's calendar.

CALENDAR *(continued)*

H.B. 1066, A BILL TO BE ENTITLED AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1067, A BILL TO BE ENTITLED AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1069, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S

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BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1081, A BILL TO BE ENTITLED AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

The bill passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 438 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, displaced from the calendar for Monday, June 11, upon third reading, with Amendment No. 1 pending.

Senator Mansfield subsequently withdraws Amendment No. 1.

Senator Hartsell offers Amendment No. 2 which is adopted (45-1).

The Senate Committee Substitute bill, as amended, passes its third reading (25-21) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 737 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES, upon third reading.

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

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hartsell, the House Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Thursday, June 21.

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BILL TRANSMISSION

Senator Apodaca moves that the rules be suspended and that all bills ordered enrolled yesterday, today, and for the remainder of the 2012 short session be sent to the Governor by special message.

Without objection, the Chair orders all of yesterday's, today's, and future 2012 short session bills sent to the Governor by special message.

CALENDAR (*continued*)

S.B. 518 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Vaughan, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 895 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, displaced earlier today, upon second reading.

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

The Senate Committee Substitute bill, as amended, passes its second reading (46-0).

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 20, upon third reading.

CONFERENCE REPORT

Senator Brock, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 512** (Senate 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, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 512, 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, Senate Finance Committee Substitute Adopted 6/15/11, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 6/15/11 and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H512-PCCS30643-ME-7.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 19, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Andrew C. Brock, Chair	S/John A. Torbett
S/David Rouzer	S/Joe Hackney
S/Clark Jenkins	S/Mike C. Stone
	S/Jimmy Dixon
	S/Mitchell S. Setzer

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The text of the attached Proposed Conference Committee Substitute, H512-PCCS30643-ME-7 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 14A of Chapter 106 of the General Statutes reads as rewritten:

“Article 14A.

Licensing and Regulation of Rendering ~~Plants and~~ Plants, Rendering ~~Operations~~, Operations, and Waste Kitchen Grease Collection.”

SECTION 2. G.S. 106-168.1 is amended by adding a new subdivision to read as follows:

“(6) “Waste kitchen grease” means animal fats or vegetable oils that have been used, and will not be reused, for cooking in a food establishment. “Waste kitchen grease” does not include grease septage as defined in G.S. 130A-290.”

SECTION 3. G.S. 106-168.5 reads as rewritten:

“§ 106-168.5. **Duties of Commissioner upon receipt of application; inspection committee.**

Upon receipt of the application, the Commissioner shall promptly cause the rendering plant and equipment, or the plans, specifications, and selected site, of the applicant to be inspected by an inspection committee hereinafter called the “committee,” which shall be composed of three members: One member who shall be designated by the Commissioner of Agriculture and who shall be an employee of the Department of Agriculture and Consumer Services, one member who shall be designated by the Secretary of Health and Human Services and who shall be an employee of the Department of Health and Human Services, and one member who shall be designated by the ~~director~~ board of directors of the North Carolina ~~Division of the Southeastern~~ Renderers Association, and who shall be a person having practical knowledge of rendering operations. Each member may be designated and relieved from time to time at the discretion of the designating authority. No State employee designated as a member of the committee shall receive any additional compensation therefor and no compensation shall be paid by the State to any other member.”

SECTION 4. G.S. 106-168.8 is amended by adding a new subdivision to read:

“§ 106-168.8. **Minimum standards for conducting rendering operations.**

The following minimum standards shall be required for all rendering operations subject to the provisions of this Article:

...
(8) Proof of general liability insurance of one million dollars

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(\$1,000,000) shall be made in a manner satisfactory to the Commissioner.”

SECTION 5. Article 14A of Chapter 106 of the General Statutes is amended by adding a new section to read as follows:

“§ 106-168.14A. Collectors of waste kitchen grease subject to certain provisions.

(a) For purposes of this section, “collector of waste kitchen grease” means any person who collects waste kitchen grease for the purpose of selling the same to any renderer or other person for further processing.

(b) Any collector of waste kitchen grease who sells the waste kitchen grease collected shall provide the purchaser with a statement of ownership setting forth the lawful ownership of the waste kitchen grease sold to such purchaser.”

SECTION 6. Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

“§ 14-79.2. Waste kitchen grease; unlawful acts and penalties.

(a) It shall be unlawful for any person to do any of the following:

(1) Take and carry away, or aid in taking or carrying away, any waste kitchen grease container or the waste kitchen grease contained therein, which container bears a notice that unauthorized removal is prohibited without written consent of the owner of the container.

(2) Intentionally contaminate or purposely damage any waste kitchen grease container or grease therein.

(3) Place a label on a waste kitchen grease container knowing that it is owned by another person in order to claim ownership of the container.

(b) Any person who violates subsection (a) of this section shall be penalized as follows:

(1) If the value of the waste kitchen grease container, or the container and the waste kitchen grease contained therein, is one thousand dollars (\$1,000) or less, it shall be a Class 1 misdemeanor.

(2) If the value of the waste kitchen grease container, or the container and the waste kitchen grease contained therein, is more than one thousand dollars (\$1,000), it shall be a Class H felony.

(c) A container in which waste kitchen grease is deposited that bears a name on the container shall be presumed to be owned by that person named on the container.

(d) As used in this section, “waste kitchen grease” has the same meaning as in G.S. 106-168.1.”

SECTION 7. This act becomes effective January 1, 2013, and Section 6 applies to offenses committed on or after that date.

The Conference Report is placed on the calendar for Wednesday, June 20, for adoption.

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CALENDAR *(continued)*

H.B. 462 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES, upon third reading.

Having voted with the majority, Senator Clodfelter offers a motion that the vote by which Amendment No. 4 was adopted be reconsidered, which motion is objected to by Senator Kinnaird and is placed on the calendar for a vote. The motion prevails (39-6).

Upon reconsideration, Amendment No. 4 fails of adoption (9-36).

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

The Senate 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 for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS, with a favorable report.

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

S.B. 884, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, with a favorable report.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN AVERY COUNTY, with a favorable report.

S.B. 951, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE, with a favorable report.

H.B. 943, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY, with a favorable report.

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

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H.B. 1018, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR, with a favorable report.

H.B. 1032, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, with a favorable report.

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

H.B. 1107, A BILL TO BE ENTITLED AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY, with a favorable report.

H.B. 1108, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY, with a favorable report.

H.B. 1133, A BILL TO BE ENTITLED AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS, with a favorable report.

H.B. 1205, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION, with a favorable report.

H.B. 1207, A BILL TO BE ENTITLED AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

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

H.B. 1138, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80398, is adopted and engrossed.

NOTICE OF DISCHARGE PETITION

Pursuant to Rule 47, Senator Doug Berger announces his intent to circulate a discharge petition for the following bill: **H.B. 111** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO POSSESS HANDGUNS IN RESTAURANTS IF NOT PROHIBITED BY THE POSTING OF A NOTICE

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PROHIBITING POSSESSION ON THE PREMISES, TO IMPOSE CRIMINAL PENALTIES ON FELONS WHO UNLAWFULLY POSSESS FIREARMS WHEN THE VIOLATION RESULTS IN INJURY TO A PERSON, AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 1015 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT.

Pursuant to the message from the House of Representatives received Thursday, June 14, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1015 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Rucho, Chair; Senator Brock and Senator Rabon as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Apodaca, seconded by Senator Hartsell, the Senate adjourns at 3:01 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Wednesday, June 20, at 2:00 p.m.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 77 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 20.

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S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP

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FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 20.

S.B. 491 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 20.

S.B. 525 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 20.

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S.B. 859 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 20.

S.B. 869 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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, for concurrence in the House Committee Substitute bill.

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

H.B. 944, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

H.B. 975, A BILL TO BE ENTITLED AN ACT TO WORK TOWARD DECREASING OBESITY AMONG SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPANTS BY INCREASING THEIR PARTICIPATION IN SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EDUCATION (SNAP-ED) AND MAKING FRESH, LOCALLY GROWN PRODUCE AVAILABLE BY INCREASING THE ACCEPTANCE OF ELECTRONIC BENEFITS TRANSFER (EBT) CARDS AT FARMERS MARKETS AND FOOD CO-OPS.

Referred to the **Health Care Committee**.

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

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

H.B. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT.

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

H.B. 1088, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES.

Referred to the **Finance Committee**.

H.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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.

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

H.B. 1110, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS.

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

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES.

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

H.B. 1123, A BILL TO BE ENTITLED AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS.

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

H.B. 1169, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW.

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

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H.B. 1202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

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

H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER.

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

WITHDRAWAL FROM COMMITTEE

S.B. 949 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION, referred to the **Finance Committee** on June 11.

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 20, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Finance Committee** and placed on the calendar for Wednesday, June 20.

H.B. 111 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO POSSESS HANDGUNS IN RESTAURANTS IF NOT PROHIBITED BY THE POSTING OF A NOTICE PROHIBITING POSSESSION ON THE PREMISES, TO IMPOSE CRIMINAL PENALTIES ON FELONS WHO UNLAWFULLY POSSESS FIREARMS WHEN THE VIOLATION RESULTS IN INJURY TO A PERSON, AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS, referred to the **Finance Committee** on June 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Commerce Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 19, 2012

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. 819** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, and requests conferees.

Speaker Tillis has appointed:

Representative McElraft, Chair
Representative Samuelson
Representative Spear
Representative Hager and
Representative Iler

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 881, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, for concurrence in the House Amendment No. 1.

The bill is placed on the calendar for Wednesday, June 20.

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

ONE HUNDRED AND THIRTIETH DAY

Senate Chamber
Wednesday, June 20, 2012

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 begin by thanking you. Thank you for giving us a space in which we can pray. There have been so many people that have walked into this room and along this road that have stumbled. God, bless those of us that have stumbled. We, your children, are all so ordinary, and we live in the presence of an extraordinary God. For you, oh Lord, are not confined to walls nor description, but you inhabit our humble minds. Everything we do is in need of your salt and light. So we pray to you today, almighty God, because we must. ‘Prayer makes the darkened cloud withdraw. Prayer climbs the ladder that Jacob saw, gives exercise to faith and love, brings every blessing from above.’ And so, we pray, today, for peace and for prosperity. Will you flourish in this place? Will you grow in this place and in our hearts, and will you make a straight way here? May these men and women remember that they are ordinary, but that we live and move in the presence of an extraordinary God. ‘I need thee every hour, in joy or pain. Come quickly and abide, or life is vain. I need thee every hour, most gracious Lord. No tender voice like thine can peace afford,’ 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 Tuesday, June 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 Edna Hudson from Carrboro, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILLS

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

S.B. 518, AN ACT TO REQUIRE 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.

S.B. 895, AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROcity AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

H.B. 1055, AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

H.B. 1056, AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

H.B. 1066, AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1067, AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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H.B. 1069, AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 1081, AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

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. 818, AN ACT TO EXEMPT CLAY COUNTY FROM CERTAIN STATUTORY REQUIREMENTS IN THE RENOVATION AND RESTORATION OF ITS OLD COURTHOUSE BUILDING TO BE LEASED AND/OR USED AS A MULTIPURPOSE FACILITY. (Became law upon ratification, June 19, 2012 - S.L. 2012-32.)

CALENDAR

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

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon third reading.

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Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Thursday, June 21.

WITHDRAWAL FROM COMMITTEE

H.J.R. 1223, A JOINT RESOLUTION HONORING THE STATE LIBRARY FOR PROVIDING SERVICE FOR TWO HUNDRED YEARS AND THOSE WHO PLAYED A ROLE IN THE LIBRARY'S SUCCESS, referred to the **Rules and Operations of the Senate Committee** on June 14.

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 Thursday, June 21, which motion prevails with unanimous consent.

The Chair orders the Joint Resolution withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Thursday, June 21.

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** on June 6.

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 **Rules and Operations of the Senate 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 **Rules and Operations of the Senate 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** on June 2, 2011.

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**.

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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 **Ways & Means Committee** on April 25.

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

The Chair orders the Committee Substitute bill withdrawn from the **Ways & Means Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources 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 **Ways & Means Committee** on April 25.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Ways & Means Committee** and re-referred to the **Agriculture/Environment/Natural Resources Committee**, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Ways & Means Committee** and re-refers the measure to the **Agriculture/Environment/Natural Resources Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS, with a favorable report.

H.B. 224, A BILL TO BE ENTITLED AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE, with a favorable report.

H.B. 552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM

THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, with a favorable report.

H.B. 943, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY, with a favorable report.

H.B. 1028 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE, with a favorable report.

H.B. 1032, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, with a favorable report.

H.B. 1088, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES, with a favorable report.

H.B. 1207, A BILL TO BE ENTITLED AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

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, with a favorable report, as amended.

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

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

H.B. 1021 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT, with a favorable report.

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S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES, with a favorable report as to concurrence.

WITHDRAWAL FROM CALENDAR

S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES, placed on the calendar for Thursday, June 21.

Senator Apodaca offers a motion that the rules be suspended and that the House Committee Substitute bill No. 2 be withdrawn from the calendar for Thursday, June 21, and placed on today's calendar.

Senator Nesbitt objects to the measure, and the Lt. Governor temporarily displaces the House Committee Substitute bill No. 2 with the motion pending.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

S.B. 869 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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 a favorable report as to concurrence.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80400, which changes the title to read **H.B. 153** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY RELATED TO EMPLOYMENT OR HOLDING OFFICE FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE

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LEGISLATIVE RETIREMENT SYSTEM, THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, THE OPTIONAL RETIREMENT PROGRAM FOR STATE-FUNDED COMMUNITY COLLEGES, THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR STATE LAW-ENFORCEMENT OFFICERS, AND THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LOCAL GOVERNMENTAL LAW-ENFORCEMENT OFFICERS, is adopted and engrossed.

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

S.J.R. 955, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, 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 35388, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC., TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS, TO MODIFY THE TERM OF THE VETERINARY TECHNICIAN APPOINTEE TO THE VETERINARY MEDICAL BOARD, AND TO INCREASE THE LENGTH OF THE TERM OF THE GENERAL ASSEMBLY'S APPOINTEES TO THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed on today's calendar for concurrence.

H.J.R. 932 (Committee Substitute), A JOINT RESOLUTION HONORING THE USE OF NORTH CAROLINA FOR PROVIDING EXCEPTIONAL PROGRAMS AND SERVICES TO OUR MILITARY TROOPS AND THEIR FAMILIES.

Upon motion of Senator Apodaca, the Committee Substitute Joint Resolution is placed on today's calendar for concurrence.

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CALENDAR (*continued*)

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Westmoreland and White---48.

Voting in the negative: Senator Dannelly---1.

The bill remains on the calendar for Thursday, June 21, upon third reading.

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: Senator Tucker---1.

The bill remains on the calendar for Thursday, June 21, upon third reading.

H.B. 180 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, upon second reading.

Senator Goolsby offers Amendment No. 1 which is adopted (49-0).

The amendment is ruled to be material, which constitutes first reading.

The Senate Committee Substitute bill, as amended, is ordered engrossed and placed on the calendar for Thursday, June 21, upon second reading.

S.B. 848, A BILL TO BE ENTITLED AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS, upon second reading.

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

S.B. 857, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, upon second reading.

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 by special message.

S.B. 884, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, upon second reading.

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 by special message.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE PURPOSES FOR WHICH OCCUPANCY TAX PROCEEDS REMITTED TO THE DURHAM CONVENTION AND VISITORS BUREAU MAY BE USED, upon second reading.

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 by special message.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE OFFICE OF CORONER IN AVERY COUNTY, upon second reading.

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 by special message.

H.B. 1018, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR, upon second reading.

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. 1107, A BILL TO BE ENTITLED AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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H.B. 1108, A BILL TO BE ENTITLED AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY, upon second reading.

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. 1133, A BILL TO BE ENTITLED AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS, upon second reading.

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. 1138 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS, upon second reading.

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. 1205, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION, upon second reading.

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. 859 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator East, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled.

S.B. 949 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION, upon second reading.

The Committee Substitute bill passes its second reading (32-17).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Thursday, June 21, upon third reading.

CONFERENCE REPORT

Senator Rucho, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1015** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1015, A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES AND TO ENHANCE ECONOMIC DEVELOPMENT, Senate Finance Committee Substitute Adopted 6/5/12 Third Edition Engrossed 6/7/12 Fourth Edition Engrossed 6/11/12, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/5/12, Third Edition Engrossed 6/7/12, Fourth Edition Engrossed 6/11/12, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1015-PCCS30648-RB-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 20, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Bob Rucho, Chair	S/Julia C. Howard, Chair
S/Bill Rabon	S/Edgar V. Starnes
S/Andrew C. Brock	S/Becky Carney

The text of the attached Proposed Conference Committee Substitute, H1015-PCCS30648-RB-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO SET THE REGULATORY FEES, TO CONTINUE THE
INDIVIDUAL INCOME TAX DEDUCTION FOR EDUCATOR
EXPENSES, AND TO ENHANCE ECONOMIC DEVELOPMENT.

The General Assembly of North Carolina enacts:

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SET REGULATORY FEES

SECTION 1.(a) The percentage rate to be used in calculating the public utility regulatory fee under G.S. 62-302(b)(2) is twelve-hundredths of one percent (0.12%) for each public utility's North Carolina jurisdictional revenues earned during each quarter that begins on or after July 1, 2012.

SECTION 1.(b) The electric membership corporation regulatory fee imposed under G.S. 62-302(b1) for the 2012-2013 fiscal year is two hundred thousand dollars (\$200,000).

SECTION 1.(c) The percentage rate to be used in calculating the insurance regulatory charge under G.S. 58-6-25 is six percent (6%) for the 2012 calendar year.

SECTION 1.(d) Subsections (a) and (b) of this section become effective July 1, 2012. The remainder of this section is effective when it becomes law.

CONTINUE EDUCATOR EXPENSE DEDUCTION

SECTION 2.(a) G.S. 105-134.6(d) is amended by adding a new subdivision to read:

“(d) Other Adjustments. – The following adjustments to taxable income shall be made in calculating North Carolina taxable income:

- ...
- (9) To the extent a deduction has not been claimed for educator expenses in determining federal adjusted gross income, an eligible educator may deduct an amount not to exceed two hundred fifty dollars (\$250.00) paid or incurred in connection with items listed in this subdivision. This deduction is allowed only to the extent the expense has not been claimed under section 162 of the Code for the taxable year. For purposes of this subdivision, the term “eligible educator” has the same meaning as defined in section 62 of the Code, as it existed on December 31, 2011. In the case of a married couple filing a joint return where both spouses are eligible educators, the maximum dollar amount is five hundred dollars (\$500.00).
- a. Books.
 - b. Supplies, other than nonathletic supplies for courses of instruction in health or physical education.
 - c. Computer equipment, including related software and services.
 - d. Supplementary materials used by the eligible educator in the classroom.”

SECTION 2.(b) This section becomes effective for taxable years beginning on or after January 1, 2012.

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CLARIFY AND EXTEND THE PERIOD OF TIME TO APPLY FOR A SALES TAX REFUND OF AVIATION FUEL PURCHASED BY AN INTERSTATE PASSENGER AIR CARRIER BETWEEN JANUARY 1, 2010, AND JUNE 30, 2011

SECTION 3.(a) For calendar year 2010, an interstate passenger air carrier that is eligible for a refund of sales and use taxes paid on fuel in excess of two million five hundred thousand dollars (\$2,500,000) under G.S. 105-164.14(a1) and G.S. 105-164.14A(a)(1) is subject to the provisions of this section, notwithstanding any provisions of G.S. 105-164.14, G.S. 105-164.14A, or Section 4 of S.L. 2010-166 to the contrary. Notwithstanding the fact that the first six months of 2010 are subject to G.S. 105-164.14(a1) and the last six months of 2010 are subject to G.S. 105-164.14A(a)(1), a taxpayer shall submit one request for a refund for the entire calendar year.

SECTION 3.(b) An interstate passenger air carrier is allowed a refund of the sales and use tax paid by it on fuel in excess of one million two hundred fifty thousand dollars (\$1,250,000) for the period January 1, 2011, through June 30, 2011. The State portion of the refund may not exceed three million one hundred fifty thousand dollars (\$3,150,000). The amount of sales and use tax paid does not include a refund allowed to the interstate passenger air carrier under G.S. 105-164.14(a). A request for a refund must be in writing and must include any information and documentation required by the Secretary. The request for a refund is due before October 1, 2012. A refund applied for after the due date is barred.

SECTION 3.(c) Subsection (b) of this section is effective January 1, 2011, and applies to purchases made on or after that date. The remainder of this section is effective when it becomes law.

PERMIT MONEYS FROM THE INDUSTRIAL DEVELOPMENT FUND TO BE USED FOR SEWER IMPROVEMENTS IN ADJOINING COUNTIES

SECTION 4. G.S. 143B-437.01(a) reads as rewritten:

“(a) Creation and Purpose of Fund. – There is created in the Department of Commerce the Industrial Development Fund to provide funds to assist the local government units of the most economically distressed counties in the State in creating and retaining jobs in certain industries. The Department of Commerce shall adopt rules providing for the administration of the program. Those rules shall include the following provisions, which shall apply to each grant from the fund:

- (1) The funds shall be used for (i) installation of or purchases of equipment for eligible industries, (ii) structural repairs, improvements, or renovations of existing buildings to be used for expansion of eligible industries, or (iii) construction of or improvements to new or existing water, sewer, gas, telecommunications, high-speed broadband, electrical utility distribution lines or equipment, or transportation infrastructure for existing or new or

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proposed industrial buildings to be used for eligible industries. To be eligible for funding, the water, ~~sewer~~, gas, telecommunications, high-speed broadband, electrical utility lines or facilities, or transportation infrastructure shall be located on the site of the building or, if not located on the site, shall be directly related to the operation of the specific eligible industrial activity. To be eligible for funding, the sewer infrastructure shall be located on the site of the building or, if not located on the site, shall be directly related to the operation of the specific eligible industrial activity, even if the sewer infrastructure is located in a county other than the county in which the building is located.

....”

TEMPORARY 20-YEAR CARRYFORWARD FOR ARTICLE 3J TAX CREDITS IF THE TAXPAYER INVESTS MORE THAN ONE HUNDRED MILLION DOLLARS IN A TIER ONE COUNTY

SECTION 5. Notwithstanding the investment requirement of G.S. 105-129.84(c), if the Secretary of Commerce makes a written determination that the taxpayer is expected to purchase or lease, and place in service in connection with an eligible business within a two-year period, at least one hundred million dollars (\$100,000,000) worth of business and real property in a development tier one area, any unused portion of a credit under Article 3J of Chapter 105 of the General Statutes with respect to the establishment that satisfies that condition may be carried forward for the succeeding 20 years. If the taxpayer does not make the required level of investment, the taxpayer shall apply the five-year carryforward period rather than the 20-year carryforward period. This section is effective for taxable years beginning on or after January 1, 2012, and expires for taxable years beginning on or after January 1, 2013.

TECHNICAL CORRECTION FOR THE PORT ENHANCEMENT ZONE DESIGNATION

SECTION 6.(a) G.S. 143B-437.013(a) reads as rewritten:

“(a) Port Enhancement Zone Defined. – A port enhancement zone is an area that meets all of the following conditions:

- (1) It is comprised of part or all of one or more contiguous census tracts, census block groups, or both, in the most recent federal decennial census.
- (2) All of the area is located within 25 miles of a State port and is capable of being used to enhance port operations.
- (3) Every census tract and census block group that comprises the area has at least eleven percent (11%) of households with incomes of fifteen thousand dollars (\$15,000) or less.”

SECTION 6.(b) This section is effective for taxable years beginning on or after January 1, 2013.

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ONE-YEAR SALES TAX REFUND FOR PURCHASES OF SPECIALIZED EQUIPMENT USED AT STATE PORTS

SECTION 7. For purchases made on or after July 1, 2012, but before July 1, 2013, a company located at a ports facility for waterborne commerce that purchases specialized equipment to be used at the facility to unload or process bulk cargo to make it suitable for delivery to and use by manufacturing facilities is allowed a refund of all local sales and use taxes paid and a portion of State sales and use taxes paid on the purchases as provided in this section. The portion of the State sales and use taxes that may be refunded is equal to the excess of the State sales and use taxes paid over the amount that would have been due had the taxpayer been subject to tax on the eligible property as if it were mill machinery under Article 5F of Chapter 105 of the General Statutes. A request for a refund under this section must be in writing and must include any information and documentation required by the Secretary. A request for a refund under this section must be made on or after July 1, 2013, and is due before January 1, 2014. Refunds applied for after the due date are barred. Taxes for which a refund is allowed under this section are not an overpayment of tax and do not accrue interest as provided in G.S. 105-241.21.

EFFECTIVE DATE

SECTION 8. Except as otherwise provided, this act is effective when it becomes law.

The Conference Committee Substitute is placed on the calendar for Thursday, June 21, for adoption.

CALENDAR *(continued)*

H.J.R. 932 (Committee Substitute), A JOINT RESOLUTION HONORING THE USE OF NORTH CAROLINA FOR PROVIDING EXCEPTIONAL PROGRAMS AND SERVICES TO OUR MILITARY TROOPS AND THEIR FAMILIES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute Joint Resolution is taken up as the next order of business.

The Committee Substitute Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered enrolled.

S.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE

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RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISH AND WILDLIFE MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS, upon second reading.

Senator East offers Amendment No. 1 which is adopted (49-0).

Senator East offers Amendment No. 2 which is adopted (39-9).

The Committee Substitute bill, as amended, passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives by special message.

S.B. 951, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COMMUNITY COLLEGE, upon second reading.

Senator Westmoreland 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 engrossed and sent to the House of Representatives by special message.

H.B. 971 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS, upon second reading.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1068, A BILL TO BE ENTITLED AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Without objection, Senator Clodfelter 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 enrolled and sent to the Governor by special message.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II 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, 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 80401, which changes the title to read **H.B. 853** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, is adopted and engrossed.

S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES, displaced earlier today, with the motion to place on today's calendar pending, for concurrence in the House Committee Substitute bill No. 2.

The Senate recesses at 3:28 p.m. to reconvene at 3:45 p.m.

RECESS

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

CALENDAR (*continued*)

S.B. 416 (House Committee Substitute No. 2), A BILL ENTITLED AN ACT TO AMEND DEATH PENALTY PROCEDURES, displaced earlier today, for concurrence in the House Committee Substitute bill No. 2.

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The motion by Senator Apodaca to place S.B. 416 on today's calendar prevails (30-18). The House Committee Substitute bill No. 2 is placed on the calendar for immediate consideration.

The Chair grants a leave of absence for the remainder of today's session to Senator Rucho.

Upon motion of Senator Newton, the Senate concurs in the House Committee Substitute bill No. 2 (30-18) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 820 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, 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, June 21.

S.B. 77 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

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.

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND

NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A

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MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-47).

Senator East offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 491 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rouzer, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 525 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Tucker offers a motion that the Senate appoint conferees, which motion prevails.

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S.B. 881, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY, for concurrence in the House Amendment No. 1.

Upon motion of Senator Goolsby, the Senate concurs in the House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

H.B. 512 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE, for adoption.

Upon motion of Senator Brock, the Senate adopts the Conference Committee Substitute bill (47-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

CONFERENCE REPORT

Senator Stevens, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 950** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 950, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/12/12 Fifth Edition Engrossed 6/13/12, submit the following report:

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The House and Senate agree to the following amendment to the Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/12/12 Fifth Edition Engrossed 6/13/12, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/12/12 Fifth Edition Engrossed 6/13/12, and substitute the attached Proposed Conference Committee Substitute H950-PCCS30649-LU-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 19, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Richard Stevens, Chair	S/Harold J. Brubaker, Chair
S/Neal Hunt	S/Linda P. Johnson
S/Peter S. Brunstetter	S/James W. Crawford, Jr.
S/Bob Rucho	S/Nelson Dollar
S/Harry Brown	S/Mitch Gillespie
	S/David R. Lewis

The text of the attached Proposed Conference Committee Substitute, H950-PCCS30649-LU-2 is as follows:

(The full text of the Conference Committee Substitute can be found in the 2012 Session Laws - Chapter 142)

The Conference Committee Substitute is placed on the calendar for Thursday, June 21, for adoption.

CALENDAR *(continued)*

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC., TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS, TO MODIFY THE TERM OF THE VETERINARY TECHNICIAN APPOINTEE TO THE VETERINARY MEDICAL BOARD, AND TO INCREASE THE LENGTH OF THE TERM OF THE GENERAL ASSEMBLY'S APPOINTEES TO THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor by special message.

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APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 819 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES.

Pursuant to the message from the House of Representatives received Tuesday, June 19, that the House fails to concur in the Senate Committee Substitute bill for H.B. 819 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Rouzer, Chair; Senator Brown, Senator Goolsby, Senator Preston, 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.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY

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WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

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Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 229 earlier today and the motion by Senator East to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator East, Chair; Senator Brown, Senator Hartsell, Senator Jackson, Senator Rouzer, and Senator Walters 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 Mansfield requests to be added as a sponsor of previously introduced legislation:

S.B. 953, A BILL TO BE ENTITLED AN ACT TO RESTORE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT SO THAT THE SENIOR RESIDENT JUDGE IS THE JUDGE WHO HAS THE MOST CONTINUOUS SERVICE AS A SUPERIOR COURT JUDGE.

Upon motion of Senator Apodaca, seconded by Senator Nesbitt, the Senate adjourns at 4:58 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Thursday, June 21, at 11:00 a.m.

EXECUTIVE ORDER

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

Executive Order No. 119, Extending the Governor's Gang Task Force.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 707 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, June 21.

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S.B. 749 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, June 21.

S.B. 828 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Thursday, June 21.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

Referred to the **Judiciary II Committee**.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION.

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

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 20, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 512** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

WITHDRAWAL FROM COMMITTEE

H.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, referred to the **Education/Higher Education Committee** on June 12.

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**.

COMMITTEE APPOINTMENT

Pursuant to Rule 31, Senator Phil Berger, President *Pro Tempore*, announces the appointment of Senator Rabon to the **Rules and Operations of the Senate Committee**.

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

ONE HUNDRED AND THIRTY-FIRST DAY

Senate Chamber
Thursday, June 21, 2012

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:

"O Lord, we do thank you for this day. We thank you for a place such as this to debate and learn. And we come to you today and we ask you to still our minds – to turn down the electricity that goes back and forth – and, Lord, to help us to trust in your everlasting love, in your everlasting care, and in your compassion. And so today, as we deliberate, and as session grows longer and longer, will you show us your longer still mercy? Your mercy seat flows with grace, down into the city. Thank you, Jesus, for what you have done for us. And thank you for this day which you have made, Amen."

The Chair grants leaves of absence for today to Senator Garrou, Senator Graham, Senator Jones, Senator Preston, and Senator Robinson.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, June 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Karen Lemmons from Asheboro, North Carolina, and Brenda Davis from Jamestown, North Carolina, who are serving the Senate as Nurses of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 77, AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, LANDLORDS SHALL, WHEN INSTALLING A NEW SMOKE ALARM OR REPLACING AN EXISTING SMOKE ALARM, INSTALL A TAMPER-

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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.

S.B. 416, AN ACT TO AMEND DEATH PENALTY PROCEDURES.

S.B. 443, AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC., TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS, TO MODIFY THE TERM OF THE VETERINARY TECHNICIAN APPOINTEE TO THE VETERINARY MEDICAL BOARD, AND TO INCREASE THE LENGTH OF THE TERM OF THE GENERAL ASSEMBLY'S APPOINTEES TO THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL.

S.B. 491, AN ACT TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL.

S.B. 813, AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

S.B. 841, AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

S.B. 868, AN ACT ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL.

S.B. 881, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES

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DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.

H.B. 971, AN ACT TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.

H.B. 1068, AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

S.B. 859, AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS.

H.B. 1018, AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR.

H.B. 1107, AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY.

H.B. 1108, AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY.

H.B. 1133, AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS.

H.B. 1205, AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION.

S.J.R. 865, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT C. "BOB" CARPENTER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 5)

H.J.R. 932, A JOINT RESOLUTION HONORING THE USE OF NORTH CAROLINA FOR PROVIDING EXCEPTIONAL PROGRAMS AND SERVICES TO OUR MILITARY TROOPS AND THEIR FAMILIES. (Res. 6)

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CHAPTERED BILLS

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

H.B. 741, AN ACT TO SET A MAXIMUM LENGTH FOR LAW ENFORCEMENT AND EMERGENCY MANAGEMENT VEHICLES. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-33.)

H.B. 813, AN ACT TO EXPAND THE DEFINITION OF INDUSTRIAL MACHINERY EXEMPT FROM BUILDING CODE INSPECTION TO INCLUDE EQUIPMENT AND MACHINERY ACQUIRED BY STATE-SUPPORTED CENTERS PROVIDING TESTING, RESEARCH, AND DEVELOPMENT SERVICES TO MANUFACTURING CLIENTS. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-34.)

H.B. 941, AN ACT TO CLARIFY THE APPROPRIATE MEASUREMENT OF PSEUDOEPHEDRINE PRODUCTS FOR PURPOSES OF THE PSEUDOEPHEDRINE TRANSACTION LIMITS, AND TO CLARIFY THE IDENTIFICATION AND ELECTRONIC RECORD-KEEPING REQUIREMENTS FOR PSEUDOEPHEDRINE PRODUCTS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-35.)

H.B. 1025, AN ACT TO EXTEND THE SUNSET OF CERTAIN TAX PROVISIONS. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-36.)

S.B. 806, AN ACT TO MAKE CHANGES TO THE LAW DEALING WITH THE ANNUAL ASSESSMENTS OF MORTGAGE BANKERS, MORTGAGE BROKERS, AND MORTGAGE SERVICERS, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-37.)

H.B. 149, AN ACT TO CREATE THE CRIMINAL OFFENSE OF TERRORISM. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-38.)

H.B. 176, 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. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-39.)

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H.B. 235, AN ACT TO AMEND THE LAWS PERTAINING TO TERMINATION OF PARENTAL RIGHTS TO INCLUDE CONVICTION OF A SEXUALLY RELATED OFFENSE THAT RESULTS IN THE CONCEPTION OF THE JUVENILE AS A BASIS FOR TERMINATION OF PARENTAL RIGHTS. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-40.)

H.B. 261, AN ACT TO REQUIRE INTRASTATE MOTOR CARRIERS TO BE MARKED. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-41.)

H.B. 490, AN ACT TO NAME THE YADKIN RIVER BRIDGE AT THE DAVIDSON AND ROWAN COUNTY LINES THE "YADKIN RIVER VETERANS MEMORIAL BRIDGE." (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-42.)

S.B. 824, AN ACT TO REQUIRE THE SECRETARY OF REVENUE'S INTERPRETATION OF THE LAW CONCERNING THE SECRETARY'S AUTHORITY TO ADJUST NET INCOME OR REQUIRE A COMBINED RETURN BE MADE THROUGH RULE MAKING AND TO PROVIDE AN EXPEDITED PROCESS FOR RULE MAKING ON THIS ISSUE. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-43.)

S.B. 889, AN ACT TO CHANGE THE DEFINITION ON AN AREA THAT CAN BE REPRESENTED BY A RURAL PLANNING ORGANIZATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-44.)

S.B. 929, AN ACT TO REVISE THE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE BOARD OF TRUSTEES OF A FIREMEN'S LOCAL RELIEF FUND. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-45.)

H.B. 199, AN ACT TO RECODIFY THE PROVISIONS OF THE GENERAL STATUTES THAT REGULATE PRECIOUS METALS BUSINESSES, PAWNBROKERS AND CASH CONVERTERS, AND SECONDARY METALS RECYCLERS, AND TO STRENGTHEN METALS THEFT PREVENTION BY REQUIRING PERMITTING OF NONFERROUS METALS PURCHASERS, MAKING IT A CRIME TO CUT, MUTILATE, DEFACE, OR OTHERWISE INJURE THE PROPERTY OF ANOTHER TO OBTAIN NONFERROUS METALS, CREATING RELATED CRIMINAL OFFENSES, AND MAKING OTHER RELATED CHANGES TO THE GENERAL STATUTES. (Became law upon approval of the Governor, June 20, 2012 - S.L. 2012-46.)

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S.B. 859, AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWN OF PILOT MOUNTAIN AND THE TOWN OF DOBSON ARE HELD IN EVEN-NUMBERED YEARS. (Became law upon ratification, June 21, 2012 - S.L. 2012-47.)

H.B. 1018, AN ACT TO AUTHORIZE APPROVAL OF THE YADKIN VALLEY REGIONAL CAREER ACADEMY AS A COOPERATIVE INNOVATIVE HIGH SCHOOL FOR THE 2012-2013 SCHOOL YEAR. (Became law upon ratification, June 21, 2012 - S.L. 2012-48.)

H.B. 1107, AN ACT AMENDING THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL PROFITS IN GRANVILLE COUNTY. (Became law upon ratification, June 21, 2012 - S.L. 2012-49.)

H.B. 1108, AN ACT TO MAKE MODIFICATIONS TO THE BUTNER PUBLIC SAFETY AUTHORITY. (Became law upon ratification, June 21, 2012 - S.L. 2012-50.)

H.B. 1133, AN ACT TO REVISE PENDER COUNTY COMMISSIONER DISTRICTS. (Became law upon ratification, June 21, 2012 - S.L. 2012-51.)

H.B. 1205, AN ACT TO MAKE IT UNLAWFUL TO GO ON CERTAIN POSTED PROPERTY WITHOUT WRITTEN PERMISSION. (Became law upon ratification, June 21, 2012 - S.L. 2012-52.)

PRESENTATION OF THE ORDER OF THE LONG LEAF PINE

Lieutenant Governor Walter Dalton and Senator Phil Berger, President *Pro Tempore*, present the Order of the Long Leaf Pine to Stanley W. Johnson.

A SENATORIAL STATEMENT

Commemorating the Service of Stanley W. Johnson

Submitted by Senator Wesley Meredith

WHEREAS, Stanley W. Johnson was born on September 29, 1922, in Hope Mills, North Carolina; and

WHEREAS, Stanley W. Johnson proudly served his country as a member of the United States Navy from 1942 to 1945, serving aboard the USS Orizaba (AP-24) in both the Atlantic and Pacific theaters during WWII, and was awarded three Battle Stars and a Good Conduct Medal; and

WHEREAS, Stanley W. Johnson has been employed for 68 continuous years of his adult life, working for the United States Postal Service in Hope Mills for 32 years between 1946 and 1978, the ABC Board in Hope Mills for 18 years between 1978 and 1996, and the Senate Sergeant-at-Arms of the North Carolina General Assembly for 15 years between 1997 and 2012; and

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WHEREAS, Stanley W. Johnson has worked unselfishly for the betterment of his community, serving as a member of more than 30 boards and civic organizations and as a Mason for 68 years; and

WHEREAS, Stanley W. Johnson has been a devoted husband to his wife of 65 years, a loving father to his three children, and a doting grandfather to his five grandchildren; and

NOW, THEREFORE, the North Carolina Senate commends Stanley W. Johnson for his many years of service to his community, state, and country and congratulates him on his retirement as an Assistant Sergeant-at-Arms of the Senate.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 21st day of June, 2012.

S/Sarah Clapp
Senate Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Stevens for the **Appropriations/Base Budget 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11384, which changes the title to read **H.B. 14** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO USE REPAIRS AND RENOVATIONS FUNDS TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR, is adopted and engrossed.

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

CALENDAR

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

S.B. 900, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special message.

S.B. 901, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives by special message.

H.B. 14 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO USE REPAIRS AND RENOVATIONS FUNDS TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR, upon second reading.

The Senate Committee Substitute bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in Senate Committee Substitute bill.

H.J.R. 1223, A JOINT RESOLUTION HONORING THE STATE LIBRARY FOR PROVIDING SERVICE FOR TWO HUNDRED YEARS AND THOSE WHO PLAYED A ROLE IN THE LIBRARY'S SUCCESS, upon second reading.

Upon motion of Senator Apodaca, the Joint Resolution is taken up as the next order of business.

The Joint Resolution passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

WITHDRAWAL FROM COMMITTEE

H.B. 1087, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX, referred to the **State and Local Government Committee** on June 13.

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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*)

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 26.

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, for concurrence.

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 Tuesday, June 26.

H.B. 950 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, for adoption.

Upon motion of Senator Apodaca, the Conference Committee Substitute is taken up as the next order of business.

Upon motion of Senator Stevens, the Senate adopts the Conference Committee Substitute bill (30-15).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

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The Chair grants a leave of absence for the remainder of today's session to Senator Davis.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---44.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 25, upon third reading.

H.B. 1015 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES, TO CONTINUE THE INDIVIDUAL INCOME TAX DEDUCTION FOR EDUCATOR EXPENSES, AND TO ENHANCE ECONOMIC DEVELOPMENT, for adoption.

Upon motion of Senator Apodaca, the Conference Committee Substitute is taken up as the next order of business.

Upon motion of Senator Rucho, the Senate adopts the Conference Committee Substitute bill (43-0).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

S.B. 820 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute is taken up as the next order of business.

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Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill (29-15) and the bill is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of today's session to Senator Dannelly.

H.B. 180 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---43.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 25, upon third reading.

The Chair grants leaves of absence for the remainder of today's session to Senator Phil Berger and Senator Jenkins.

The Honorable Walter Dalton, Lieutenant Governor, relinquishes the gavel to Senator Stevens who presides in the absence of the Lieutenant Governor.

H.B. 552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon second reading.

Without objection, Senator Clodfelter requests to be excused from voting on the Senate Committee Substitute bill due to a conflict of interest.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 28, noes 11, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---28.

Voting in the negative: Senators D. Berger, Blue, Kinnaird, Mansfield, McKissick, Nesbitt, Purcell, Stein, Vaughan, Walters and White---11.

The Senate Committee Substitute bill remains on the calendar for Monday, June 25, upon third reading.

H.B. 1032, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---41.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 25, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator White.

H.B. 1088, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters and Westmoreland---40.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 25, upon third reading.

H.B. 224, A BILL TO BE ENTITLED AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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H.B. 943, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY, upon second reading.

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. 1207, A BILL TO BE ENTITLED AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, upon second reading.

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. 949 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE TOWN OF BOONE SHALL NOT EXERCISE THE POWERS OF EXTRATERRITORIAL JURISDICTION, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special message.

S.J.R. 955 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, upon second reading.

The Committee Substitute Joint Resolution passes its second reading (44-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

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. 964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report, as amended.

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

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H.B. 1096, A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REMOVING LOCAL SCHOOL ADMINISTRATIVE UNITS FROM THE SEPARATE BID REQUIREMENTS FOR JUICE AND WATER, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE 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 30628, which changes the title to read **H.B. 1096** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REPEALING A STATUTE REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS, COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO HAVE SEPARATE BIDS FOR JUICE AND WATER, is adopted and engrossed.

H.B. 1075 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, 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, 80404, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 153 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY RELATED TO EMPLOYMENT OR HOLDING OFFICE FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, THE OPTIONAL RETIREMENT PROGRAM FOR STATE-FUNDED COMMUNITY COLLEGES, THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR STATE LAW-ENFORCEMENT OFFICERS, AND THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LOCAL GOVERNMENTAL LAW-ENFORCEMENT OFFICERS, upon second reading.

Upon motion of Senator Brock, the Senate Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Tuesday, June 26.

The Chair grants a leave of absence for the remainder of today's session to Senator McKissick.

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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, upon second reading.

The Committee Substitute bill passes its second reading (39-0) 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. 853 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, upon second reading.

The Senate Committee Substitute bill passes its second reading (37-0) 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. 952 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (38-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1021 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT, upon second reading.

The Committee Substitute bill passes its second reading (39-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Monday, June 25, upon third reading.

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H.B. 1028 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE, upon second reading.

The Committee Substitute bill passes its second reading (38-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

S.B. 707 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-38).

Senator Tucker offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 749 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (39-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 828 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-39).

Senator Rucho offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 869 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (39-0) and the bill is ordered enrolled and sent to the Governor by special message.

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APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 828 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 828 earlier today and the motion by Senator Rucho to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Rucho, Chair; Senator Brown and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

WITHDRAWAL FROM COMMITTEE

H.B. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT, referred to the **State and Local Government Committee** on June 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. 1212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, THE CITY OF RALEIGH, AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT, referred to the **State and Local Government Committee** on June 13.

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**.

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Upon motion of Senator Apodaca, seconded by Senator Bingham, the Senate adjourns at 1:54 p.m., in honor of Stanley Johnson, subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and the receipt of messages from the Governor, to meet Monday, June 25, at 7:00 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 21, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 229** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR

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STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES

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COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, and requests conferees.

Speaker Tillis appoints:

Representative Gillespie, Chair
Representative West
Representative Samuelson
Representative McElraft, and
Representative R. Moore

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 21, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 950** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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ENROLLED BILL

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

H.B. 950, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES.

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. 224, AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE. (Became law upon ratification, June 21, 2012 - S.L. 2012-53.)

H.B. 943, AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY. (Became law upon ratification, June 21, 2012 - S.L. 2012-54.)

H.B. 1207, AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES. (Became law upon ratification, June 21, 2012 - S.L. 2012-55.)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 21, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 512** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND

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OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 21, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1015** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SET THE REGULATORY FEES, TO CONTINUE THE INDIVIDUAL INCOME TAX DEDUCTION FOR EDUCATOR EXPENSES, AND TO ENHANCE ECONOMIC DEVELOPMENT.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 347 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT PLACEMENT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 25.

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S.B. 572 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE THE AUTHORITY PREVIOUSLY GRANTED TO NASH COUNTY SO AS TO ALLOW COUNTIES TO PROVIDE GRANTS TO PROMOTE HIGH-SPEED INTERNET ACCESS SERVICE IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT AND TO MAKE OTHER CLARIFYING CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 25.

S.B. 656 (House 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Monday, June 25.

H.B. 988, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY.

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

H.B. 1044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.

Referred to the **Insurance Committee**.

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

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

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H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

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

H.B. 1074 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO PROVIDE PROTECTION AND REMEDIES FOR REPORTING VIOLATIONS OF RETIREMENT LAW; TO ESTABLISH GUIDELINES FOR FRAUD INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER'S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE A DECEDENT'S MONTHLY DISABILITY BENEFIT; AND TO CLARIFY THE APPOINTMENT OF THE MEDICAL BOARD.

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

H.B. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE.

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

H.J.R. 1226, A JOINT RESOLUTION HONORING THE 100TH ANNIVERSARY OF THE RALEIGH FIRE DEPARTMENT AND THOSE WHO HAVE SERVED WITH THE DEPARTMENT.

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

H.B. 1106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX.

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

ENROLLED BILLS AND A RESOLUTION

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

S.B. 749, AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION.

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S.B. 820, AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY.

S.B. 869, AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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.

H.B. 1028, AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE.

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

H.B. 224, AN ACT TO VALIDATE A SPECIAL ASSESSMENT LEVIED BY FOXFIRE VILLAGE.

H.B. 943, AN ACT TO REQUIRE THE APPROVAL OF THE BOARD OF COMMISSIONERS OF DAVIDSON COUNTY BEFORE A CITY NOT PRIMARILY LOCATED WITHIN DAVIDSON COUNTY MAY ANNEX ANY TERRITORY WITHIN DAVIDSON COUNTY.

H.B. 1207, AN ACT TO ALLOW GRANVILLE COUNTY, PERSON COUNTY, THE CITY OF CREEDMOOR, THE TOWN OF BUTNER, AND THE TOWN OF STEM TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

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

S.B. 826, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS.

H.B. 14, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO USE REPAIRS AND RENOVATIONS FUNDS TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR.

H.B. 237, AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA.

H.B. 391, AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES, TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 RELATING TO APPROVAL OF PROPERTY TAXES IN MULTI JURISDICTIONAL INDUSTRIAL PARK DISTRICTS.

H.B. 438, AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES.

H.B. 952, AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

June 21, 2012

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. 1223, A JOINT RESOLUTION HONORING THE STATE LIBRARY FOR PROVIDING SERVICE FOR TWO HUNDRED YEARS AND THOSE WHO PLAYED A ROLE IN THE LIBRARY'S SUCCESS. (Res. 7)

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

H.B. 1015, AN ACT TO SET THE REGULATORY FEES, TO CONTINUE THE INDIVIDUAL INCOME TAX DEDUCTION FOR EDUCATOR EXPENSES, AND TO ENHANCE ECONOMIC DEVELOPMENT.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 21, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 828** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, and requests conferees.

Speaker Tillis appoints:

Representative Howard, Chair
Representative Setzer, and
Representative Starnes

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 Apodaca's motion to adjourn having prevailed, the Senate stands adjourned.

June 21, 2012

ONE HUNDRED AND THIRTY-SECOND DAY

Senate Chamber
Monday, June 25, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

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

“Almighty God, we thank you for beautiful things. Everything filled with splendor is from you. And so by your spirit, enable us to now quiet our hearts and hear. Bless us tonight with hope. Behind the agony of every bodily sickness – and there is so much sickness – behind the ache of true love, unyoked, behind the pain of beauty in this fractured world, every longing will be repaid, and that until that day we still can participate in your heavenly life. We participate in your heavenly life here today in this Senate Chamber. Make our laws, make our civil discourse. Give our minds resources that only can draw from your divine life. And we pray all these things in Christ’s name, Amen.”

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator Graham, Senator Jenkins, and Senator Kinnaird.

Senator Apodaca announces that the Senate Journal of Thursday, June 21, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Cathy Greene from Granite Falls, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on tonight’s calendar are taken up and disposed of as follows:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 36, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman and Westmoreland---36.

Voting in the negative: Senator Dannelly---1.

The bill is ordered sent to the House of Representatives by special message.

June 25, 2012

H.B. 180 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Dannelly, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1075 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 26.

H.B. 1021 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT, upon third reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 26.

ENROLLED BILL

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

H.B. 512 AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE.

June 25, 2012

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. 816, AN ACT TO REWRITE THE BANKING LAWS OF NORTH CAROLINA, AS RECOMMENDED BY THE JOINT LEGISLATIVE STUDY COMMISSION ON THE MODERNIZATION OF NORTH CAROLINA BANKING LAWS. (Became law upon approval of the Governor, June 21, 2012 - S.L. 2012-56.)

H.B. 14, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO USE REPAIRS AND RENOVATIONS FUNDS TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2011-2012 FISCAL YEAR. (Became law upon approval of the Governor, June 25, 2012 - S.L. 2012-57.)

CALENDAR (*continued*)

H.B. 552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and is placed on the calendar for Tuesday, June 26.

H.B. 1032, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Mansfield, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---44.

Voting in the negative: Senator Dannelly---1.

The bill is ordered enrolled.

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H.B. 1088, A BILL TO BE ENTITLED AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES, upon third reading.

Upon the appearance of Senator Kinnaird in the chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

The bill passes its third 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, Carney, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 964 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

Senator Hise offers Amendment No. 2 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 sent to the House of Representatives by special message for concurrence in the Senate Amendments No. 1 and No. 2.

WITHDRAWAL FROM 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 **Agriculture/Environment/Natural Resources Committee** on April 19, 2011.

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

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

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H.B. 1212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, THE CITY OF RALEIGH, AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT, referred to the **Rules and Operations of the Senate Committee** on June 21.

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 **State and Local Government 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 **State and Local Government Committee**.

H.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, referred to the **Rules and Operations of the Senate Committee** on June 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 **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. 1071, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW, referred to the **Education/Higher Education Committee** on June 12.

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 **State and Local Government 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 **State and Local Government Committee**.

June 25, 2012

The Chair grants a leave of absence for the remainder of tonight's session to Senator Garrou.

CALENDAR *(continued)*

H.B. 1096 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SAVE MONEY BY REPEALING A STATUTE REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS, COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO HAVE SEPARATE BIDS FOR JUICE AND WATER, upon second reading.

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.

S.B. 347 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT PLACEMENT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Purcell, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

CONFERENCE REPORT

Senator Newton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **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, 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 105, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, House Committee Substitute Favorable 4/20/11, submit the following report:

The House and Senate agree to the following amendment to House Committee Substitute Favorable 4/20/11, Second Edition Engrossed 4/20/11, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 4/20/11, Second Edition Engrossed 4/20/11, and substitute the attached Proposed Conference Committee Substitute S105-PCCS35393-RK-7.

June 25, 2012

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 25, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/E.S. (Buck) Newton, Chair	S/Paul Stam, Chair
S/David Rouzer	S/Dan W. Ingle
S/Ed Jones	S/John Faircloth
S/Warren Daniel	S/Rick Glazier
S/Thom Goolsby	

The text of the attached Proposed Conference Committee Substitute, S105-PCCS35393-RK-7 is as follows:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED.

Whereas, the State must prove that the defendant acted with malice to obtain a conviction of second degree murder; and

Whereas, North Carolina case law holds that malice may be shown in three different ways: by hatred, ill will, or spite; a condition of the mind which prompts a person to take the life of another intentionally or to intentionally inflict serious bodily injury which proximately results in another's death, without just cause, excuse or justification; or the commission of an inherently dangerous act or omission, in such a reckless and wanton manner as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief;

Now, therefore;

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-17 reads as rewritten:

“§ 14-17. Murder in the first and second degree defined; punishment.

(a) A murder which shall be perpetrated by means of a nuclear, biological, or chemical weapon of mass destruction as defined in G.S. 14-288.21, poison, lying in wait, imprisonment, starving, torture, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempted perpetration of any arson, rape or a sex offense, robbery, kidnapping, burglary, or other felony committed or attempted with the use of a deadly weapon shall be deemed to be murder in the first degree, a Class A felony, and any person who commits such murder shall be punished with death or imprisonment in the State's prison for life without parole as the court shall determine pursuant to G.S. 15A-2000, except that any such person who was under 18 years of age at the time of the murder shall be punished with imprisonment in the State's prison for life without parole. ~~All other kinds of murder, including that which shall be proximately caused by the unlawful~~

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~~distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., or methamphetamine, when the ingestion of such substance causes the death of the user, shall be deemed murder in the second degree, and any person who commits such murder shall be punished as a Class B2 felon.~~

(b) A murder other than described in subsection (a) of this section or in G.S. 14-23.2 shall be deemed second degree murder. Any person who commits second degree murder shall be punished as a Class B1 felon, except that a person who commits second degree murder shall be punished as a Class B2 felon in either of the following circumstances:

- (1) The malice necessary to prove second degree murder is based on an inherently dangerous act or omission, done in such a reckless and wanton manner as to manifest a mind utterly without regard for human life and social duty and deliberately bent on mischief.
- (2) The murder is one that was proximately caused by the unlawful distribution of opium or any synthetic or natural salt, compound, derivative, or preparation of opium, or cocaine or other substance described in G.S. 90-90(1)d., or methamphetamine, and the ingestion of such substance caused the death of the user."

SECTION 2. G.S. 20-141.4(b) reads as rewritten:

“(b) Punishments. – Unless the conduct is covered under some other provision of law providing greater punishment, the following classifications apply to the offenses set forth in this section:

- (1) Repeat felony death by vehicle is a Class B2 felony.
- ~~(1a)~~ Aggravated felony death by vehicle is a Class D felony. Notwithstanding the provisions of G.S. 15A-1340.17, the court shall sentence the defendant in the aggravated range of the appropriate Prior Record Level.
- (2) Felony death by vehicle is a Class E–D felony. Notwithstanding the provisions of G.S. 15A-1340.17, intermediate punishment is authorized for a defendant who is a Prior Record Level I offender.
- (3) Aggravated felony serious injury by vehicle is a Class E felony.
- (4) Felony serious injury by vehicle is a Class F felony.
- (5) Misdemeanor death by vehicle is a Class A1 misdemeanor."

SECTION 3. G.S. 20-141.4(a6) reads as rewritten:

“(a6) Repeat Felony Death by Vehicle Offender. – A person commits the offense of repeat felony death by vehicle if:

- (1) The person commits an offense under subsection (a1) or subsection (a5) of this section; and
- (2) The person has a previous conviction under:
 - a. Subsection (a1) of this section;

- b. Subsection (a5) of this section; or
- c. G.S. 14-17 or G.S. 14-18, and the basis of the conviction was the unintentional death of another person while engaged in the offense of impaired driving under G.S. 20-138.1 or G.S. 20-138.2.

The pleading and proof of previous convictions shall be in accordance with the provisions of G.S. 15A-928.

~~A person convicted under this subsection shall be subject to the same sentence as if the person had been convicted of second degree murder.”~~

SECTION 4. Sections 1, 2, and 3 of this act become effective December 1, 2012, and apply to offenses committed on or after that date. The remainder of the act is effective when it becomes law.

The Conference Committee Substitute is placed on the calendar for Tuesday, June 26, for adoption.

CALENDAR *(continued)*

S.B. 572 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE THE AUTHORITY PREVIOUSLY GRANTED TO NASH COUNTY SO AS TO ALLOW COUNTIES TO PROVIDE GRANTS TO PROMOTE HIGH-SPEED INTERNET ACCESS SERVICE IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT AND TO MAKE OTHER CLARIFYING CHANGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Davis, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 656 (House 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Davis, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor by special message.

SENATE PAGES

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

Jared Ballen, Durham; Staci Batts, Rocky Mount; Emily Browning, Raleigh; Elliott Copeland, Raleigh; Meghan Crider, Raleigh; Sam Dickson, Waynesville; Chris Dougherty, Pinehurst; Isabel Fox, Greensboro; Brooke Greene, Granite Falls; Russell Gross, Greensboro; William Hargett, Greenville; Elliott Honeycutt III, Raleigh; Peyson Hunt III, Wilmington; Miriam King, Pinehurst; Damonique Levy, Autryville; Evan Lindsey, Raleigh; Jared Lowe, Gastonia; Spencer

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McClung, Hookerton; Constance Owl, Murphy; Alayna Pearson, Kings Mountain; David Rosario, Black Mountain; Cameron Ruffin, Raleigh; Emily Shea, Princeton, New Jersey; Hendricks Stowe, Winston-Salem; Rachel Styers, Raleigh; Ward Sylvester, Richlands; Sallie Sylvester, Richlands; and Michael Willingham, Charlotte.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Brunstetter.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1224, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM MANER "BILL" IVES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

The Joint Resolution passes its second reading (43-0) and, without objection, is read a third time and passes its third reading with all members standing and is ordered enrolled.

Upon motion of Senator Apodaca, seconded by Senator Nesbitt, the Senate adjourns at 7:58 p.m., subject to the ratification of bills, reading of a Senatorial Statement, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Tuesday, June 26, at 2:00 p.m.

CONFERENCE REPORT

Senator Rucho, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 828** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 828, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, House Committee Substitute Favorable 6/13/12 Fifth Edition Engrossed 6/19/12, submit the following report:

June 25, 2012

The Senate and House agree to the following amendment and the Senate concurs in House Committee Substitute Favorable 6/13/12 Fifth Edition Engrossed 6/19/12, as amended:

On page 2, lines 33 and 34, by rewriting the lines to read:

“SECTION 1.(f) To maintain the rule of law with respect to State and federal relations pertaining to employment security laws in North Carolina, any executive order issued by the Governor that purports to extend unemployment insurance benefits, whether those benefits will be paid from federal or State funds, is void ab initio, unless the executive order is issued upon authority that is conferred expressly by an act enacted by the General Assembly or granted specifically to the Governor by the Congress of the United States.

SECTION 1.(g) This section is effective when it becomes law and applies retroactively to January 1, 2012.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 25, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Bob Rucho, Chair	S/Julia C. Howard, Chair
S/Fletcher L. Hartsell, Jr.	S/Mitchell S. Setzer
S/Harry Brown	S/Edgar V. Starnes

The Conference Report is placed on the calendar for Tuesday, June 26, for adoption.

EXECUTIVE ORDER

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

Executive Order No. 120, Emergency Relief for Tropical Storm Debby.

A SENATORIAL STATEMENT

Commemorating the Fiftieth Anniversary of the Independence of Trinidad and Tobago

Submitted by Senator Bob Rucho

WHEREAS, the people of the State of North Carolina join the Republic of Trinidad and Tobago in commemorating the 50th anniversary of Trinidad and Tobago’s independence. We celebrate the establishment of a Republic that has offered to the world a rich cultural heritage and a wealth of diversity; that affirms a people that have overcome obstacles and forged a path of self-determination; and

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WHEREAS, Trinidad and Tobago was a former British crown colony until August 31, 1962, when they were granted independence. Trinidad and Tobago has continually stepped up to the challenge of emerging as a self-sufficient and respected nation; and

WHEREAS, Trinidad and Tobago and the United States have always had a deep abiding relationship built on mutual respect. Many of the residents of North Carolina trace their lineage back to Trinidad and Tobago; and

WHEREAS, from the colorful Carnival celebrations that grace our city to the indigenous foods that have found a place in our culture, Trinidad and Tobago's cultural traditions have also found a home in the United States and here in North Carolina; and

WHEREAS, our two countries have shared a common history of defending and promoting ethnic and religious tolerance. When we continue to expand diversity and bring more people together, it enriches the fabric of both of our countries; and

WHEREAS, the strength of the bond between Trinidad and Tobago and the United States is exemplified by the strong community of Americans of Trinidad and Tobago descent, and continues to enrich our Nation with its diversity and helps maintain the living relationship between our countries; and

WHEREAS, on the anniversary of Trinidad and Tobago's independence, we celebrate this friendship and look forward to realizing our common goals and aspirations;

NOW, THEREFORE, the 50th Anniversary of the independence of Trinidad and Tobago should be commended.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 25th day of June, 2012.

S/Sarah Clapp
Senate Principal Clerk

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 Pate (Primary Sponsor); Allran, Apodaca, Atwater, Phil Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Mansfield, Meredith, Newton, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Walters, Westmoreland, and White:

S.R. 959, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE DESIGNATION OF AN ANNUAL WELCOME HOME VIETNAM VETERANS DAY.

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

June 25, 2012

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 42 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, for concurrence in the House Committee Substitute bill.

Referred to the **Judiciary I Committee**.

S.B. 94 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DELAYING THE EFFECTIVE DATE OF OPERATING STANDARDS SET BY THE 911 BOARD FOR PSAPS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 26.

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE AND CONCERNING BROKER PRICE OPINIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 26.

S.B. 647 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 26.

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 26.

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S.B. 810 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (1A) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (2A) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (2B) MAKE CONFORMING CHANGES TO THE STATE PERSONNEL ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) LIMIT STATE AGENCY IDENTITY THEFT REPORTING REQUIREMENTS; (5C) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (7A) CLARIFY APPLICATION OF CERTAIN NUTRIENT RULES TO SMALL WASTEWATER DISCHARGES; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE; (12) EXEMPT CERTIFIED ROADSIDE FARM MARKETS FROM CERTAIN BUILDING CODE REQUIREMENTS; AND (13) ALLOW THE PERMITTING OF MOBILE FOOD UNITS THAT MEET THE SANITATION REQUIREMENTS OF A COMMISSARY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Tuesday, June 26.

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE.

Referred to the **Judiciary I Committee**.

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H.B. 1084 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE ASSOCIATIONS TO RELEASE LIENS UPON PAYMENT IN FULL; (2) REQUIRE ALL ASSOCIATIONS TO CONDUCT FINANCIAL REVIEWS OR FINANCIAL AUDITS; (3) REQUIRE THAT NOTICE OF ASSOCIATION MEETINGS DESCRIBE THE GENERAL NATURE OF ANY MATERIAL MATTER FOR WHICH A VOTE IS TO BE TAKEN, AND VOID ACTIONS TAKEN AT MEETINGS HELD IN VIOLATION OF REQUIREMENTS OF THE PLANNED COMMUNITY ACT OR THE CONDOMINIUM ACT, AS APPLICABLE, OR AN ASSOCIATION'S DECLARATION OR BYLAWS; (4) AMEND VOTING PROVISIONS AS THEY APPLY TO USE OF PROXIES AND BALLOTS; AND (5) ALLOW USE OF ALTERNATIVE DISPUTE RESOLUTION FOR CONFLICTS ARISING UNDER THE PLANNED COMMUNITY ACT OR CONDOMINIUM ACT.

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

H.B. 1105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS.

Referred to the **Finance Committee**.

H.B. 1173, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT.

Referred to the **Judiciary II Committee**.

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

June 25, 2012

ONE HUNDRED AND THIRTY-THIRD DAY

Senate Chamber
Tuesday, June 26, 2012

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, thank you for this incredibly refreshing day. And thank you for the sun that shines and the cool breezes outside. You always amaze me, and you surprise me with your glory and the delight that you want to bring to us, your children. Thank you, Lord, for allowing us to be gathered amidst the veil of your presence. We come not on our own strength, but primarily in weakness, reliant on your strong hand and your intercession. Lord, you have been our dwelling place in all generations. Before the mountains were brought forth or even you formed us in our mother’s womb, from everlasting to everlasting, you are God. For a thousand years in your sight are as a watch in the night to you. And so all I can hear you saying to this body today is to remain humble – remain humble, be patient. Equip us all to make North Carolina a shining beacon, not through our own power, but through your presence. May we walk humbly with our God. We pray through Christ, 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, June 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.

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 Greene from Granite Falls, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 347, AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT PLACEMENT.

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S.B. 572, AN ACT TO MAKE STATEWIDE THE AUTHORITY PREVIOUSLY GRANTED TO NASH COUNTY SO AS TO ALLOW COUNTIES TO PROVIDE GRANTS TO PROMOTE HIGH-SPEED INTERNET ACCESS SERVICE IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT AND TO MAKE OTHER CLARIFYING CHANGES.

S.B. 656, AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS.

S.B. 804, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.

S.B. 815, AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

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

S.B. 919, AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRICT ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS.

S.B. 932, AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS.

S.B. 934, AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA.

H.B. 1032, AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON.

H.B. 1088, AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES.

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H.B. 1138, AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS.

H.J.R. 1224, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM MANER “BILL” IVES, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 8)

S.J.R. 958, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES SUMMERS “JIM” FORRESTER, SR., MD, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 9)

CALENDAR

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

H.B. 1075 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from today’s calendar and is referred to the **Mental Health & Youth Services Committee**.

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR’S CASE AND CONCERNING BROKER PRICE OPINIONS, 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 referred to the **Rules and Operations of the Senate Committee**.

S.B. 105 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED, for adoption.

Upon motion of Senator Apodaca, the Conference Committee Substitute is withdrawn from today’s calendar and is placed on the calendar for Wednesday, June 27.

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE

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LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Hartsell, the House Committee Substitute bill No. 2 is withdrawn from today's calendar and is placed on the calendar for Thursday, June 28.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

S.B. 42 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, with an unfavorable report as to concurrence.

Upon the motion of Senator Apodaca, the House Committee Substitute bill is placed on today's calendar.

CALENDAR *(continued)*

H.B. 552 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 31, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

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

The Senate Committee Substitute bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

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S.B. 42 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Brunstetter offers a motion that the Senate appoint conferees, which motion prevails.

H.B. 153 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY RELATED TO EMPLOYMENT OR HOLDING OFFICE FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, THE OPTIONAL RETIREMENT PROGRAM FOR STATE-FUNDED COMMUNITY COLLEGES, THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR STATE LAW-ENFORCEMENT OFFICERS, AND THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LOCAL GOVERNMENTAL LAW-ENFORCEMENT OFFICERS, upon second reading.

Senator Brock 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.

S.B. 810 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (1A) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (2A) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (2B) MAKE CONFORMING CHANGES TO THE STATE PERSONNEL ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) LIMIT STATE AGENCY IDENTITY THEFT REPORTING REQUIREMENTS; (5C) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO

INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (7A) CLARIFY APPLICATION OF CERTAIN NUTRIENT RULES TO SMALL WASTEWATER DISCHARGES; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE; (12) EXEMPT CERTIFIED ROADSIDE FARM MARKETS FROM CERTAIN BUILDING CODE REQUIREMENTS; AND (13) ALLOW THE PERMITTING OF MOBILE FOOD UNITS THAT MEET THE SANITATION REQUIREMENTS OF A COMMISSARY, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rouzer, the House Committee Substitute bill is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 27.

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon third reading.

Senator Apodaca offers Amendment No. 2.

Upon the motion of Senator Apodaca, the bill is displaced to the end of the calendar with Amendment No. 2 pending.

H.B. 1021 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT, upon third reading.

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Senator Apodaca offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

S.B. 94 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DELAYING THE EFFECTIVE DATE OF OPERATING STANDARDS SET BY THE 911 BOARD FOR PSAPS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 647 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, for concurrence in the House Committee Substitute bill.

Without objection, Senator Walters requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

The Senate fails to concur in the House Committee Substitute bill (0-47).

Senator Rucho offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 661 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor by special message.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brunstetter for the **Judiciary I Committee**:

H.B. 1052 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN, TAX LIEN, AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30654, which changes the title to read **H.B. 1052** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE, is adopted and engrossed.

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

H.B. 945, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED, with a favorable report.

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

H.B. 963, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, with a favorable report.

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

H.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, with a favorable report.

H.B. 988, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE AVERASBORO TOWNSHIP TOURISM DEVELOPMENT AUTHORITY, with a favorable report.

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

H.B. 991, A BILL TO BE ENTITLED AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, with a favorable report.

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

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE, with a favorable report.

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H.B. 1029, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN, with a favorable report.

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, with a favorable report.

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

H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, with a favorable report.

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

H.B. 1059, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET, with a favorable report.

H.B. 1071, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW, with a favorable report.

H.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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, with a favorable report.

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

H.B. 1106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX, with a favorable report.

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

H.B. 1109, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, with a favorable report.

H.B. 1110, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS, with a favorable report.

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

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES, with a favorable report.

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

H.B. 1123, A BILL TO BE ENTITLED AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS, with a favorable report.

H.B. 1169, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, with a favorable report.

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

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT, with a favorable report.

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H.B. 1196, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH, with a favorable report.

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

H.B. 1197, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, with a favorable report.

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

H.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LAKE LURE TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE, with a favorable report.

H.B. 1200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Pensions & Retirement and Aging Committee**.

H.B. 1202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, with a favorable report.

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

H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER, with a favorable report.

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

H.B. 1212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST,

WENDELL, AND ZEBULON, THE CITY OF RALEIGH, AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT, with a favorable report.

H.B. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE, with a favorable report.

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

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION, with a favorable report.

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

CALENDAR *(continued)*

S.B. 828 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for adoption.

Upon motion of Senator Rucho, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN

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CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, displaced earlier today, with Amendment No. 2 pending, upon third reading.

Senator Apodaca withdraws Amendment No. 2.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is withdrawn from today's calendar and is placed on the calendar for Wednesday, June 27.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 42 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 42 earlier today and the motion by Senator Brunstetter to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Brunstetter, Chair; Senator Clodfelter, Senator Stein, and Senator Goolsby as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 647 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 647 earlier today and the motion by Senator Rucho to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Rucho, Chair; Senator Apodaca and Senator Brown as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

WITHDRAWAL FROM COMMITTEE

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE AND CONCERNING BROKER PRICE OPINIONS, referred to the **Rules and Operations of the Senate Committee** on June 26.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the House Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Wednesday, June 27, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar for Wednesday, June 27.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, referred to the **Judiciary II Committee** on June 20.

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**.

H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, referred to the **Finance Committee** on June 7.

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 the calendar for Wednesday, June 27, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Finance Committee** and placed on the calendar for Wednesday, June 27.

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S.B. 847, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, referred to the **Judiciary I Committee** on May 22.

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**.

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 **Judiciary II Committee** on June 19.

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

The Chair orders the Committee Substitute bill No. 2 withdrawn from the **Judiciary II Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF "DEPENDENT CHILD" IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE, referred to the **Insurance Committee** on June 13.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Insurance 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 **Insurance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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H.B. 1105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS, referred to the **Finance Committee** on June 25.

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 **Rules and Operations of the Senate 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 **Rules and Operations of the Senate 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** on May 23, 2011.

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

H.B. 1173, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT, referred to the **Judiciary II Committee** on June 25.

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. 1044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS, referred to the **Insurance Committee** on June 21.

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Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Insurance 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 **Insurance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Phil Berger, seconded by Senator Kinnaird, the Senate adjourns at 3:02 p.m., subject to the ratification of bills, reading of a Senatorial Statement, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Wednesday, June 27, at 2:00 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 26, 2012

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. 853** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, and requests conferees.

Speaker Tillis has appointed:

Representative Mobley, Chair
Representative Hurley
Representative Randleman
Representative Glazier, and
Representative Bordsen

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on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 444 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 27.

H.B. 953 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

H.B. 989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, BUT TO CONTINUE TO ALLOW CIVIL AIR PATROLS, INCORPORATED EMERGENCY RESCUE SQUADS, RURAL FIRE DEPARTMENTS, AND LOCAL CHAPTERS OF THE AMERICAN NATIONAL RED CROSS TO BE ELIGIBLE FOR PERMANENT REGISTRATION PLATES.

Referred to the **Finance Committee.**

H.B. 1215 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Referred to the **Finance Committee.**

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WITHDRAWAL FROM COMMITTEE

H.B. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT, referred to the **Rules and Operations of the Senate Committee** on June 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 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**.

A SENATORIAL STATEMENT**Commemorating the North Carolina Symphony and its Founders**

Submitted by Senator Richard Stevens:

WHEREAS, the North Carolina Symphony played its first concert under its founding conductor Lamar Stringfield on May 14, 1932, at Hill Hall on the campus of the University of North Carolina at Chapel Hill; and

WHEREAS, the tireless efforts of Dr. Benjamin and Maxine Swalin led to passage by the North Carolina General Assembly of the historic “Horn-Tootin’ Bill” in 1943, thus establishing a 69-year partnership with the State of North Carolina and forming the basis for the most far-reaching music education program in the United States; and

WHEREAS, the North Carolina Symphony has, since that day, traveled more than 500,000 miles by bus to present concerts throughout the State of North Carolina, delighting and entertaining generations of citizens by demonstrating the highest level of artistic quality and performance standards, and embracing its dual legacies of statewide service and music education; and

WHEREAS, the North Carolina Symphony offers 45 yearly education concerts for schoolchildren across the State, as well as professional development workshops for teachers that support North Carolina curriculum standards in education and supplement the North Carolina Symphony education concerts, and through its Ensembles in the Schools program, visits classrooms for an interactive performance and learning experience; and

WHEREAS, the North Carolina Symphony further enhances music opportunities for young people in North Carolina through programs such as the Instrument Zoo, an opportunity for young people to see instruments and try them out; Young Strings of the Triangle, a private lesson program for string students created to nurture and develop the musical potential of minority and underserved players; and North Carolina Symphony Youth Sinfonietta, a chamber orchestra of talented young musicians selected by audition; and

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WHEREAS, the North Carolina Symphony recognizes excellence in young musicians and helps them launch their careers through its annual Kathleen Price and Joseph M. Bryan Youth Concerto Competition, and in music educators through its annual Maxine Swalin Award for Outstanding Music Educator; and

WHEREAS, the North Carolina Symphony, celebrating its 80th concert season in 2012-2013, continues to be artistically inspirational, creative, and vibrant; educationally essential and relevant; and organizationally excellent and community-minded;

NOW, THEREFORE, in recognition of the North Carolina Symphony's outstanding record of 80 years of service to the people of North Carolina and in honor of its founders, Lamar Stringfield and Dr. Benjamin and Maxine Swalin, the year 2012 should be proclaimed as the "North Carolina Symphony Year."

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the 26th day of June, 2012.

S/Sarah Clapp
Senate Principal Clerk

APPOINTMENT OF ADDITIONAL CONFEREES

S.B. 42 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS.

Senator Phil Berger, President *Pro Tempore*, appoints Senator Apodaca and Senator Mansfield as additional conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 26, 2012

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. 105** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO

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INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 26, 2012

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. 828** (Conference Report), AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Conference Report for S.B. 828 is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 426 (House 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

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AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 27.

S.B. 699 (House Committee Substitute), 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar for Wednesday, June 27.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 26, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 647** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, and requests conferees.

Speaker Tillis appoints:

Representative Howard, Chair
Representative Starnes
Representative Dockham, and
Representative Brisson

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on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 26, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 42** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, and requests conferees.

Speaker Tillis appoints:

Representative Stevens, Chair
Representative Jordan
Representative Blackwell, and
Representative Glazier

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

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ONE HUNDRED AND THIRTY-FOURTH DAY

Senate Chamber
Wednesday, June 27, 2012

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:

“Bless the Lord, oh my soul and all that’s within me... Bless the Lord, oh my soul, and forget not all of His benefits... The Lord is merciful and gracious; slow to anger, abounding in steadfast love. He will not always chide [us], nor will He keep His anger forever. He does not deal with us according to our sins, nor repay us according to our iniquities. For as high as the heavens are above the earth, so great is His steadfast love towards those who fear Him. As far as the east is from the west, so far does He remove our transgressions from us. As a father shows compassion to His children, so the Lord shows compassion to those who fear Him. For He knows our frame; He remembers that we’re dust. As for man, his days are like grass; he flourishes like a flower of the field. For the wind passes over it and it’s gone, and its place knows it no more, but the steadfast love of the Lord is from everlasting to everlasting.’ Amen.”

(Excerpt - Psalm 103, ESV)

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, June 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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 Greene from Granite Falls, 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. 94, AN ACT DELAYING THE EFFECTIVE DATE OF OPERATING STANDARDS SET BY THE 911 BOARD FOR PSAPS.

S.B. 661, AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC.

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S.B. 828, AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

H.B. 605, AN ACT TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT.

H.B. 964, AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA.

H.B. 1096, AN ACT TO SAVE MONEY BY REPEALING A STATUTE REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS, COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO HAVE SEPARATE BIDS FOR JUICE AND WATER.

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. 919, AN ACT TO ALLOW THE CARTERET COUNTY BOARD OF COMMISSIONERS TO REDISTRIBUTE ITS RESIDENCY DISTRICTS FOR THE 2012 PRIMARY AND GENERAL ELECTIONS. (Became law upon ratification, June 26, 2012 - S.L. 2012-58.)

S.B. 932, AN ACT AUTHORIZING UNION COUNTY TO CONSTRUCT LAW ENFORCEMENT AND HUMAN SERVICES FACILITIES USING DESIGN-BUILD DELIVERY METHODS. (Became law upon ratification, June 26, 2012 - S.L. 2012-59.)

S.B. 934, AN ACT TO PERMIT THE LOWER CAPE FEAR WATER AND SEWER AUTHORITY TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION FOR A FOURTEEN-MILE PARALLEL WATER TRANSMISSION LINE WITHIN ITS SERVICE AREA. (Became law upon ratification, June 26, 2012 - S.L. 2012-60.)

H.B. 1032, AN ACT REMOVING CERTAIN DESCRIBED NONCONTIGUOUS PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF MORGANTON. (Became law upon ratification, June 26, 2012 - S.L. 2012-61.)

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H.B. 1088, AN ACT CONCERNING THE DIVISION BETWEEN GRAHAM AND SWAIN COUNTIES OF TVA PAYMENTS IN LIEU OF TAXES, AND CLARIFYING THE COMMON BOUNDARY BETWEEN THOSE COUNTIES. (Became law upon ratification, June 26, 2012 - S.L. 2012-62.)

H.B. 1138, AN ACT TO PERMIT THE COUNTY OF DAVIDSON TO UTILIZE THE DESIGN-BUILD METHOD OF CONSTRUCTION AND RENOVATION OF COUNTY BUILDINGS. (Became law upon ratification, June 26, 2012 - S.L. 2012-63.)

H.B. 971, AN ACT TO AUTHORIZE LEASE TERMINATION FOR A SERVICE MEMBER WHO DIES WHILE ON ACTIVE DUTY, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-64.)

H.B. 1028, AN ACT TO REQUIRE THE NORTH CAROLINA APPRAISAL BOARD TO REPORT THE RECORDS OF APPRAISAL MANAGEMENT COMPANIES TO THE NORTH CAROLINA DEPARTMENT OF REVENUE. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-65.)

H.B. 1055, AN ACT RELATING TO PROVIDER ENDORSEMENT FUNCTIONS OF LOCAL MANAGEMENT ENTITIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-66.)

H.B. 1056, AN ACT TO LIMIT ACCESS TO IDENTIFYING INFORMATION OF MINOR PARTICIPANTS IN PROGRAMS FUNDED BY THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN OR OTHER LOCAL PARTNERSHIPS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-67.)

H.B. 1066, AN ACT TO CLARIFY, MODIFY, AND CONSOLIDATE THE LAW APPLICABLE TO THE PASSING OF TITLE TO INTERESTS IN REAL AND PERSONAL PROPERTY DEvised BY A WILL AND THE RIGHTS OF LIEN CREDITORS AND PURCHASERS FOR VALUE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-68.)

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H.B. 1067, AN ACT TO CONFORM THE LAW GOVERNING CO-OWNERS WITH RIGHT OF SURVIVORSHIP UNDER THE SIMULTANEOUS DEATH ACT TO THE LAW GOVERNING THE HOLDING OF UNEQUAL SHARES IN A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-69.)

H.B. 1068, AN ACT TO AMEND ARTICLE 9 OF THE UNIFORM COMMERCIAL CODE RELATING TO SECURED TRANSACTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-70.)

H.B. 1069, AN ACT TO INCREASE THE MINIMUM AMOUNT OF INTESTATE PERSONAL PROPERTY PASSING TO THE SURVIVING SPOUSE AND THE AMOUNT OF THE YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE FOR A SURVIVING CHILD, TO REINSERT ERRONEOUSLY REMOVED REFERENCES TO A CHILD'S "NEXT FRIEND" IN THE STATUTES RELATING TO A CHILD'S YEAR'S ALLOWANCE, AND TO SPECIFY THAT THE CHILD'S YEAR'S ALLOWANCE MAY BE PAID TO A WIDOWER ON THE CHILD'S BEHALF AS WELL AS TO A WIDOW, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-71.)

H.B. 1081, AN ACT RELATING TO CHANGES PERTAINING TO LICENSED CLINICAL SOCIAL WORKERS, CLINICAL ADDICTION SPECIALISTS, AND PSYCHOLOGISTS, AS RECOMMENDED BY THE JOINT OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-72.)

H.B. 391, AN ACT TO REVISE THE LAWS RELATING TO COUNTY RESEARCH AND PRODUCTION SERVICE DISTRICTS TO REFLECT CHANGED CIRCUMSTANCES, TO ALLOW FLEXIBILITY IN PROVISION OF SERVICES IN URBAN AREAS OF SUCH DISTRICTS, AND TO AMEND THE COUNTY SERVICE DISTRICT ACT OF 1973 RELATING TO APPROVAL OF PROPERTY TAXES IN MULTI-JURISDICTIONAL INDUSTRIAL PARK DISTRICTS. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-73.)

H.B. 1015, AN ACT TO SET THE REGULATORY FEES, TO CONTINUE THE INDIVIDUAL INCOME TAX DEDUCTION FOR EDUCATOR EXPENSES, AND TO ENHANCE ECONOMIC DEVELOPMENT. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-74.)

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S.B. 491, AN ACT TO EXTEND THE SUNSET ON THE LAW ESTABLISHING THE NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-75.)

S.B. 518, AN ACT TO REQUIRE 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. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-76.)

S.B. 724, AN ACT TO IMPLEMENT VARIOUS EDUCATION REFORMS. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-77.)

S.B. 749, AN ACT TO AMEND THE STATE'S LAWS PERTAINING TO TRANSPORTATION. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-78.)

S.B. 826, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE TAX AND RELATED LAWS. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-79.)

S.B. 841, AN ACT TO ENSURE THAT THE RESOURCES OF THE PROGRAM EVALUATION DIVISION ARE UTILIZED EFFECTIVELY BY THE GENERAL ASSEMBLY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-80.)

S.B. 868, AN ACT ADJUSTING THE DATES OF VALIDITY FOR LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION TO ELIMINATE THE PENALTY FOR EARLY RENEWAL. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-81.)

S.B. 869, AN ACT TO REMOVE THE REQUIREMENT THAT FIREFIGHTERS AND RESCUE SQUAD WORKERS 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. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-82.)

S.B. 881, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES REGARDING THE DEPARTMENT OF PUBLIC SAFETY; AND TO TRANSFER THE WAREHOUSE FORMERLY OPERATED BY THE LAW ENFORCEMENT SUPPORT SERVICES

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DIVISION AND ITS CONTENTS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ASSIGN THE RESPONSIBILITIES FOR THE STORAGE AND MANAGEMENT OF EVIDENCE HOUSED IN THE WAREHOUSE TO THE DEPARTMENT OF PUBLIC SAFETY, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-83.)

S.B. 890, AN ACT TO CODIFY THE PROVISIONS OF EXECUTIVE ORDER NO. 2 THAT DELEGATE TO THE SECRETARY OF TRANSPORTATION THE AUTHORITY TO APPROVE HIGHWAY CONSTRUCTION PROJECTS AND CONSTRUCTION PLANS AND TO AWARD HIGHWAY CONSTRUCTION CONTRACTS, REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP AND UTILIZE A STRATEGIC PRIORITIZATION PROCESS FOR SELECTION OF TRANSPORTATION PROJECTS, AND STRENGTHEN THE BOARD OF TRANSPORTATION ETHICS POLICY, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-84.)

S.B. 895, AN ACT TO AMEND STATUTES RELATED TO MOTORCYCLE LICENSES, TO DELAY THE IMPLEMENTATION OF TWO CHANGES TO DRIVERS LICENSES PENDING AN INFORMATION TECHNOLOGY SYSTEM UPGRADE, TO UPDATE CHAPTER 136 OF THE GENERAL STATUTES WITH THE TERM "CHIEF ENGINEER," WHICH REPLACES THE TERM "STATE HIGHWAY ADMINISTRATOR," AND TO AUTHORIZE RECIPROCITY AGREEMENTS FOR TOLL PAYMENTS BETWEEN THE NORTH CAROLINA TURNPIKE AUTHORITY AND OTHER TOLL AGENCIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 26, 2012 - S.L. 2012-85.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 1074 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO PROVIDE PROTECTION AND REMEDIES FOR REPORTING VIOLATIONS OF RETIREMENT LAW; TO ESTABLISH GUIDELINES FOR FRAUD

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INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER'S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE A DECEDENT'S MONTHLY DISABILITY BENEFIT; AND TO CLARIFY THE APPOINTMENT OF THE MEDICAL BOARD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30659, 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. 1200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30656, which changes the title to read **H.B. 1200** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND AND TO REPEAL THE PROVISIONS ESTABLISHING THE NEW BERN FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, 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 **Finance Committee**:

H.B. 945, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED, 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. 963, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, 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. 989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE

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JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, BUT TO CONTINUE TO ALLOW CIVIL AIR PATROLS, INCORPORATED EMERGENCY RESCUE SQUADS, RURAL FIRE DEPARTMENTS, AND LOCAL CHAPTERS OF THE AMERICAN NATIONAL RED CROSS TO BE ELIGIBLE FOR PERMANENT REGISTRATION PLATES, 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. 991, A BILL TO BE ENTITLED AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, 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. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT, 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. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, 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. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, with a favorable report.

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

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H.B. 1087, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN 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. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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, 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. 1106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX, 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. 1110, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS, 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. 1114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER, 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.

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H.B. 1122, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A 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. 1169, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, 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. 1196, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH, 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. 1197, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, 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. 1202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT 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. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER, 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. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE, 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. 1217, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION, 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. 956 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 70315, 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. 1215 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30661, 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.

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

S.B. 866, A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 15257, which changes the title to read **S.B. 866** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ESSENTIAL ADJUSTMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011, 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.

CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 42** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, 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 42, A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, House Committee Substitute Favorable 6/20/12, Fourth Edition Engrossed 6/21/12, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/20/12, Fourth Edition Engrossed 6/21/12, as amended:

On page 1, line 26, by rewriting the line to read:

“time the owner first contracts with any person to improve the real property. Provided, however, that the owner is not required to designate a lien agent for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that is used by the owner as a residence. The owner shall “;

and on page 2, line 14, by rewriting the line to read:

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“requested information from the owner relating to the predecessor lien agent.”; and

on page 2, lines 47-50, by rewriting the lines to read:

“designated by the owner. This notice shall be given pursuant to subsection (f) of this section or may be given by including the lien agent contact information in a written subcontract entered into by, or a written purchase order issued to, the lower-tier subcontractor entitled to the notice required by this subsection. Any contractor or subcontractor who has previously received notice of the lien agent contact information, whether from the building permit, the inspections office, a notice from the owner, contractor or subcontractor, or by any other means, and who fails to provide the lien agent contact information to the lower-tier subcontractor in the time required under this subsection, shall be liable to the lower tier subcontractor for any actual damages incurred by the lower-tier subcontractor as a result of the failure to give notice.”; and

on page 3, line 29, by deleting the words “subsections (1) through (4)” and substituting the words “subsections (1) through (3)”; and

on page 3, lines 32-33, by inserting the following new subsection between the lines:

“(g1) When a lien agent is not identified in a contract for improvements to real property subject to G.S. 44A-11.1 entered into between an owner and a design professional, the design professional will be deemed to have met the requirement of notice under subsections (k) and (l) of this section on the date of the lien agent’s receipt of the owner’s designation of the lien agent. The owner shall provide written notice to the lien agent containing the information pertaining to the design professional required in a notice to lien agent pursuant to subdivisions (1) through (3) of subsection (h) of this section, by any method of delivery authorized in subsection (f) of this section. The lien agent shall include the design professional in its response to any persons requesting information relating to persons who have given notice to the lien agent pursuant to this section. For purposes of this subsection, the term “design professional” shall mean any architects, engineers, land surveyors and landscape architects registered under Chapter 83A, 89A or 89C of the General Statutes.”; and

on page 5, line 9, by rewriting the line to read:

“State that consents to serve as a lien agent upon designation by any owner pursuant to G.S. 44A-11.1 shall register with the “; and

on page 5, line 23, by rewriting the line to read:

“(2) Receive notices to lien agent delivered by potential lien claimants pursuant to G.S. 44A-11.2 and copies of notices of claim of lien upon funds delivered by potential lien claimants pursuant to G.S. 44A-23(a1)(3) or G.S. 44A-23(b)(5)c.”; and

on page 5, line 31, by rewriting the line to read:

“lien agent. If the notice is received by email, the acknowledgment sent by the lien agent must include the email received, including the header showing the date and time of receipt.”; and

On page 6, line 10, by rewriting the line to read:

“G.S. 44A-11.1(d).”; and

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On page 6, line 36, by rewriting the line to read:

“other than improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the applicant uses as a residence, shall be required to provide to the building inspector or other authority the”; and

on page 6, line 50, by rewriting the line to read:

“section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the applicant uses as a residence, unless the name.”; and

On page 7, line 16, by rewriting the line to read:

“section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7) that the applicant uses as a residence, unless the name.”; and

On page 7, lines 22-23, by inserting the following new section between those lines:

“SECTION 6.1. G.S. 44A-23 is amended to read as follows:

“§ 44A-23. Contractor’s claim of lien on real property; perfection of subrogation rights of subcontractor.

(a) First tier subcontractor. – A first tier subcontractor, who gives notice of claim of lien upon funds as provided in this Article, may, to the extent of this claim, enforce the claim of lien on real property of the contractor created by Part 1 of this Article. The manner of such enforcement shall be as provided by G.S. 44A-7 through 44A-16. The claim of lien on real property is perfected as of the time set forth in G.S. 44A-10 upon filing of the claim of lien on real property pursuant to G.S. 44A-12. ~~Upon the filing of the claim of lien on real property, with the notice of claim of lien upon funds attached, and the commencement of the action, no~~

(a1) No action of the contractor shall be effective to prejudice the rights of the subcontractor without his written consent, upon the occurrence of all of the following:

- (1) The subcontractor has given notice to the lien agent, if any, designated by the owner, pursuant to G.S. 44A-11.2.
- (2) The subcontractor has served a notice of claim of lien upon funds upon the owner pursuant to G.S. 44A-19(d).
- (3) The subcontractor has delivered a copy of the notice of claim of lien upon funds served upon the owner to the lien agent, if any, designated by the owner, by any method authorized in G.S. 44A-11.2(f).

(b) Second or third subcontractor. –

- (1) A second or third tier subcontractor, who gives notice of claim of lien upon funds as provided in this Article, may, to the extent of his claim, enforce the claim of lien on real property of the contractor created by Part 1 of Article 2 of the Chapter except when:

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- a. The contractor, within 30 days following the date the building permit is issued for the improvement of the real property involved, posts on the property in a visible location adjacent to the posted building permit and files in the office of the clerk of superior court in each county wherein the real property to be improved is located, a completed and signed notice of contract form and the second or third tier subcontractor fails to serve upon the contractor a completed and signed notice of subcontract form by the same means of service as described in G.S. 44A-19(d); or
- b. After the posting and filing of a signed notice of contract and the service upon the contractor of a signed notice of subcontract, the contractor serves upon the second or third tier subcontractor, within five days following each subsequent payment, by the same means of service as described in G.S. 44A-19(d), the written notice of payment setting forth the date of payment and the period for which payment is made as requested in the notice of subcontract form set forth herein.

(2) The form of the notice of contract to be so utilized under this section shall be substantially as follows and the fee for filing the same with the clerk of superior court shall be the same as charged for filing a claim of lien on real property:

“NOTICE OF CONTRACT

“(1) Name and address of the Contractor:

“(2) Name and address of the owner of the real property at the time this Notice of Contract is recorded:

“(3) General description of the real property to be improved (street address, tax map lot and block number, reference to recorded instrument, or any other description that reasonably identifies the real property):

“(4) Name and address of the person, firm or corporation filing this Notice of Contract:

“Dated: _____

“Contractor

“Filed this the ____ day of _____, ____.

Clerk of Superior Court”

(3) The form of the notice of subcontract to be so utilized under this section shall be substantially as follows:

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“NOTICE OF SUBCONTRACT

“(1) Name and address of the subcontractor:

“(2) General description of the real property where the labor was performed or the material was furnished (street address, tax map lot and block number, reference to recorded instrument, or any description that reasonably identifies the real property):

“(3)

“(i) General description of the subcontractor’s contract, including the names of the parties thereto:

“(ii) General description of the labor and material performed and furnished thereunder:

“(4) Request is hereby made by the undersigned subcontractor that he be notified in writing by the contractor of, and within five days following, each subsequent payment by the contractor to the first tier subcontractor for labor performed or material furnished at the improved real property within the above descriptions of such in paragraph (2) and subparagraph (3)(ii), respectively, the date payment was made and the period for which payment is made.

“Dated: _____

Subcontractor”

- (4) The manner of such enforcement shall be as provided by G.S. 44A-7 through G.S. 44A-16. The lien is perfected as of the time set forth in G.S. 44A-10 upon the filing of a claim of lien on real property pursuant to G.S. 44A-12. ~~Upon the filing of the claim of lien on real property, with the notice of claim of lien upon funds attached, and the commencement of the action, no~~
- (5) No action of the contractor shall be effective to prejudice the rights of the second or third tier subcontractor without his written consent, upon the occurrence of all of the following:
- a. The second or third tier subcontractor has given notice to the lien agent, if any, designated by the owner, pursuant to G.S. 44A-11.2.
 - b. The second or third tier subcontractor has served a notice of claim of lien upon funds upon the owner pursuant to G.S. 44A-19(d).
 - c. The second or third tier subcontractor has delivered a copy of the notice of claim of lien upon funds served upon the owner to the lien agent, if any, designated by the owner, by any method authorized in G.S. 44A-11.2(f).”

The conferees recommend that the Senate and the House of Representatives adopt this report.

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Date Conferees approved report: June 27, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Peter S. Brunstetter, Chair	S/Sarah Stevens, Chair
S/Thom Goolsby	S/Jonathan C. Jordan
S/Daniel G. Clodfelter	S/Hugh Blackwell
S/Josh Stein	S/Rick Glazier
S/Eric Mansfield	
S/Tom Apodaca	

Upon motion of Senator Apodaca, the Conference Report is placed on today's supplemental calendar for adoption.

WITHDRAWAL FROM COMMITTEE

H.B. 799 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES, referred to the **Finance Committee** on June 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Committee Substitute 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 Senate Committee Substitute bill withdrawn from the **Finance Committee** and re-refers the measure to the **Rules and Operations of the Senate Committee**.

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 Vaughan (Primary Sponsor); Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Walters, Westmoreland, and White:

S.J.R. 960, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT G. "BOB" SHAW, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Pursuant to Rule 40(b), the resolution is placed on today's calendar.

Upon motion of Senator Apodaca, the rules are suspended and the resolution is taken up for immediate consideration and is read in its entirety.

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 sent to the House of Representatives by special message.

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A SENATORIAL STATEMENT**Congratulating Webb Simpson
on winning the 2012 U.S. Open**

Submitted by Senator Neal Hunt

Upon motion of Senator Blake, the words spoken by Senator Hunt on Webb Simpson are spread upon the journal as follows:

Senator Hunt:

“Members, weekend before last, we had a most remarkable thing to happen to North Carolina. One of our natives, Webb Simpson, won the U.S. Open. And this is the second North Carolina native in history – to my recollection – that ever won the U.S. Open. For you non-golfers, let me just tell you – this is a huge thing to win the United States Open Golf Tournament. The last person to win it for North Carolina was Raymond Floyd. He won it in 1986, and Webb is obviously the only person who’s ever won it except for him. Let me just read this:

Congratulating Webb Simpson on winning the 2012 U.S. Open

Whereas, James Frederick Webb Simpson, currently residing in Charlotte, North Carolina, with his wife, Dowd, and son, James, grew up in Raleigh and graduated from Broughton High School, and Wake Forest University; and

Whereas, Webb Simpson began playing professional golf in 2008; and

Whereas, on June 17, 2012, Webb Simpson won the 112th U.S. Open, capturing his first major tournament win at the Olympic Club in San Francisco and his third PGA victory; and

Whereas, Webb Simpson is currently ranked as the fifth best golfer in the world;

Now, therefore, the North Carolina Senate congratulates Webb Simpson on his achievements and wishes him continued success.

I have known Webb since he was a little boy and have known his Mom and Daddy for many years, and I can tell you, most 26 year olds would not be able to handle such acclaim. In addition to winning a nice little prize, monetarily, he is on the cover of lots of golf magazines; he’s representing Polo and Titleist. You can imagine all the acclaim that has come to this young man. Well, I can tell you that Webb can handle it. He’s been a strong believer; he’s a Christian man, and his faith is represented every time he gets up to talk. And I can tell you that as an amateur duffer myself, the pressure of playing golf is remarkable. When you get to that level, they all pretty much have the same physical skills, but it’s between the ears that really separates the men from the boys. I can recall one time I was leading the senior tournament in my club the second day, and I missed an 8-inch putt, and I didn’t even touch the hole – I mean, my brain was frazzled. And then I was in the Super Senior leading in the second day – the 27th hole – and I made a 10 on a par 4.

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So you all can remember – I’m sure most of you or some of you watched this tournament: Webb was on the 18th hole; he’s about one or two shots behind, but he knows that the pressure of the U.S. Open can absolutely frazzle you. It makes you do strange things. So Webb is lying 2 on a par 4, and he’s got the worst lie that his caddy said he’d ever seen. The ball was just nestled; you can’t even see it from the TV camera. Now, Webb has got to get this up and down in two shots. If it had been me, I would have skulled it, I would have hit it fat, I would have done something horrible, but Webb got it up and down and ultimately held on and won the tournament because his competitors were falling like flies because their brain was frazzled. But Webb, as I mentioned, is a Christian man, and he said that he prayed a lot while he was playing, and he had the sense of calm. I suspect Webb was relying on this verse that I have used sometimes. It’s Philippians 4:6-7. It says, ‘Be anxious for nothing, but in all things, with prayer and supplication, with thanksgiving, let your request be made known to God,’ and here’s the promise, ‘and the peace of God, which surpasses all comprehension, will guard your hearts and minds in Christ Jesus.’”

Lt. Governor Dalton:

“This was a great thing, not only for Webb Simpson. It was a great thing for golf, it was a great thing for North Carolina, and we in North Carolina are not only proud of what he did, but we are extremely proud of the way he did it. He is a class act, and we’re very proud of him.”

CALENDAR

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

H.B. 1109, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PROPERTY RIGHTS OF HOMEOWNERS BY REQUIRING THAT DEVELOPMENT PERMITS ISSUED TO REPAIR OR RECONSTRUCT SINGLE-FAMILY AND DUPLEX RESIDENTIAL DWELLINGS IN DARE COUNTY GREATER THAN FIVE THOUSAND SQUARE FEET AND CONSTRUCTED PRIOR TO AUGUST 11, 2009, SHALL INCLUDE A MINIMUM SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today’s calendar and is referred to the **Rules and Operations of the Senate Committee**.

H.B. 1212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS

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OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, THE CITY OF RALEIGH, AND IN THE COUNTY OF CHATHAM, AND TO ALLOW CHATHAM COUNTY FLEXIBILITY IN APPOINTING ITS BOARD OF ADJUSTMENT, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and is referred to the **Rules and Operations of the Senate Committee**.

H.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE, upon second reading.

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. 1059, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET, upon second reading.

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. 1071, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW, upon second reading.

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. 1123, A BILL TO BE ENTITLED AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

CONFERENCE REPORT

Senator Rucho, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 647** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING

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COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, submits for adoption the following report:

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 647, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, House Committee Substitute Favorable 6/19/12, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 6/19/12, and the Senate concurs in the House Committee Substitute as amended:

On page 7, line 21, by rewriting the line to read:

“provided in this Part. Mutual insurance holding companies’ investments in subsidiaries, including intermediate holding companies, shall not be subject to any of the restrictions on investment activities set forth in G.S. 58-19-10.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 27, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Bob Rucho, Chair	S/Julia C. Howard, Chair
S/Tom Apodaca	S/Edgar V. Starnes
S/Harry Brown	S/Jerry C. Dockham
	S/William D. Brisson

Upon motion of Senator Apodaca, the Conference Report is placed on today’s supplemental calendar for adoption.

CALENDAR *(continued)*

H.B. 1029, A BILL TO BE ENTITLED AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN, upon second reading.

Without objection, Senator Phil Berger 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 enrolled.

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H.B. 1199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF LAKE LURE TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE, upon second reading.

Without objection, Senator Harrington 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 (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is moved to the end of today's calendar.

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is moved to the end of today's calendar.

H.B. 1052 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE, upon second reading.

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

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.

H.B. 1181 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT, upon second reading.

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Senator Hartsell offers Amendment No. 1 which is adopted (48-1), and changes the title to read **H.B. 1181** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT AND TO STUDY THE TAXATION AND VALUATION OF LEASEHOLD INTERESTS IN EXEMPT REAL PROPERTY.

The Committee Substitute 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 sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, upon third reading.

Senator Apodaca offers Amendment No. 3 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.B. 426 (House 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 AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT, for concurrence, upon second reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 49, noes 0, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The House Committee Substitute bill remains on the calendar for Thursday, June 28, for concurrence, upon third reading.

S.B. 444 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS, for concurrence in the House Committee Substitute bill.

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 by special message.

S.B. 521 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE AND CONCERNING BROKER PRICE OPINIONS, for concurrence in the House Committee Substitute bill.

Without objection, Senator Hunt requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (47-1) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 699 (House Committee Substitute), 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor by special message.

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S.B. 810 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (1A) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (2A) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (2B) MAKE CONFORMING CHANGES TO THE STATE PERSONNEL ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) LIMIT STATE AGENCY IDENTITY THEFT REPORTING REQUIREMENTS; (5C) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (7A) CLARIFY APPLICATION OF CERTAIN NUTRIENT RULES TO SMALL WASTEWATER DISCHARGES; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE; (12) EXEMPT CERTIFIED ROADSIDE FARM MARKETS FROM CERTAIN BUILDING CODE REQUIREMENTS; AND (13) ALLOW THE PERMITTING OF MOBILE FOOD UNITS THAT MEET THE SANITATION REQUIREMENTS OF A COMMISSARY, for concurrence in the House Committee Substitute bill.

Without objection, Senator Walters requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Rouzer, the Senate concurs in the House Committee Substitute bill (47-1) and the bill is ordered enrolled and sent to the Governor by special message.

June 27, 2012

S.B. 105 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED, for adoption.

Upon motion of Senator Newton, the Conference Committee Substitute is adopted (48-1) and a message is ordered sent to the House of Representatives informing that honorable body of such action. The Conference Committee Substitute is ordered enrolled and sent to the Governor by special message.

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE, displaced earlier today, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on today's supplemental calendar.

H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, displaced earlier today, upon second reading.

Senator Newton offers Amendment No. 1 which is adopted (46-3).

The Senate Committee Substitute bill, as amended, passes its second reading (48-1).

Senator Brunstetter objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill, as amended, placed on the calendar for Thursday, June 28, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 847, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS

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RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 95245, which changes the title to read **S.B. 847** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, 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.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 525 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 525 on Wednesday, June 20, and the motion by Senator Tucker to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Tucker, Chair; Senator Hise and Senator Pate 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 3:46 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 4:30 p.m.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 27, 2012

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. 244** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND

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CHARTER SCHOOL, THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL, AND KESTREL HEIGHTS SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, and requests conferees.

Speaker Tillis has appointed:

Representative Murry, Chair
Representative Dockham, and
Representative Wray

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 821 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS, for concurrence in the House Committee Substitute bill.

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The House Committee Substitute bill is placed on the calendar for Thursday, June 28.

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 Jones.

SUPPLEMENTAL CALENDAR

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

H.B. 945, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Dannelly, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 963, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: Senator Dannelly---1.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: Senator Dannelly---1.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: Senator Dannelly---1.

The bill remains on the calendar for Thursday, June 28, upon third reading.

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H.B. 1087, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 33, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Dannelly, Davis, Graham, Gunn, Hartsell, Hise, Hunt, Jenkins, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Stein, Stevens, Tillman, Vaughan, Walters and White---33.

Voting in the negative: Senators Carney, Daniel, East, Goolsby, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Rucho, Soucek, Tucker and Westmoreland---14.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX, 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, Carney, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

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H.B. 1110, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS, 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, Carney, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES, 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, Carney, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1169, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, upon second reading.

Senator Goolsby offers Amendment No. 1 which is adopted (48-0) and changes the title to read **H.B. 1169**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, AND CONCERNING COUNTY ZONING OF LOCAL DEANNEXED AREAS.

The bill, as amended, passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaid, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: None.

The bill, as amended, remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaid, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: Senators Dannelly and Graham---2.

The Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaid, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

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H.B. 1215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 37, noes 11, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Preston, Purcell, Rabon, Robinson, Rouzer, Stein, Stevens, Tillman, Vaughan, Walters and White---37.

Voting in the negative: Senators Carney, Daniel, East, Goolsby, Harrington, Newton, Pate, Rucho, Soucek, Tucker and Westmoreland--11.

The Senate Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

H.B. 1217, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS

SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: None.

The bill remains on the calendar for Thursday, June 28, upon third reading.

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. 1105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS, 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 for immediate consideration.

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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 28, upon third reading.

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SUPPLEMENTAL CALENDAR *(continued)*

H.B. 956 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY, upon second reading.

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. 991, A BILL TO BE ENTITLED AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, upon second reading.

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. 1196, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH, upon second reading.

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. 1197, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY, upon second reading.

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. 1200 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND AND TO REPEAL THE PROVISIONS ESTABLISHING THE NEW BERN FIREMEN'S SUPPLEMENTAL RETIREMENT FUND, upon second reading.

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.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, upon second reading.

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Senator Hartsell offers Amendment No. 1 which is adopted (48-0).

Senator Hartsell offers Amendment No. 2 which is adopted (41-7).

Senator Goolsby offers Amendment No. 3.

Upon motion of Senator Apodaca, the Committee Substitute bill, as amended, is temporarily displaced with Amendment No. 3 pending.

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ESSENTIAL ADJUSTMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011, upon second reading.

Upon motion of Senator Stevens, the Committee Substitute bill is withdrawn from today's supplemental calendar and is placed on the calendar for Thursday, June 28.

The Chair grants a leave of absence for the remainder of today's session to Senator Jenkins.

H.B. 989 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, BUT TO CONTINUE TO ALLOW CIVIL AIR PATROLS, INCORPORATED EMERGENCY RESCUE SQUADS, RURAL FIRE DEPARTMENTS, AND LOCAL CHAPTERS OF THE AMERICAN NATIONAL RED CROSS TO BE ELIGIBLE FOR PERMANENT REGISTRATION PLATES, upon second reading.

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 by special message.

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE, upon second reading.

Without objection, Senator Clodfelter 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 (31-14) 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.

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H.B. 1074 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO PROVIDE PROTECTION AND REMEDIES FOR REPORTING VIOLATIONS OF RETIREMENT LAW; TO ESTABLISH GUIDELINES FOR FRAUD INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER'S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE A DECEDENT'S MONTHLY DISABILITY BENEFIT; AND TO CLARIFY THE APPOINTMENT OF THE MEDICAL BOARD, upon second reading.

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.

RECONSIDERATION

S.B. 699 (House Committee Substitute), 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

Having voted with the majority, Senator Apodaca offers a motion that the vote by which the House Committee Substitute bill was concurred upon be reconsidered, which motion prevails.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed on the calendar for Thursday, June 28.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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

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ELECTRIC SYSTEM, AND MAKING DEBT SERVICE PAYMENTS, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER, upon second reading.

The Committee Substitute bill passes its second reading (47-0).

Senator Newton objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Thursday, June 28, upon third reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Phil Berger.

S.B. 42 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS, for adoption.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Report (46-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 647 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS, for adoption.

Upon motion of Senator Rucho, the Senate adopts the Conference Report (45-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, displaced earlier today, with Amendment No. 3 pending, upon second reading.

Senator Goolsby withdraws Amendment No. 3.

Senator Brock offers Amendment No. 4 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading (46-0) and is ordered engrossed.

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the President orders the Committee Substitute bill placed on the calendar for Thursday, June 28, upon third reading.

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APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 853 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION.

Pursuant to the message from the House of Representatives received Tuesday, June 26, that the House fails to concur in the Senate Committee Substitute bill for H.B. 853 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Daniel, Chair; Senator Allran, Senator Brown, and Senator Newton as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Apodaca, seconded by Senator Atwater, the Senate adjourns at 6:12 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Thursday, June 28, at 11:00 a.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 27, 2012

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. 42** (Conference Report), A BILL TO BE ENTITLED AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS.

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When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 27, 2012

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. 647** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 27, 2012

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 **S.B. 525** (House Committee Substitute), A BILL TO BE ENTITLED AN

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ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, and requests conferees.

Speaker Tillis has appointed:

Representative Dollar, Chair
Representative Steen
Representative Hurley, and
Representative Brisson

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 Apodaca's motion to adjourn having prevailed, the Senate stands adjourned.

ONE HUNDRED AND THIRTY-FIFTH DAY

Senate Chamber
Thursday, June 28, 2012

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

Without objection, the Chair orders the reading of messages from the House and the ratification of bills.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 133 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE PROVISIONS FROM, AND MAKE CLARIFYING CHANGES TO, THE LAWS GOVERNING PREPARATION AND STORAGE OF JURY LISTS, AND TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on today's supplemental calendar.

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, 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. 231 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HOUSE SELECT STUDY COMMITTEE ON MUNICIPAL INCORPORATIONS, EXTRATERRITORIAL JURISDICTION, AND MUNICIPAL SERVICES, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill No. 3 is placed on today's supplemental calendar.

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, 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. 399 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY CERTAIN ISSUES PERTAINING TO THE ECOSYSTEM ENHANCEMENT PROGRAM, 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. 655 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES CONFORM WITH THE DENTAL PRACTICE ACT AND TO ESTABLISH A TASK FORCE ON DENTAL MANAGEMENT ARRANGEMENT RULES, 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.

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S.B. 738 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRE-LICENSING AND CONTINUING EDUCATION OF BAIL BONDSMEN AND RUNNERS, 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. 755 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EQUAL ACCESS ACT, 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. 803 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS, for concurrence in 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. 951 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COUNTY COMMUNITY COLLEGE AND TO TRANSFER THE HAYWOOD CORRECTIONAL CENTER TO THE HAYWOOD COUNTY BOARD OF COMMISSIONERS, 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.

H.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS.

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

H.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

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

H.J.R. 1228, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF EDENTON ON THE OCCASION OF THE TOWN'S THREE HUNDREDTH ANNIVERSARY.

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

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ENROLLED BILLS AND A RESOLUTION

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

S.B. 105, AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED.

S.B. 444, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS.

S.B. 521, AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE AND CONCERNING BROKER PRICE OPINIONS.

S.B. 810, AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (1A) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (2A) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (2B) MAKE CONFORMING CHANGES TO THE STATE PERSONNEL ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) LIMIT STATE AGENCY IDENTITY THEFT REPORTING REQUIREMENTS; (5C) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (7A) CLARIFY APPLICATION OF CERTAIN NUTRIENT RULES TO SMALL WASTEWATER DISCHARGES; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF

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PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE; (12) EXEMPT CERTIFIED ROADSIDE FARM MARKETS FROM CERTAIN BUILDING CODE REQUIREMENTS; AND (13) ALLOW THE PERMITTING OF MOBILE FOOD UNITS THAT MEET THE SANITATION REQUIREMENTS OF A COMMISSARY.

S.B. 836, AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING.

H.B. 177, AN ACT TO: (1) CREATE AN INTERAGENCY TASK FORCE TO STUDY THE FEASIBILITY AND DESIRABILITY OF ADVANCING THE USE OF ALTERNATIVE FUELS BY STATE AGENCIES AND THE DEVELOPMENT OF ASSOCIATED FUELING INFRASTRUCTURE; (2) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS AND; (3) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW.

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

S.B. 848, AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS.

S.B. 900, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY.

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S.B. 901, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH.

H.B. 987, AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE.

H.B. 1029, AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN.

H.B. 1059, AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET.

H.B. 1071, AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW.

H.B. 1123, AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS.

H.B. 1199, AN ACT AUTHORIZING THE TOWN OF LAKE LURE TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

S.J.R. 960, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROBERT G. "BOB" SHAW, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 10)

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

S.B. 647, AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS.

H.B. 737, AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES.

H.B. 989, AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM

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EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, BUT TO CONTINUE TO ALLOW CIVIL AIR PATROLS, INCORPORATED EMERGENCY RESCUE SQUADS, RURAL FIRE DEPARTMENTS, AND LOCAL CHAPTERS OF THE AMERICAN NATIONAL RED CROSS TO BE ELIGIBLE FOR PERMANENT REGISTRATION PLATES.

H.B. 1009, AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE.

H.B. 1021, AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT.

H.B. 1181, AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT AND TO STUDY THE TAXATION AND VALUATION OF LEASEHOLD INTERESTS IN EXEMPT REAL PROPERTY.

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

H.B. 991, AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

H.B. 1196, AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH.

H.B. 1197, AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY.

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

S.B. 42, AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS.

June 28, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 959, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRANSFER OF UNUSED DEPARTMENT OF TRANSPORTATION LAND TO THE PRIVATE SECTOR BY STREAMLINING THE PROCESS OF SELLING THAT LAND, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

Referred to the **Transportation Committee**.

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

“Lord, your eyes are not blind; your ears have not gone dull that they cannot hear. Help us not to rely on empty pleas or speak lies, nor let us give birth to iniquity. Sometimes, Lord, we hatch eggs that are like adders, and we weave spiders’ webs. But, Lord, you see us and you have mercy; even though you are displeased with us, you care, you have compassion, and you have come to bless us in this place. Heavenly Father in whom we live and move and have our being, we pray that you would guide and govern us by your spirit so that in all the cares and occupations of our life, we will not forget you. Help us to not forget you, but may we remember that we are always walking in your sight. Through Jesus Christ our 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 Wednesday, June 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 Cathy Greene from Granite Falls, North Carolina, and to Mary A. Graff from Raleigh, North Carolina, who are serving the Senate as Nurses of the Day.

CALENDAR

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

H.B. 945, A BILL TO BE ENTITLED AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED, upon third reading.

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The bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---47.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 963, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, Garrou, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Robinson, Rouzer, Rucho, Stein, Stevens, Tillman, Tucker, Vaughan, Walters, Westmoreland and White---46.

Voting in the negative: Senator Dannelly---1.

The bill is ordered enrolled.

H.B. 1041, A BILL TO BE ENTITLED AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White--49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon third reading.

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The bill passes its third reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Westmoreland and White---48.

Voting in the negative: Senator Dannelly---1.

The bill is ordered enrolled.

H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Westmoreland and White---48.

Voting in the negative: Senator Dannelly---1.

The bill is ordered enrolled.

H.B. 1087, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 35, noes 14, as follows:

Voting in the affirmative: Senators Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, East, Garrou, Gunn, Hartsell, Hise, Hunt, Jenkins, Jones, Kinnaird, Mansfield, McKissick, Nesbitt, Preston, Purcell, Rabon, Robinson, Soucek, Stein, Stevens, Tillman, Walters and White---35.

Voting in the negative: Senators Allran, Carney, Daniel, Goolsby, Harrington, Jackson, Meredith, Newton, Pate, Rouzer, Rucho, Tucker, Vaughan and Westmoreland---14.

The bill is ordered enrolled.

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H.B. 1090 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1106, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1110, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The bill is ordered enrolled.

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H.B. 1122, A BILL TO BE ENTITLED AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 1169, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, upon third reading.

The bill, as amended, 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, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Walters, Westmoreland and White---47.

Voting in the negative: Senators Dannelly and Vaughan---2.

The bill is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

H.B. 1202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY, 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, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Walters, Westmoreland and White---47.

Voting in the negative: Senators Dannelly and Vaughan---2.

The Committee Substitute bill is ordered enrolled.

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H.B. 1206 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 1215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, upon third reading.

Senator Apodaca offers Amendment No. 1 which is adopted (47-2).

The Senate Committee Substitute bill, as amended, 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, Brock, Brown, Brunstetter, Clodfelter, Dannelly, Davis, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, Jones, Mansfield, McKissick, Preston, Purcell, Rabon, Robinson, Rouzer, Stein, Stevens, Vaughan, Walters and White---33.

Voting in the negative: Senators Carney, Daniel, East, Garrou, Goolsby, Harrington, Kinnaird, Meredith, Nesbitt, Newton, Pate, Rucho, Soucek, Tillman, Tucker and Westmoreland---16.

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and unengrossed Amendment No. 1.

H.B. 1216 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

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H.B. 1217, A BILL TO BE ENTITLED AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Allran, Atwater, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Davis, East, 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, Westmoreland and White---47.

Voting in the negative: Senators Apodaca and Dannelly---2.

The bill is ordered enrolled.

H.B. 1105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS, 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, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---49.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

June 28, 2012

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ESSENTIAL ADJUSTMENTS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Blake.

Senator Stevens offers Amendment No. 1 which is adopted (48-0).

Senator Stein offers Amendment No. 2 which fails of adoption (18-30).

Senator Blue offers Amendment No. 3.

Senator Apodaca offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Brunstetter, which motion prevails (30-18).

The Committee Substitute bill, as amended, passes its second reading (33-15) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message with unengrossed Amendment No. 1.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, upon third reading.

Senator Hartsell offers Amendment No. 5 which is adopted (48-0).

Upon the motion of Senator Hartsell, the Committee Substitute bill, as amended, is displaced to the end of today's calendar.

H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's current calendar and is placed on today's supplemental calendar.

H.B. 1114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER, upon third reading.

The Committee Substitute bill passes its third reading (48-0) and is ordered enrolled and sent to the Governor by special message.

S.B. 426 (House 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 AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT, for concurrence in the House Committee Substitute bill, upon third reading.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Atwater, D. Berger, P. Berger, Bingham, Blue, Brock, Brown, Brunstetter, Carney, Clodfelter, Daniel, Dannelly, Davis, East, 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, Westmoreland and White---48.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor by special message.

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, for concurrence in the House Committee Substitute bill No. 2.

Upon the motion of Senator Hartsell, the House Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar for Monday, July 2.

WITHDRAWAL FROM CLERK'S OFFICE

S.B. 928, A BILL TO BE ENTITLED AN ACT TO STREAMLINE PUBLIC SCHOOL REPORTING REQUIREMENTS, ordered held in the Office of the Principal Clerk on May 30, pending referral to committee.

Senator Apodaca announces the referral of the bill to the **Rules and Operations of the Senate Committee**.

June 28, 2012

WITHDRAWAL FROM COMMITTEE

H.B. 1170, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL, referred to the **Commerce Committee** on June 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 **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. 699 (House Committee Substitute), 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stein, the Senate concurs in the House Committee Substitute bill (46-2) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 821 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND

NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS, for concurrence in the House Committee Substitute bill.

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.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, displaced earlier today, upon third reading.

Upon motion of Senator Hartsell, the Committee Substitute bill, as amended, is placed on today's supplemental calendar.

The Senate recesses at 12:00 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 1:30 p.m.

RECESS

INTRODUCTION OF A BILL

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

By Senators Tucker (Primary Sponsor) and Hise:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO STREAMLINE PUBLIC SCHOOL REPORTING REQUIREMENTS.

Pursuant to Senator Apodaca's earlier motion, the bill is referred to the **Rules and Operations of the Senate Committee**.

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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. 945, AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED.

H.B. 963, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA.

H.B. 1041, AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT.

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS.

H.B. 1087, AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX.

H.B. 1090, AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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.

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H.B. 1106, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX.

H.B. 1110, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS.

H.B. 1122, AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES.

H.B. 1202, AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY.

H.B. 1206, AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER.

H.B. 1216, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE.

H.B. 1217, AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION.

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

H.B. 1105, AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS.

S.B. 426, 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 AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT.

S.B. 699, 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE.

S.B. 821, AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS;

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(4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS.

H.B. 1114, AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER.

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

The Senate recesses at 1:50 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 2:45 p.m.

RECESS

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 1044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS, with a favorable report.

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

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H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF “DEPENDENT CHILD” IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE, with a favorable report.

Upon the motion of Senator Apodaca, the rules are suspended and the Committee Substitute 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 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 80413, which changes the title to read **H.B. 334** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE UNIFORM ATHLETE AGENTS ACT, TO AMEND THE LAWS DEALING WITH LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, AND TO AMEND THE SUPPLEMENTAL LAW ENFORCEMENT AUTHORITY OF DIVISION OF MOTOR VEHICLE OFFICERS, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today’s supplemental calendar.

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, 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 70317, is adopted and engrossed.

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

H.B. 1173, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80415, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30666, which changes the title to read **H.B. 278** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, AND THE CITY OF RALEIGH, AND TO AUTHORIZE THE CITY OF KINSTON TO DELEGATE TO THE CITY MANAGER OR AN APPOINTED BOARD THE POWER TO GRANT, RENEW, EXTEND, AMEND, REVOKE, OR SUSPEND A TAXICAB FRANCHISE, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 80410, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 572 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30663, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 30662, which changes the title to read **H.B. 837** (Senate 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 2015, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 953 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11388, which changes the title to read **H.B. 953** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, AND TO MAKE CHANGES TO THE CLEAN ENERGY AND ECONOMIC SECURITY ACT, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

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, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

June 28, 2012

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 30658, which changes the title to read **H.B. 585** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's supplemental calendar.

H.B. 799 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES, with an unfavorable report as to Senate Committee Substitute bill No. 1, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2 80409, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, with a favorable report.

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

H.B. 1170, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL, with a favorable report.

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

June 28, 2012

S.R. 957, A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION, favorable to adoption.

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

H.B. 320, A BILL TO BE ENTITLED AN ACT TO CONTINUE THE STUDY OF PUBLIC-PRIVATE PARTNERSHIPS BY A LEGISLATIVE STUDY 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 80413, which changes the title to read **H.B. 320** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN WATER RESOURCES PROJECTS, is adopted and engrossed.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill is placed on today's supplemental calendar.

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, 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 30667, which changes the title to read **H.B. 555** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, is adopted and engrossed.

Upon the 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 Senate recesses at 2:50 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 3:30 p.m.

RECESS

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to, **H.R. 1229**, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING A PERSON TO FILL A VACANCY ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected Aldona Wos to serve for a partial term ending June 30, 2015.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Honorable Walter Dalton, Lieutenant Governor, relinquishes the gavel to The Honorable Philip E. Berger, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

The Senate meets pursuant to recess and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

The Chair grants leaves of absence for the remainder of today's session to Senator Goolsby, Senator Jenkins, Senator Nesbitt, and Senator Westmoreland.

SUPPLEMENTAL CALENDAR

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

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, upon third reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up as the next order of business.

Senator Meredith offers Amendment No. 6.

Senator Meredith temporarily displaces Amendment No. 6.

Senator Gunn offers Amendment No. 7 which is adopted (45-0).

Senator Hartsell offers Amendment No. 8 which is adopted (45-0).

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Upon motion of Senator Hartsell, the Committee Substitute bill, as amended, with Amendment No. 6 pending, is temporarily displaced.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1234, 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**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

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. 203** (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, and requests conferees.

Speaker Tillis has appointed:

Representative Crawford, Chair
Representative Randleman
Representative Stam, and
Representative McElraft

June 28, 2012

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, displaced earlier today, with Amendment No. 6 pending, upon third reading.

Senator Blue offers Amendment No. 9 as a Substitute Amendment for Amendment No. 6.

Senator Blue withdraws Amendment No. 9.

Amendment No. 6 is adopted (42-3).

Senator Blue offers Amendment No. 10 which fails of adoption (17-28).

The Chair grants a leave of absence for the remainder of today's session to Senator Rouzer.

Senator Clodfelter offers Amendment No. 11 which is adopted (44-0).

The Committee Substitute bill, as amended, passes its third reading (40-4), and is ordered sent without engrossment to the House of Representatives by special message.

CONFERENCE REPORT

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 853** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, submits for adoption the following report:

June 28, 2012

To: The President of the Senate
The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 853, A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, Senate Judiciary II Committee Substitute Adopted 6/20/12, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary II Committee Substitute Adopted 6/20/12, and the House concurs in the Senate Committee Substitute as amended:

On page 3, lines 4 and 5, by rewriting the lines to read:

“protective supervision for up to three months.”“

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 28, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Warren Daniel, Chair	S/Annie W. Mobley, Chair
S/Austin M. Allran	S/Pat B. Hurley
S/E. S. (Buck) Newton	S/Shirley B. Randleman
S/Harry Brown	S/Rick Glazier
	S/Alice L. Bordsen

Upon motion of Senator Apodaca, the Conference Report is placed on today's supplemental calendar for adoption.

SUPPLEMENTAL CALENDAR *(continued)*

The Chair grants a leave of absence for the remainder of today's session to Senator Jones.

H.B. 953 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS

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UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, AND TO MAKE CHANGES TO THE CLEAN ENERGY AND ECONOMIC SECURITY ACT, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is taken up as the next order of business.

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

Senator Stein offers Amendment No. 2 which fails of adoption (19-24).

The Senate Committee Substitute bill, as amended, passes its second reading (32-11) and, without objection, is read a third time and passes its third reading and is ordered sent without engrossment to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and Senate Amendment No. 1.

The Chair grants leaves of absence for the remainder of today's session to Senator Hunt and Senator Vaughan.

H.B. 278 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, AND THE CITY OF RALEIGH, AND TO AUTHORIZE THE CITY OF KINSTON TO DELEGATE TO THE CITY MANAGER OR AN APPOINTED BOARD THE POWER TO GRANT, RENEW, EXTEND, AMEND, REVOKE, OR SUSPEND A TAXICAB FRANCHISE, upon second reading.

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. 1170, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

June 28, 2012

H.B. 320 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN WATER RESOURCES PROJECTS, upon second reading.

Upon motion of Senator Phil Berger, the Senate Committee Substitute bill is temporarily displaced.

H.B. 334 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE UNIFORM ATHLETE AGENTS ACT, TO AMEND THE LAWS DEALING WITH LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE, AND TO AMEND THE SUPPLEMENTAL LAW ENFORCEMENT AUTHORITY OF DIVISION OF MOTOR VEHICLE OFFICERS, upon second reading.

Senator Jackson offers Amendment No. 1 which is adopted (41-0) and changes the title to read **H.B. 334**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE UNIFORM ATHLETE AGENTS ACT AND TO AMEND THE LAWS DEALING WITH LICENSURE OF PERSONS ENGAGING IN THE PRACTICE OF NATURAL HAIR CARE.

The Senate Committee Substitute bill, as amended, passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and unengrossed Amendment No. 1.

H.B. 320 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN WATER RESOURCES PROJECTS, displaced earlier today, upon second reading.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 457 (Senate 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, upon second reading.

Senator Newton offers Amendment No. 1 which is adopted (40-0).

The Senate Committee Substitute bill, as amended, passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and unengrossed Amendment No. 1.

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H.B. 555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and is referred to the **Rules and Operations of the Senate Committee**.

H.B. 572 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING, upon second reading.

Senator Stein offers Amendment No. 1 which is adopted (41-0).

Upon motion of Senator Apodaca, the Senate Committee Substitute, as amended, is temporarily displaced to the end of today's supplemental calendar.

H.B. 585 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (41-0).

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is temporarily displaced to the end of today's supplemental calendar.

H.B. 837 (Senate 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 2015, upon second reading.

The Senate Committee Substitute bill passes its second reading (40-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1044 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME

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MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS, upon second reading.

The Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

CONFERENCE REPORT

Senator East, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 229** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT

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OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

June 28, 2012

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 229, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE

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EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, and substitute the attached Proposed Conference Committee Substitute S229-PCCS15260-TA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 28, 2012.

June 28, 2012

Conferees for the Senate

S/Don East, Chair
S/Brent Jackson
S/David Rouzer
S/Harry Brown
S/Michael P. Walters
S/Fletcher L. Hartsell, Jr.

Conferees for the House of Representatives

S/Mitch Gillespie, Chair
S/Roger West
S/Ruth Samuelson
S/Pat McElraft
S/Rodney W. Moore

The text of the attached Proposed Conference Committee Substitute, S229-PCCS15260-TA-1 is as follows:

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO

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RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

The General Assembly of North Carolina enacts:

PART I. REPORT ON STORMWATER CAPTURE AND REUSE

SECTION 1. G.S. 143-214.7(e) reads as rewritten:

“(e) ~~The Commission shall annually~~ On or before October 1 of each

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year, the Commission shall report to the Environmental Review Commission on the implementation of this section, including the status of any stormwater control programs administered by State agencies and units of local government, government. The status report shall include information on any integration of stormwater capture and reuse into stormwater control programs administered by State agencies and units of local government, or before 1 October of each year.”

PART II. STUDY REALLOCATION OF WATER SUPPLY IN KERR LAKE

SECTION 2.(a) The Department of Environment and Natural Resources shall study the advisability and feasibility of reallocating water supply in John H. Kerr Reservoir from hydropower storage to water supply storage. The study shall identify the projected future water supply needs that could be met by reallocation of the water supply and identify any potential impacts of a water supply reallocation. In conducting this study, the Department may:

- (1) In consultation with the Virginia Department of Environmental Quality, develop a Roanoke River Basin Water Supply plan that identifies future water supply needs in both the North Carolina and Virginia portions of the river basin. The water supply plan may provide the basis for determining water supply needs that could be met by reallocation of the water supply in John H. Kerr Reservoir.
- (2) Include a recommendation for an agreement between the State of North Carolina, the Commonwealth of Virginia, and the United States Army Corps of Engineers that will provide guidance for allocations and reallocations of water supply in John H. Kerr Reservoir to enhance the public health, safety, and welfare by fostering efficient and sustainable use of the water that meets economic, environmental, and other goals.
- (3) Identify and review any other issues the Department considers relevant to the topic.

SECTION 2.(b) In conducting this study, the Department shall consult with the Virginia Department of Environmental Quality, the United States Army Corps of Engineers, and any local government or other entity that receives an allocation from the John H. Kerr Reservoir for water supply or for other purposes as of the effective date of this section. The Department shall report its findings and recommendations to the Environmental Review Commission on or before June 1, 2014.

PART III. STUDY DEGRADABLE PLASTIC PRODUCTS

SECTION 3.(a) The Department of Environment and Natural Resources shall study and evaluate degradable plastic products and their potential to contaminate recycled plastic feedstocks. As part of its study, the

Department shall develop and recommend standards for degradable plastic products, including labeling requirements and educational and outreach programs, to prevent contamination of recycled plastic feedstocks.

SECTION 3.(b) The Department of Environment and Natural Resources shall report its findings and recommendations developed pursuant to this section to the Environmental Review Commission on or before January 15, 2013.

PART IV. DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING

SECTION 4.(a) On or before October 1, 2012, the Division of Public Health in the Department of Health and Human Services shall hire staff to administer and implement the Lead-Based Paint Hazard Management Program for Renovation, Repair, and Painting (Program).

SECTION 4.(b) The Division of Public Health in the Department of Health and Human Services shall conduct an analysis on the administration and implementation of the Program. By January 31, 2013, the Division shall report its findings to the House of Representatives Appropriations Subcommittee on Health and Human Services, the Senate Appropriations Committee on Health and Human Services, and the Fiscal Research Division. The report on the Program shall include all of the following:

- (1) Historical expenditures, collection, and revenues, each by category.
- (2) The amount of the running balance carried forward each year.
- (3) Staff classifications, job descriptions, and dates of hire.
- (4) Workload activities and performance standards.
- (5) Number of site visits and inspections conducted annually.
- (6) Number and description of projects authorized under the Program.
- (7) Number of complaints received, methods by which complaints are responded to, and the turnaround time required to respond to complaints.
- (8) Number and description of revocations, suspensions, or denials of certification.
- (9) Description of the educational materials and training activities provided.
- (10) Description of outreach activities and the amount of staff time spent on outreach activities.
- (11) Description of compliance assistance provided.

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PART V. PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY

SECTION 5. G.S. 143-214.7A(b) reads as rewritten:

“(b) Unless otherwise provided in this subsection, The the Division of Water Quality shall clarify that stormwater is water that does not contact anything considered a feedstock, intermediate product, or final product of composting operations. Unless otherwise provided in this subsection, The the Division of Water Quality shall clarify that wastewater is leachate and water that contacts feedstocks, intermediate products, or final product, of composting operations. The clarifications shall incorporate available scientifically valid information obtained from sampling and analyses of North Carolina composting facilities and from valid representative data from other states. In addition, the Division of Water Quality shall establish threshold quantities of feedstocks, intermediate products, and final products above which water quality permitting will be required. A Type 1 solid waste compost facility shall be subject only to applicable State stormwater requirements and federal stormwater requirements established pursuant to 33 U.S.C. § 1342(p)(3)(B). A Type 1 solid waste compost facility shall not be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharge of process wastewater based solely on the discharge of stormwater that has come into contact with feedstock, intermediate product, or final product at the facility. For purposes of this section, “Type 1 solid waste compost facilities” are facilities that may receive yard and garden waste, silvicultural waste, untreated and unpainted wood waste, or any combination thereof. The Division of Water Quality shall not require water quality permitting for any Type I solid waste compost facility, unless required to do so by federal law.”

PART VI. DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES OF STORMWATER CONTROL AT PUBLIC AIRPORTS

SECTION 6. G.S. 143-214.7 is amended by adding two new subsections to read:

“(c3) In accordance with the Federal Aviation Administration August 28, 2007, Advisory Circular No. 150/5200-33B (Hazardous Wildlife Attractants on or Near Airports), the Department shall not require the use of stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section at public airports that support commercial air carriers or general aviation services. Development projects located within five statute miles from the farthest edge of an airport air operations area, as that term is defined in 14 C.F.R. § 153.3 (July 2011 Edition), shall not be required to use stormwater retention ponds,

stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section. Existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water in order to comply with this section located at public airports or that are within five statute miles from the farthest edge of an airport operations area may be replaced with alternative measures included in the Division of Water Quality's Best Management Practice Manual chapter on airports. In order to be approved by the Department, alternative measures or management designs that are not expressly included in the Division of Water Quality's Best Management Practice Manual shall provide for equal or better stormwater control based on the pre- and post-development hydrograph. Any replacement of existing stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that promotes standing water shall be considered a minor modification to the State general stormwater permit.

(c4) The Department shall deem runways, taxiways, and any other areas that provide for overland stormwater flow that promote infiltration and treatment of stormwater into grassed buffers, shoulders, and grass swales permitted pursuant to the State post-construction stormwater requirements."

PART VII. PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS

SECTION 7. G.S. 143-214.5 is amended by adding a new subsection to read:

"(d2) A local government implementing a water supply watershed program shall allow an applicant to average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

- (1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
- (2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- (3) Vegetated buffers on both properties meet the minimum statewide water supply watershed protection requirements.
- (4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize

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- the flow length through vegetated areas.
- (5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- (6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
- (7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- (8) A special use permit or other such permit or certificate shall be obtained from the local Watershed Review Board or Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties."

PART VIII. PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS

SECTION 8.(a) G.S. 143-214.23 is amended by adding a new subsection to read:

"§ 143-214.23. Riparian Buffer Protection Program: Delegation of riparian buffer protection requirements to local governments.

...

(e1) Units of local government shall not treat the land within a riparian buffer as if the land is the property of the State or any of its subdivisions unless the land or an interest therein has been acquired by the State or its subdivisions by a conveyance or by eminent domain.

...."

PART VIIIA. AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS

SECTION 8.(b) Section 17(c) of S.L. 2011-394 reads as rewritten:

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“**SECTION 17.(c)** Implementation. – The riparian buffer requirements of the Neuse River Basin Riparian Buffer Rule and the Tar-Pamlico River Basin Riparian Buffer Rule shall apply to development of an existing lot located adjacent to surface waters in the ~~coastal area~~ Neuse and Tar-Pamlico River basins as provided in this section. Where application of the riparian buffer requirements would preclude construction of a single-family residence and necessary infrastructure, such as an on-site wastewater system, the single-family residence may encroach on the buffer if all of the following conditions are met:

- (1) The residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water ~~level~~ level, or normal water level, whichever is applicable, on the existing lot and designed to minimize encroachment into the riparian buffer.
- (2) The residence is set back a minimum of 30 feet landward of the top of the bank, rooted herbaceous vegetation, normal high-water ~~level~~ level, or normal water level, whichever is applicable.
- (3) Stormwater generated by new impervious surface within the riparian buffer is treated and diffuse flow of stormwater is maintained through the buffer.
- (4) If the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer.

The method for measuring the setbacks required under subdivisions (1) and (2) of this section shall be consistent with the method for measuring the applicable buffer as provided in 15A NCAC 02B .0233(4) and 15A NCAC 02B .0259(4).”

PART IX. PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE

SECTION 9.(a) G.S. 143-215.1(c6) reads as rewritten:

“(c6) For surface waters that the Commission classifies as nutrient sensitive waters (NSW) on or after 1 July 1997, the Commission shall establish a date by which facilities that were placed into operation prior to the date on which the surface waters are classified NSW or for which an authorization to construct was issued prior to the date on which the surface waters are classified NSW must comply with subsections (c1) and (c2) of this section. The Commission shall establish the compliance ~~date~~ schedule at the time of the classification. ~~The Commission shall not establish a compliance date that is more than five years after the date of the classification. The Commission may extend the compliance date as provided in G.S. 143-215.1B. A request to extend a compliance date shall be submitted within 120 days of the date on which the Commission reclassifies a surface water body as NSW.”~~

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SECTION 9.(b) G.S. 143-215.8B reads as rewritten:

“§ 143-215.8B. Basinwide water quality management plans.

(a) The Commission shall develop and implement a basinwide water quality management plan for each of the 17 major river basins in the State. In developing and implementing each plan, the Commission shall consider the cumulative impacts of all of the following:

- (1) All activities across a river basin and all point sources and nonpoint sources of pollutants, including municipal wastewater facilities, industrial wastewater systems, septic tank systems, stormwater management systems, golf courses, farms that use fertilizers and pesticides for crops, public and commercial lawns and gardens, atmospheric deposition, and animal operations.
- (2) All transfers into and from a river basin that are required to be registered under G.S. 143-215.22H.

(b) Each basinwide water quality management plan shall:

- (1) Provide that all point sources and nonpoint sources of pollutants jointly share the responsibility of reducing the pollutants in the State’s waters in a fair, reasonable, and proportionate manner, using computer modeling and the best science and technology reasonably available and considering future anticipated population growth and economic development.
- (2) If any of the waters located within the river basin are designated as nutrient sensitive waters, then the basinwide water quality management plan shall establish a goal to reduce the average annual mass load of nutrients that are delivered to surface waters within the river basin from point and nonpoint sources. The Commission shall establish a nutrient reduction goal for the nutrient or nutrients of concern that will result in improvements to water quality such that the designated uses of the water, as provided in the classification of the water under G.S. 143-214.1(d), are not impaired. The plan shall require ~~that incremental progress toward achieving the goal be demonstrated each year. The Commission shall develop a five year plan to achieve the goal.~~ In developing the plan, the Commission shall determine and allow appropriate credit toward achieving the goal for reductions of water pollution by point and nonpoint sources through voluntary measures.

(c) The Commission shall review and revise its 17 basinwide water quality management plans at least every ~~five~~10 years to reflect changes in water quality, improvements in modeling methods, improvements in wastewater treatment technology, and advances in scientific knowledge and, as need to support designated uses of water, modifications to management strategies.

(d) The Commission and the Department shall each report on or before 1 October of each year on an annual basis to the Environmental Review Commission on the progress in developing and implementing basinwide water quality management plans and on increasing public involvement and public education in connection with basinwide water quality management planning. The report to the Environmental Review Commission by the Department shall include a written statement as to all concentrations of heavy metals and other pollutants in the surface waters of the State that are identified in the course of preparing or revising the basinwide water quality management plans.

(e) A basinwide water quality management plan is not a rule and Article 2A of Chapter 150B of the General Statutes does not apply to the development of basinwide water quality management plans. Any water quality standard or classification and any requirement or limitation of general applicability that implements a basinwide water quality management plan is a rule and must be adopted as provided in Article 2A of Chapter 150B of the General Statutes.”

SECTION 9.(c) Definition. – As used in this act, “New Development Rule 15A NCAC 02B .0265” means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

SECTION 9.(d) New Development Rule 15A NCAC 02B .0265. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to subsection (f) of this section, the Commission and the Department shall implement New Development Rule 15A NCAC 02B .0265, as provided in subsection (e) of this section.

SECTION 9.(e) Implementation. – Notwithstanding sub-subdivision (d) of subdivision (4) of New Development Rule 15A NCAC 02B .0265, by August 10, 2014, within three months after the Commission’s approval of a local program, or upon the Division’s first renewal of a local government’s NPDES stormwater permit, whichever occurs later, the affected local government shall complete adoption of and implement its local stormwater management program.

SECTION 9.(f) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (e) of this section. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 9.(g) Sunset. – Subsection (e) of this section expires on the date that rules adopted pursuant to subsection (f) of this section become effective.

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PART X. AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM

SECTION 10. G.S. 130A-313(10) reads as rewritten:

“(10) “Public water system” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if the system serves 15 or more service connections or which regularly serves 25 or more individuals. The term includes:

- a. Any collection, treatment, storage or distribution facility under control of the operator of the system and used primarily in connection with the system; and
- b. Any collection or pretreatment storage facility not under the control of the operator of the system that is used primarily in connection with the system.

A public water system is either a “community water system” or a “noncommunity water system” as follows:

- a. “Community water system” means a public water system ~~that serves 15 or more service connections or that~~ that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- b. “Noncommunity water system” means a public water system that is not a community water system.

A connection to a system that delivers water by a constructed conveyance other than a pipe is not a connection within the meaning of this subdivision under any one of the following circumstances:

- a. The water is used exclusively for purposes other than residential uses. As used in this subdivision, “residential uses” mean drinking, bathing, cooking, or other similar uses.
- b. The Department determines that alternative water to achieve the equivalent level of public health protection pursuant to applicable drinking water rules is provided for residential uses.
- c. The Department determines that the water provided for residential uses is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable drinking water rules.”

PART XI. ESTABLISH A VARIANCE PROCESS FOR SETBACK DISTANCES FROM EXISTING PRIVATE DRINKING WATER WELLS

SECTION 11.(a) Variance from Setbacks for Existing Private Drinking Water Wells. –

- (1) The Department of Health and Human Services may grant a variance from the minimum horizontal separation distances from existing private drinking water wells set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) upon finding that:
 - a. The well was constructed and completed on or before July 1, 2008.
 - b. The Department determines that continued use of the well will not endanger human health and welfare or groundwater.
 - c. It is impracticable, taking into consideration feasibility and cost, for the well to comply with the minimum horizontal separation distance set out in the applicable sub-subpart of 15 NCAC 02C .0107(a)(2) and 15A NCAC 02C .0107(a)(3).
 - d. There is no reasonable alternative source of drinking water available.
- (2) A variance from the minimum horizontal separation distances set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) shall require that the existing private drinking water well meet the following requirements:
 - a. The well shall comply with the minimum horizontal separation distances set out in 15A NCAC 02C .0107(a)(2) or 15A NCAC 02C .0107(a)(3) to the maximum extent practicable.
 - b. The well is inspected by the Department or the applicable local health department and is determined to be in good repair.
 - c. The well shall comply with all other requirements for private drinking water wells set out in 15A NCAC 02C .0300.

SECTION 11.(b) Rule Making. – The Commission for Public Health shall adopt rules that are substantively identical to the provisions of subsection (a) of this section. The Commission may reorganize or renumber any of the rules to which this section applies at its discretion. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received, as provided by G.S. 150B-21.3(b2).

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SECTION 11.(c) Effective Date. – Subsection (a) of this section expires when permanent rules to replace subsection (a) of this section have become effective, as provided by subsection (b) of this section.

PART XII. REPEAL ENVIRONMENTAL MANAGEMENT COMMISSION AUTHORITY TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM

SECTION 12.(a) G.S. 143-215.107A(d) is repealed.

SECTION 12.(b) G.S. 20-183.2(c) reads as rewritten:

“(c) Definitions. – The following definitions apply in this Part:

- (1) Electronic inspection authorization. – An inspection authorization that is generated electronically through the electronic accounting system that creates a unique nonduplicating authorization number assigned to the vehicle’s inspection receipt upon successful passage of an inspection. The term “electronic inspection authorization” shall include the term “inspection sticker” during the transition period to use of electronic inspection authorizations.
- (2) Emissions county. – A county listed in G.S. 143-215.107A(c) ~~or designated by the Environmental Management Commission pursuant to G.S. 143-215.107A(d)~~ and certified to the Commissioner of Motor Vehicles as a county in which the implementation of a motor vehicle emissions inspection program will improve ambient air quality.
- (3) Federal installation. – An installation that is owned by, leased to, or otherwise regularly used as the place of business of a federal agency.”

PART XIII. ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD

SECTION 13.(a) G.S. 143-215.94B is amended by adding a new subsection to read:

“(b5) The Commercial Fund may be used by the Department for the payment of costs necessary to render harmless any commercial underground storage tank from which a discharge or release has not occurred but which poses an imminent hazard to the environment if the owner or operator cannot be identified or located, or if the owner or operator fails to take action to render harmless the underground storage tank within 90 days of having been notified of the imminent hazard posed by the underground storage tank. The Secretary shall seek to recover the costs of the action from any owner or operator as provided in G.S. 143-215.94G.”

SECTION 13.(b) G.S. 143-215.94D(b2) reads as rewritten:

“(b2) The Noncommercial Fund may be used by the Department for the payment of costs necessary to render harmless any ~~commercial~~ or noncommercial underground storage tank from which a discharge or release has not occurred but which poses an imminent hazard to the environment if the owner or operator cannot be identified or located, or if the owner or operator fails to take action to render harmless the underground storage tank within 90 days after having been notified of the imminent hazard posed by the underground storage tank. The Secretary ~~may~~ shall seek to recover the costs of the action from the owner or operator as provided in G.S. 143-215.94G.”

SECTION 13.(c) G.S. 143-215.94G(d) is amended by adding a new subdivision to read:

“(d) The Secretary shall seek reimbursement through any legal means available, for:

...
 (6) The amounts provided for in G.S. 143-215.94B(b5) and G.S. 143-215.94D(b2).”

PART XIV. REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR

SECTION 14.(a) G.S. 130A-309.57 reads as rewritten:

“§ 130A-309.57. **Scrap tire disposal program.**

(a) The owner or operator of any scrap tire collection site shall, within six months after October 1, 1989, provide the Department with information concerning the site’s location, size, and the approximate number of scrap tires that are accumulated at the site and shall initiate steps to comply with subsection (b) of this section.

(b) On or after July 1, 1990:

- (1) A person may not maintain a scrap tire collection site or a scrap tire disposal site unless the site is permitted.
- (2) It is unlawful for any person to dispose of scrap tires in the State unless the scrap tires are disposed of at a scrap tire collection site or at a tire disposal site, or disposed of for processing at a scrap tire processing facility.

(c) ~~By January 1, 1990, the~~ The Commission shall adopt rules to carry out the provisions of this section. Such rules shall:

- (1) Provide for the administration of scrap tire collector and collection center permits and scrap tire disposal site permits, which may not exceed two hundred fifty dollars (\$250.00) ~~annually;~~ annually.
- (2) Set standards for scrap tire processing facilities and associated scrap tire sites, scrap tire collection centers, and scrap tire ~~collectors;~~ and collectors.
- (3) Authorize the final disposal of scrap tires at a permitted solid waste disposal facility provided the tires have been cut into

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sufficiently small parts to assure their proper disposal.

(4) Provide that permitted scrap tire collectors may not contract with a scrap tire processing facility unless the processing facility documents that it has access to a facility permitted to receive scrap tires.

(d) A permit is not required for:

- (1) A tire retreading business where fewer than 1,000 scrap tires are kept on the business premises;
- (2) A business that, in the ordinary course of business, removes tires from motor vehicles if fewer than 1,000 of these tires are kept on the business premises; or
- (3) A retail tire-selling business which is serving as a scrap tire collection center if fewer than 1,000 scrap tires are kept on the business premises.

(e) The Department shall encourage the voluntary establishment of scrap tire collection centers at retail tire-selling businesses, scrap tire processing facilities, and solid waste disposal facilities, to be open to the public for the deposit of used and scrap tires. The Department may establish an incentives program for individuals to encourage them to return their used or scrap tires to a scrap tire collection center.”

SECTION 14.(b) The Department of Environment and Natural Resources shall initiate rule making to comply with the provisions of this section by October 1, 2012.

PART XV. REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE

SECTION 15. G.S. 130A-291.1 is amended by adding a new subsection to read:

“§ 130A-291.1. **Septage management program; permit fees.**

...

(h1) The annual permit application shall identify the pumper trucks to be used by the septage management firm. A permitted septage management firm shall notify the Department within 10 days of placing a pumper truck in service that was not previously included in a permit issued to the firm and shall make the pumper truck available for inspection by the Department. A septage management firm is not prohibited from use of a pumper truck that meets the requirements of the rules adopted by the Commission prior to inspection by the Department.

....”

PART XVI. AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES

SECTION 16.(a) G.S. 143B-289.57 reads as rewritten:

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“§ 143B-289.57. Marine Fisheries Commission Advisory Committees established; members; selection; duties.

...
 (b) The Chair of the Commission shall appoint the following standing advisory committees:

- (1) The Finfish Committee, which shall consider matters concerning finfish.
- (2) ~~The Crustacean Committee, which shall consider matters concerning shrimp and crabs.~~
- (3) ~~The Shellfish Committee, which shall consider matters concerning oysters, clams, scallops, and other molluscan shellfish.~~
- (3a) The Shellfish/Crustacean Advisory Committee, which shall consider matters concerning oysters, clams, scallops, other molluscan shellfish, shrimp, and crabs.
- (4) The Habitat and Water Quality Committee, which shall consider matters concerning habitat and water quality that may affect coastal fisheries resources.

...
 (e) ~~The Chair of the Commission shall appoint a regional advisory committee for each of the three coastal regions designated in G.S. 143B-289.54(b) and shall appoint a regional advisory committee for that part of the State that is not included in the three coastal regions. Northern Regional Advisory Committee, encompassing areas from the Virginia line south through Hyde and Pamlico Counties and any counties to the west, and a Southern Regional Advisory Committee, encompassing areas from Carteret County south to the South Carolina line and any counties to the west. In making appointments to regional advisory committees, the Chair of the Commission shall ensure that both commercial and recreational fishing interests are fairly represented.”~~

SECTION 16.(b) G.S. 113-200(e1) reads as rewritten:

“§ 113-200. Fishery Resource Grant Program.

...
 (e1) Grants Committee. – The Grants Committee shall consist of eleven members as follows:

- (1) Three employees of the Sea Grant College Program, appointed by the Director of the Sea Grant College Program.
- (2) Two employees of the Division of Marine Fisheries, appointed by the Fisheries Director.
- (3) Two members of the Marine Fisheries Commission, appointed by the Chair of the Marine Fisheries Commission.
- (4) ~~One member~~Two members of the ~~Northeast~~Northern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Northeast~~Northern Regional Advisory Committee.

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- (5) ~~One member of the Central Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Central Regional Advisory Committee.~~
- (6) ~~One member~~Two members of the ~~Southeast~~Southern Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the ~~Southeast~~Southern Regional Advisory Committee.
- (7) ~~One member of the Inland Regional Advisory Committee established pursuant to G.S. 143B-289.57(e), appointed by the Inland Regional Advisory Committee.~~

....”

SECTION 16.(c) The terms of the members currently serving on the Crustacean, Shellfish, and the four regional advisory committees (Northeast, Southeast, Central, and Inland) shall expire on June 30, 2012. Effective July 1, 2012, the Chair of the Marine Fisheries Advisory Commission shall appoint no more than 11 members to the Northern Regional Advisory Committee and the Southern Regional Advisory Committee, established pursuant to subsection (e) of G.S. 143B-289.57, as amended by this section.

PART XVII. PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS

SECTION 17. G.S. 143B-289.52 is amended by adding a new subsection to read:

“§ 143B-289.52. **Marine Fisheries Commission – powers and duties.**

...
(e1) A supermajority of the Commission shall be six members. A supermajority shall be necessary to override recommendations from the Division of Marine Fisheries regarding measures needed to end overfishing or to rebuild overfished stocks.”

PART XVIII. PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT

SECTION 18. G.S. 106-202.19(a) reads as rewritten:

“(a) Unless the conduct is covered under some other provision of law providing greater punishment, it is ~~unlawful~~unlawful to engage in any of the following conduct:

- (1) To uproot, dig, take or otherwise disturb or remove for any purpose from the lands of another, any plant on a protected plant list without a written permit from the owner which is dated and valid for no more than 180 days and which indicates the species or higher taxon of plants for which permission is granted; except that the incidental disturbance of protected plants during agricultural,

- forestry or development operations is not illegal so long as the plants are not collected for sale or commercial ~~use;~~use.
- (2) To sell, barter, trade, exchange, export, offer for sale, barter, trade, exchange or export or give away for any purpose including advertising or other promotional purpose any plant on a protected plant list, except as authorized according to the rules and regulations of the ~~Board;~~Board.
- (3) To violate any rule of the Board promulgated under this ~~Article;~~Article.
- (4) ~~To dig ginseng on another person's land, except for the purpose of replanting, between the first day of April and the first day of September;~~
- (5) To buy ginseng outside of a buying season as provided by the Board without obtaining the required documents from the person selling the ~~ginseng;~~ginseng.
- (6) To buy ginseng for the purpose of resale or trade without holding a currently valid permit as a ginseng ~~dealer;~~dealer.
- (6a) To uproot, dig, take, or otherwise disturb or remove for any purpose from another person's land ginseng, galax, or Venus flytrap without a written permit from the owner that is dated and valid for no more than 180 days. A person in lawful possession of the land who has a recorded lease which allows for the disturbance or removal of any vegetation on the land is not subject to this subdivision.
- (6b) To buy galax outside of a buying season as provided by the Board without obtaining the required documents from the person selling the galax.
- (6c) To buy Venus flytrap outside of a buying season as provided by the Board without obtaining the required documents from the person selling the Venus flytrap.
- (6d) To buy more than five pounds of galax for the purpose of resale or trade without a copy of the landowner's written permission and confirmation of the collection date.
- (6e) To buy more than 50 Venus flytrap plants for the purpose of resale or trade unless fully compliant with applicable regulations.
- (7) To fail to keep records as required under this Article, to refuse to make records available for inspection by the Board or its agent, or to use forms other than those provided for the current year or harvest season by the Department of Agriculture and Consumer ~~Services;~~Services.

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- (8) To provide false information on any record or form required under this ~~Article;~~Article.
- (9) To make false statements or provide false information in connection with any investigation conducted under this ~~Article;~~Article.
- (10) To possess any protected plant, or part thereof, which was obtained in violation of this Article or any rule adopted ~~hereunder;~~ or under this Article.
- (11) To violate a stop sale order issued by the Board or its agent.”

PART XIX. INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION

SECTION 19. G.S. 113-135.1(a) reads as rewritten:

“(a) To prevent unsuspecting members of the public from being subject to harsh criminal penalties for offenses created by rules of the Wildlife Resources Commission, the penalty for an offense that is solely a violation of rules of the Wildlife Resources Commission is limited to a fine of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) except as follows:

- (1) Offenses set out in subsection (b) of this section are punishable as set forth in G.S. 113-135 or other sections of the General Statutes.
- (2) A person who parks a vehicle in violation of a rule regulating the parking of vehicles at boating access or boating launch areas is responsible for an infraction and shall pay a fine of fifty dollars (\$50.00).”

PART XX. USE OF TVA SETTLEMENT FUNDS

SECTION 20. Funds received by the State pursuant to the provisions of the Consent Decree entered into by the State in *State of Alabama et al. v. Tennessee Valley Authority*, Civil Action 3:11-cv-00170 in the United States District Court for the Eastern District of Tennessee and allocated to the Department of Agriculture and Consumer Services by the Committee Report to House Bill 950 shall be used exclusively to award grants for “Environmental Mitigation Projects” of the types specified in paragraph 128 of the Consent Decree in the following counties: Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, Yancey.

PART XXI. AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS

SECTION 21.(a) G.S. 130A-294 reads as rewritten:

“§ 130A-294. Solid waste management program.

...

(i) ~~The Department shall develop a comprehensive hazardous waste management plan for the State and shall revise the plan on or before 1 July of~~

~~even numbered years.~~ The Department shall report to the Fiscal Research Division of the General Assembly, the Senate Appropriations Subcommittee on Natural and Economic Resources, the House Appropriations Subcommittee on Natural and Economic Resources, and the Environmental Review Commission on or before ~~1 October~~ January 1 of each year on the implementation and cost of the ~~comprehensive~~ hazardous waste management ~~plan~~ program. The report shall include an evaluation of how well the State and private parties are managing and cleaning up hazardous waste. The report shall also include recommendations to the Governor, State agencies, and the General Assembly on ways to: improve waste management; reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be disposed of. The report shall include beginning and ending balances in the Hazardous Waste Management Account for the reporting period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by activities and categories for the hazardous waste management program, any recommended adjustments in annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly. In recommending adjustments in annual and tonnage fees, the Department may propose fees for hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated on site, which are designed to encourage reductions in the volume or quantity and toxicity of hazardous waste. The report shall also include a description of activities undertaken to implement the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall include an annual update on the mercury switch removal program that shall include, at a minimum, all of the following:

- (1) A detailed description of the mercury recovery performance ratio achieved by the mercury switch removal program.
- (2) A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.
- (3) In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury switch removal program.
- (4) The number of mercury switches collected and a description of how the mercury switches were managed.
- (5) A statement that details the costs required to implement the mercury switch removal program, including a summary of receipts and disbursements from the Mercury Switch Removal Account.”

SECTION 21.(b) G.S. 130A-294 reads as rewritten:

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“§ 130A-294. Solid waste management program.

...
 (i) The Department shall report to the Fiscal Research Division of the General Assembly, the Senate Appropriations Subcommittee on Natural and Economic Resources, the House Appropriations Subcommittee on Natural and Economic Resources, and the Environmental Review Commission on or before January 1 of each year on the implementation and cost of the hazardous waste management program. The report shall include an evaluation of how well the State and private parties are managing and cleaning up hazardous waste. The report shall also include recommendations to the Governor, State agencies, and the General Assembly on ways to: improve waste management; reduce the amount of waste generated; maximize resource recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be disposed of. The report shall include beginning and ending balances in the Hazardous Waste Management Account for the reporting period, total fees collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures by activities and categories for the hazardous waste management program, any recommended adjustments in annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly. In recommending adjustments in annual and tonnage fees, the Department may propose fees for hazardous waste generators, and for hazardous waste treatment facilities that treat waste generated on site, which are designed to encourage reductions in the volume or quantity and toxicity of hazardous waste. The report shall also include a description of activities undertaken to implement the resident inspectors program established under G.S. 130A-295.02. In addition, the report shall include an annual update on the mercury switch removal program that shall include, at a minimum, all of the following:

- (1) ~~A detailed description and documentation of the capture rate achieved of the mercury recovery performance ratio achieved by the mercury switch removal program.~~
- (2) ~~A detailed description of the mercury switch collection system developed and implemented by vehicle manufacturers in accordance with the NVMSRP.~~
- (3) ~~In the event that a mercury recovery performance ratio of at least 0.90 of the national mercury recovery performance ratio as reported by the NVMSRP capture rate of at least ninety percent (90%) is not achieved, a description of additional or alternative actions that may be implemented to improve the mercury minimization plan and its implementation.~~ switch removal program.
- (4) ~~The number of mercury switches collected collected, the number of end-of-life vehicles containing mercury switches, the number of end-of-life vehicles processed for recycling, and a description of how the mercury switches~~

were managed.

- (5) A statement that details the costs required to implement the mercury minimization plan, ~~switch removal program including a summary of receipts and disbursements from the Mercury Switch Removal Account.~~

....”

SECTION 21.(c) G.S. 130A-294.1(p) is repealed.

SECTION 21.(d) G.S. 130A-295.02(m) is repealed.

SECTION 21.(e) G.S. 130A-310.2(b) is repealed.

SECTION 21.(f) G.S. 130A-310.57 is repealed.

SECTION 22. G.S. 130A-310.10 reads as rewritten:

“§ 130A-310.10. Annual reports.

(a) The Secretary shall report on inactive hazardous sites to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, and the Fiscal Research Division on or before ~~1 October~~ October 1 of each year. The report shall include at least the following:

- (1) The Inactive Hazardous Waste Sites Priority List.
- (2) A list of remedial action plans requiring State funding through the Inactive Hazardous Sites Cleanup Fund.
- (3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said plans.
- (4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement such plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State’s share of such plan.
- (5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval.
- (6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of said plans.
- (7) A list of sites that pose an imminent hazard.
- (8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund.
- (8a) The amounts and sources of funds collected by year received under G.S. 130A-310.76, the amounts and sources of those funds paid into the Inactive Hazardous Sites Cleanup Fund established pursuant to G.S. 130A-

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310.11, the number of acres of contamination for which funds have been received pursuant to G.S. 130A-310.76, and a detailed annual accounting of how the funds collected pursuant to G.S. 130A-310.76 have been utilized by the Department to advance the purposes of Part 8 of Article 9 of Chapter 130A of the General Statutes.

- (9) Any other information requested by the General Assembly or the Environmental Review Commission.

(a1) On or before October 1 of each year, the Department shall report to each member of the General Assembly who has an inactive hazardous substance or waste disposal site in the member's district. This report shall include the location of each inactive hazardous substance or waste disposal site in the member's district, the type and amount of hazardous substances or waste known or believed to be located on each of these sites, the last action taken at each of these sites, and the date of that last action.

(b) Repealed by Session Laws 2001-452, s. 2.3, effective October 28, 2001."

SECTION 23. G.S. 143-215.94M reads as rewritten:

“§ 143-215.94M. Reports.

(a) The Secretary shall present an annual report to the Environmental Review ~~Commission~~ Commission, the Fiscal Research Division, the Senate Appropriations Subcommittee on Natural and Economic Resources, and the House Appropriations Subcommittee on Natural and Economic Resources which shall include at least the following:

- (1) A list of all discharges or releases of petroleum from underground storage ~~tanks;~~ tanks.
- (2) A list of all cleanups requiring State funding through the Noncommercial Fund and a comprehensive budget to complete such ~~cleanups;~~ cleanups.
- (3) A list of all cleanups undertaken by tank owners or operators and the status of these ~~cleanups;~~ cleanups.
- (4) A statement of receipts and disbursements for both the Commercial Fund and the Noncommercial ~~Fund;~~ Fund.
- (5) A statement of all claims against both the Commercial Fund and the Noncommercial Fund, including claims paid, claims denied, pending claims, anticipated claims, and any other ~~obligations;~~ obligations.
- (6) The adequacy of both the Commercial Fund and the Noncommercial Fund to carry out the purposes of this Part together with any recommendations as to measures that may be necessary to assure the continued solvency of the Commercial Fund and the Noncommercial ~~Fund;~~ and Fund.
- (7) ~~A statement of the condition of the Loan Fund and a summary of all activity under the Loan Fund.~~

(b) The report required by this section shall be made by the Secretary on or before ~~September~~November 1 of each year.”

SECTION 24. G.S. 113A-35.1(b) is repealed.

SECTION 25. G.S. 136-28.8(g) reads as rewritten:

“(g) On or before October 1 of each year, the Department shall report to the Division of Environmental Assistance and Outreach of the Department of Environment and Natural Resources as to the amounts and types of recycled materials that were specified or used in contracts that were entered into during the previous fiscal year. On or before ~~December 1~~January 15 of each year, the Division of Environmental Assistance and Outreach shall prepare a summary of this report and submit the summary to the Joint Legislative Commission on Governmental Operations and the Joint Legislative Transportation Oversight Committee. The summary of this report shall also be included in the report required by G.S. 130A-309.06(c).”

SECTION 26. G.S. 159I-29(a) reads as rewritten:

“(a) ~~The~~If the General Assembly appropriates funds for loans authorized by this Chapter in any fiscal year, the Office of State Budget and Management and the Division shall prepare and file on or before July 31 of ~~each the following fiscal year~~ with the Joint Legislative Commission on Governmental Operations a consolidated report for the preceding fiscal year concerning the allocation of loans authorized by this Chapter. No report shall be filed for fiscal years in which no funds are appropriated or otherwise available for loans authorized by this Chapter.”

SECTION 27. G.S. 143B-279.5 reads as rewritten:

“§ **143B-279.5. Biennial State of the Environment Report.**

(a) The Secretary of Environment and Natural Resources shall report on the state of the environment to the General ~~Assembly~~Assembly, the Fiscal Research Division of the General Assembly, and the Environmental Review Commission no later than 15 February of each odd-numbered year. The report shall include:

- (1) An identification and analysis of current environmental protection issues and problems within or affecting the State and its people;
- (2) Trends in the quality and use of North Carolina’s air and water resources;
- (3) An inventory of areas of the State where air or water pollution is in evidence or may occur during the upcoming biennium;
- (4) Current efforts and resources allocated by the Department to correct identified pollution problems and an estimate, if necessary, of additional resources needed to study, identify, and implement solutions to solve potential problems;
- (5) Departmental goals and strategies to protect the natural resources of the State;

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- (6) Any information requested by the General Assembly or the Environmental Review Commission;
- (7) Suggested legislation, if necessary; and
- (8) Any other information on the state of the environment the Secretary considers appropriate.

(b) Other State agencies involved in protecting the State's natural resources and environment shall cooperate with the Department of Environment and Natural Resources in preparing this report."

PART XXII. TECHNICAL AND CONFORMING CHANGES

SECTION 28.(a) G.S. 77-92(a) reads as rewritten:

"(a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with each state appointing nine members. The North Carolina delegation to the Commission shall consist of the six members of the General Assembly of North Carolina appointed to the North Carolina Roanoke River Basin Advisory Committee and three nonlegislative members ~~of the North Carolina Roanoke River Basin Advisory Committee, established pursuant to G.S. 77-103,~~ who represent different geographical areas of the North Carolina portion of the Basin and who reside within the Basin's watershed, to be appointed by the Governor of North Carolina. The Virginia delegation to the Commission shall be appointed as determined by the Commonwealth of Virginia."

SECTION 28.(b) G.S. 77-93(b)(2) reads as rewritten:

"(2) To establish standing and ad hoc advisory committees pursuant to G.S. 77-94 ~~in addition to the North Carolina Roanoke River Basin Advisory Committee established pursuant to Part 2 of this Article~~ and the Virginia Roanoke River Basin Advisory Committee established pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a manner to ensure a balance between recognized interests. The Commission shall determine the purpose of each advisory committee."

PART XXIII. EFFECTIVE DATE

SECTION 29. Section 21(b) of this act becomes effective December 31, 2017. Sections 16(a) and 16(b) of this act become effective July 1, 2012. Sections 18 and 19 of this act become effective October 1, 2012, and apply to violations and offenses committed on or after that date. Prosecutions for offenses committed before the effective date of this act are not abated or affected by this act, and the statutes that would be applicable but for this act remain applicable to those prosecutions. The remainder of this act is effective when it becomes law.

The Conference Committee Substitute is placed on the calendar for Monday, July 2, for adoption.

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SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM, upon second reading.

The Committee Substitute bill passes its second reading (40-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 1085 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF "DEPENDENT CHILD" IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE, upon second reading.

The Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 187 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, for concurrence in the House Committee Substitute bill and unengrossed Amendments Nos. 4-6.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill is placed on today's supplemental calendar.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 1173 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT, upon second reading.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

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H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, upon third reading.

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, July 2.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 244 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL, THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL, AND KESTREL HEIGHTS SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN.

Pursuant to the message from the House of Representatives received Wednesday, June 27, that the House fails to concur in the Senate Committee Substitute bill for H.B. 244 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Hise, Chair; Senator Apodaca and Senator Gunn as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 707 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 707 on Thursday, June 21, and the motion by Senator Tucker to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Tucker, Chair; Senator Hise, Senator Newton, and Senator Tillman as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

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The Senate recesses at 5:41 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 6:00 p.m.

RECESS

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 799 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES, with a favorable report.

Upon the motion of Senator Apodaca, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today's supplemental calendar.

ENROLLED BILLS

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

H.B. 153, AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY RELATED TO EMPLOYMENT OR HOLDING OFFICE FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, THE OPTIONAL RETIREMENT PROGRAM FOR STATE-FUNDED COMMUNITY COLLEGES, THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR STATE LAW-ENFORCEMENT OFFICERS, AND THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LOCAL GOVERNMENTAL LAW-ENFORCEMENT OFFICERS.

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

H.B. 552, AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE

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CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

H.B. 956, AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY.

H.B. 1200, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND AND TO REPEAL THE PROVISIONS ESTABLISHING THE NEW BERN FIREMEN'S SUPPLEMENTAL RETIREMENT FUND.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 853** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

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. 1215** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, and requests conferees.

Speaker Tillis has appointed:

Representative Starnes, Chair
Representative McGee, and
Representative Cotham

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

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. 229** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY

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PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TARPAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO

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PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate meets pursuant to recess and is called to order by Senator Phil Berger, President *Pro Tempore*.

The Chair grants leaves of absence for the remainder of tonight's session to Senator Davis and Senator Mansfield.

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. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, with a favorable report.

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SUPPLEMENTAL CALENDAR (*continued*)

S.B. 187 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, for concurrence in the House Committee Substitute bill and unengrossed Amendments Nos. 4-6.

Upon motion of Senator Apodaca, the House Committee Substitute bill is taken up as the next order of business.

The Senate fails to concur in the House Committee Substitute bill and unengrossed Amendments Nos. 4-6 (0-38).

Senator Stevens offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 133 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE PROVISIONS FROM, AND MAKE CLARIFYING CHANGES TO, THE LAWS GOVERNING PREPARATION AND STORAGE OF JURY LISTS, AND TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (38-0) and the bill is ordered enrolled and sent to the Governor by special message.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Blue.

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-38).

Senator Hartsell offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 231 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HOUSE SELECT STUDY COMMITTEE ON MUNICIPAL INCORPORATIONS, EXTRATERRITORIAL JURISDICTION, AND MUNICIPAL SERVICES, for concurrence in the House Committee Substitute bill No. 3.

Upon the motion of Senator Hartsell, the Senate fails to concur in the House Committee Substitute bill No. 3 (1-36).

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is temporarily displaced.

S.B. 399 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY CERTAIN ISSUES PERTAINING TO THE ECOSYSTEM ENHANCEMENT PROGRAM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jackson, the House Committee Substitute bill is withdrawn from tonight's supplemental calendar and is placed on the calendar for Monday, July 2.

The Chair grants a leave of absence for the remainder of tonight's session to Senator Dannelly.

S.B. 655 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES CONFORM WITH THE DENTAL PRACTICE ACT AND TO ESTABLISH A TASK FORCE ON DENTAL MANAGEMENT ARRANGEMENT RULES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Pate, the Senate concurs in the House Committee Substitute bill (34-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, displaced earlier today, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-36).

Senator Apodaca offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 738 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRE-LICENSING AND CONTINUING EDUCATION OF BAIL BONDSMEN AND RUNNERS, for concurrence in the House Committee Substitute bill.

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Without objection, Senator Apodaca requests to be excused from voting on the House Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Stein, the House Committee Substitute bill is temporarily displaced.

S.B. 755 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EQUAL ACCESS ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee Substitute bill (37-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 803 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Stevens, the Senate concurs in the House Committee Substitute bill (37-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.B. 951 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COUNTY COMMUNITY COLLEGE AND TO TRANSFER THE HAYWOOD CORRECTIONAL CENTER TO THE HAYWOOD COUNTY BOARD OF COMMISSIONERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (37-0) and the bill is ordered enrolled and sent to the Governor by special message.

S.R. 957, A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is withdrawn from tonight's supplemental calendar and is placed on the calendar for Monday, July 2.

WITHDRAWAL FROM COMMITTEE

H.B. 914 (Senate Committee Substitute), 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 **Appropriations/Base Budget Committee** earlier today.

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Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's supplemental calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on tonight's supplemental calendar.

MOTION REGARDING FUTURE CALENDAR

Upon motion of Senator Apodaca, all bills on the calendar for Friday, June 29, are withdrawn and placed on the calendar for Monday, July 2.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 799 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (37-0) 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 No. 2.

H.B. 572 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING, displaced earlier today, upon second reading.

Senator Clodfelter offers Amendment No. 2 which is adopted (37-0).

The Senate Committee Substitute bill, as amended, passes its second reading (37-0) 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 unengrossed Amendments No. 1 and No. 2 and in the Senate Committee Substitute bill.

H.B. 585 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, displaced earlier today, upon third reading.

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Senator Bingham offers Amendment No. 1 which is adopted (36-1).

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

Senator Pate offers Amendment No. 2 which is adopted (37-1) and changes the title to read **H.B. 585**, A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, AND (5) TO CHANGE THE REPORTABLE CRASH INFORMATION REQUIRED ON FORMS SUBMITTED TO THE DIVISION OF MOTOR VEHICLES.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (38-0) and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill No. 2 and unengrossed Amendments No. 1 and No. 2.

S.B. 738 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PRE-LICENSING AND CONTINUING EDUCATION OF BAIL BONDSMEN AND RUNNERS, displaced earlier today, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Meredith, the Senate concurs in the House Committee Substitute bill (36-0) and the bill is ordered enrolled and sent to the Governor by special message.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 191 earlier today and the motion by Senator Hartsell to appoint conferees having prevailed, on behalf of Senator Phil Berger, President *Pro Tempore*, Senator Apodaca announces the appointment of Senator Hartsell, Chair; Senator Mansfield, Senator Pate, Senator Stevens, and Senator Tucker as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

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SUPPLEMENTAL CALENDAR (*continued*)

H.B. 914 (Senate Committee Substitute), 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, upon second reading.

The Senate Committee Substitute bill passes its second reading (38-0) 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. 853 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION, for adoption.

Upon motion of Senator Daniel, the Senate adopts the Conference Report (38-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 187 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 187 earlier today and the motion by Senator Stevens to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Stevens, Chair; Senator Brown, Senator Brunstetter, Senator Hunt, 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.

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Upon motion of Senator Apodaca, seconded by Senator Garrou, the Senate adjourns at 7:32 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Friday, June 29, at 10:00 a.m.

ONE HUNDRED AND THIRTY-SIXTH DAY

Senate Chamber
Friday, June 29, 2012

The Senate meets pursuant to adjournment and is called to order by The Honorable Neal Hunt, Senator from Wake County.

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

“Almighty God, oh, that you would rend the heavens and come down – that the mountains might quake at your presence. When you did awesome things that we did not look for, you came down – the mountains quaked at your presence. From of old, no one has heard or perceived by the ear – no eye has seen – a God besides you who acts for those who wait for him. And so as we finish this race, help us to wait for you. In Christ’s name we pray, Amen.”

Senator Stein announces that the Senate Journal of Thursday, June 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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. 133, AN ACT TO ELIMINATE OBSOLETE PROVISIONS FROM, AND MAKE CLARIFYING CHANGES TO, THE LAWS GOVERNING PREPARATION AND STORAGE OF JURY LISTS, AND TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE.

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S.B. 655, AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES CONFORM WITH THE DENTAL PRACTICE ACT AND TO ESTABLISH A TASK FORCE ON DENTAL MANAGEMENT ARRANGEMENT RULES.

S.B. 738, AN ACT TO PROVIDE FOR THE PRE-LICENSING AND CONTINUING EDUCATION OF BAIL BONDSMEN AND RUNNERS.

S.B. 755, AN ACT TO ENACT THE EQUAL ACCESS ACT.

S.B. 803, AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS.

S.B. 951, AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COUNTY COMMUNITY COLLEGE AND TO TRANSFER THE HAYWOOD CORRECTIONAL CENTER TO THE HAYWOOD COUNTY BOARD OF COMMISSIONERS.

H.B. 1044, AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS.

H.B. 1052, AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE.

H.B. 1073, AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM.

H.B. 1074, AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO PROVIDE PROTECTION AND REMEDIES FOR REPORTING VIOLATIONS OF RETIREMENT LAW; TO ESTABLISH GUIDELINES FOR FRAUD INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER'S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE A DECEDENT'S MONTHLY DISABILITY BENEFIT; AND TO CLARIFY THE APPOINTMENT OF THE MEDICAL BOARD.

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H.B. 1085, AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF "DEPENDENT CHILD" IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE.

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

H.B. 1169, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, AND CONCERNING COUNTY ZONING OF LOCAL DEANNEXED AREAS.

H.B. 1170, AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL.

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. 572, AN ACT TO MAKE STATEWIDE THE AUTHORITY PREVIOUSLY GRANTED TO NASH COUNTY SO AS TO ALLOW COUNTIES TO PROVIDE GRANTS TO PROMOTE HIGH-SPEED INTERNET ACCESS SERVICE IN UNSERVED AREAS FOR ECONOMIC DEVELOPMENT AND TO MAKE OTHER CLARIFYING CHANGES. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-86.)

S.B. 661, AN ACT TO DIRECT THE STATE AUDITOR TO AUDIT THE ROANOKE ISLAND COMMISSION, INCLUDING FUNDS RECEIVED BY FRIENDS OF ELIZABETH II, INC. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-87.)

H.B. 605, AN ACT TO EXPAND THE DEFINITION OF LOCAL AGENCY FOR PURPOSES OF THE DEBT SETOFF COLLECTION ACT. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-88.)

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H.B. 1096, AN ACT TO SAVE MONEY BY REPEALING A STATUTE REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS, COMMUNITY COLLEGES, AND THE UNIVERSITY OF NORTH CAROLINA TO HAVE SEPARATE BIDS FOR JUICE AND WATER. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-89.)

S.B. 798, AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT STATUTES; AND TO ESTABLISH THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, AS RECOMMENDED BY THE SENATE SELECT COMMITTEE ON EMERGENCY PREPAREDNESS AND RESPONSE. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-90.)

H.B. 952, AN ACT TO EXEMPT FROM STATE AIR TOXICS EMISSIONS CONTROLS THOSE SOURCES OF EMISSIONS THAT ARE SUBJECT TO CERTAIN FEDERAL EMISSIONS REQUIREMENTS, TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REQUIRE PERMIT CONDITIONS THAT ELIMINATE UNACCEPTABLE RISKS TO HUMAN HEALTH, TO DIRECT THE DIVISION OF AIR QUALITY TO REVIEW THE STATE AIR TOXICS PROGRAM, AND TO REQUIRE REPORTS ON THE IMPLEMENTATION OF THIS ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-91.)

S.B. 77, AN ACT PROVIDING THAT AFTER DECEMBER 31, 2012, 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. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-92.)

S.B. 813, AN ACT TO REQUIRE THE DEPARTMENT OF CULTURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY VARIOUS REVENUE ENHANCEMENTS AND POTENTIAL SAVINGS AT STATE HISTORIC SITES AND MUSEUMS, THE STATE ZOO, STATE PARKS, AND STATE AQUARIUMS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-93.)

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S.B. 848, AN ACT INCORPORATING ADDITIONAL BASES FOR MAKING ASSESSMENTS UNDER THE CHARTER OF THE CITY OF DURHAM IN THE CASE OF BOTH PETITIONED AND NON-PETITIONED ASSESSMENTS. (Became law upon ratification, June 28, 2012 - S.L. 2012-94.)

S.B. 900, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY. (Became law upon ratification, June 28, 2012 - S.L. 2012-95.)

S.B. 901, AN ACT TO REMOVE THE CAP ON SATELLITE ANNEXATIONS FOR THE TOWN OF OCEAN ISLE BEACH. (Became law upon ratification, June 28, 2012 - S.L. 2012-96.)

H.B. 945, AN ACT TO ANNEX TO THE CITY OF MARION A SECTION OF RIGHT-OF-WAY OF US HIGHWAY 70 WEST WHERE A SIDEWALK TO BE MAINTAINED BY THE CITY IS TO BE CONSTRUCTED. (Became law upon ratification, June 28, 2012 - S.L. 2012-97.)

H.B. 963, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA. (Became law upon ratification, June 28, 2012 - S.L. 2012-98.)

H.B. 987, AN ACT TO ALLOW PERSONS WHO WORK IN WAKE COUNTY TO BE ELIGIBLE FOR MEMBERSHIP ON THE BOARD OF TRUSTEES OF WAKE TECHNICAL COMMUNITY COLLEGE. (Became law upon ratification, June 28, 2012 - S.L. 2012-99.)

H.B. 991, AN ACT TO POSTPONE THE EFFECTIVE DATE OF CHANGES MADE TO THE JACKSON COUNTY OCCUPANCY TAX DURING THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY. (Became law upon ratification, June 28, 2012 - S.L. 2012-100.)

H.B. 1029, AN ACT TO REMOVE THE REQUIREMENT THAT THE TOWN MANAGER OF MAYODAN BE A RESIDENT OF THAT TOWN. (Became law upon ratification, June 28, 2012 - S.L. 2012-101.)

H.B. 1041, AN ACT TO EXCHANGE CERTAIN DESCRIBED TRACTS OF LAND BETWEEN THE CITY OF ARCHDALE AND THE CITY OF HIGH POINT. (Became law upon ratification, June 28, 2012 - S.L. 2012-102.)

H.B. 1050, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE INDUSTRIAL

PARK AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS. (Became law upon ratification, June 28, 2012 - S.L. 2012-103.)

H.B. 1051, 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 REPEALING SPECIFIED INVOLUNTARY ANNEXATION ORDINANCES OF THE TOWN OF ELIZABETHTOWN RELATING TO THE HAYFIELDS AREA, AND BY PROHIBITING MUNICIPAL INITIATION OF ANY PROCEDURE TO INVOLUNTARILY ANNEX THOSE AREAS FOR TWELVE YEARS. (Became law upon ratification, June 28, 2012 - S.L. 2012-104.)

H.B. 1059, AN ACT TO ALLOW THE CITY OF ASHEBORO TO TOW MOTOR VEHICLES IMPEDING THE OPERATION OF THE DOWNTOWN FARMERS' MARKET. (Became law upon ratification, June 28, 2012 - S.L. 2012-105.)

H.B. 1071, AN ACT TO PROVIDE FOR THE DATE FOR THE ORGANIZATIONAL MEETING OF THE WAKE COUNTY BOARD OF EDUCATION TO BE GOVERNED BY GENERAL LAW. (Became law upon ratification, June 28, 2012 - S.L. 2012-106.)

H.B. 1087, AN ACT TO AUTHORIZE THE TOWN OF FONTANA DAM TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, June 28, 2012 - S.L. 2012-107.)

H.B. 1090, AN ACT TO ESTABLISH THE REMAINING NINE PERCENT OF THE COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND ORANGE COUNTY NOT ADDRESSED BY SESSION LAW 2011-88 AND AS AUTHORIZED BY THE 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. (Became law upon ratification, June 28, 2012 - S.L. 2012-108.)

H.B. 1106, AN ACT TO ANNEX CERTAIN DESCRIBED TERRITORY TO THE CORPORATE LIMITS OF THE TOWN OF APEX. (Became law upon ratification, June 28, 2012 - S.L. 2012-109.)

H.B. 1110, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTIES FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND ANNEX IT TO THE TOWN OF STALLINGS, BOTH AT THE REQUEST OF THE RESPECTIVE TOWN GOVERNING BOARDS. (Became law upon ratification, June 28, 2012 - S.L. 2012-110.)

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H.B. 1122, AN ACT TO VALIDATE CERTAIN LEVIES AND COLLECTION OF FIRE DISTRICT TAXES IN MARTIN COUNTY AND TO ALLOW MARTIN COUNTY TO ABOLISH BY RESOLUTION ITS CHAPTER 69 FIRE PROTECTION DISTRICTS UPON ESTABLISHMENT OF FIRE PROTECTION SERVICE DISTRICTS UNDER CHAPTER 153A OF THE GENERAL STATUTES. (Became law upon ratification, June 28, 2012 - S.L. 2012-111.)

H.B. 1123, AN ACT AMENDING THE ACT AUTHORIZING THE APPOINTMENT OF AN AUTHORITY TO CONTROL THE MANAGEMENT OF A MEMORIAL STADIUM TO BE ERECTED BY DURHAM COUNTY, TO INCREASE ITS MEMBERSHIP, AND TO AMEND ITS TERM LIMITS. (Became law upon ratification, June 28, 2012 - S.L. 2012-112.)

H.B. 1196, AN ACT TO PROVIDE A PROCESS FOR CONVEYING AN INTEREST IN REAL PROPERTY OWNED BY ALBEMARLE MENTAL HEALTH CENTER TO EAST CAROLINA BEHAVIORAL HEALTH. (Became law upon ratification, June 28, 2012 - S.L. 2012-113.)

H.B. 1197, AN ACT TO AUTHORIZE STOKES COUNTY TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE RECORDING DEEDS CONVEYING PROPERTY. (Became law upon ratification, June 28, 2012 - S.L. 2012-114.)

H.B. 1199, AN ACT AUTHORIZING THE TOWN OF LAKE LURE TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE. (Became law upon ratification, June 28, 2012 - S.L. 2012-115.)

H.B. 1202, AN ACT TO DEANNEX FROM THE CITY OF ROANOKE RAPIDS A PARCEL PREVIOUSLY ANNEXED BY A LEGISLATIVE ANNEXATION AND AMENDING THE AUTHORIZING LEGISLATION FOR THE HALIFAX-NORTHAMPTON REGIONAL AIRPORT AUTHORITY. (Became law upon ratification, June 28, 2012 - S.L. 2012- 116.)

H.B. 1206, AN ACT TO MORE ACCURATELY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF BUTNER. (Became law upon ratification, June 28, 2012 - S.L. 2012-117.)

H.B. 1216, AN ACT REMOVING CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN OF WALLACE. (Became law upon ratification, June 28, 2012 - S.L. 2012-118.)

June 29, 2012

H.B. 1217, AN ACT TO ADJUST THE BOUNDARIES OF THE TOWN OF WOODFIN AND THE CITY OF ASHEVILLE, AS REQUESTED BY THE GOVERNING BOARDS OF THOSE MUNICIPALITIES, BY (1) ANNEXING INTO THE CITY OF ASHEVILLE CERTAIN STATE-OWNED PROPERTY, (2) REMOVING CERTAIN STATE-OWNED PROPERTY FROM THE TOWN OF WOODFIN AND ANNEXING IT INTO THE CITY OF ASHEVILLE, (3) REMOVING CERTAIN STATE-OWNED AND PRIVATE PROPERTY FROM THE CITY OF ASHEVILLE AND ANNEXING IT INTO THE TOWN OF WOODFIN, AND (4) UPON PETITION OF THE OWNER AND WITH THE CONCURRENCE OF THE TOWN OF WOODFIN, ALLOWING THE CITY OF ASHEVILLE TO ANNEX CERTAIN PROPERTY IN THE TOWN OF WOODFIN THAT, AS A RESULT OF THE OPERATION OF THIS ACT, IS SURROUNDED BY THE CITY OF ASHEVILLE OR A COMBINATION OF THE CITY OF ASHEVILLE AND UNINCORPORATED AREA, AND PROVIDING FOR THE CITY OF ASHEVILLE AND THE TOWN OF WOODFIN TO ENTER INTO AGREEMENTS REGARDING THE PROVISION OF MUNICIPAL SERVICES TO CERTAIN PROPERTIES IN EACH OTHER'S JURISDICTION. (Became law upon ratification, June 28, 2012 - S.L. 2012-119.)

S.B. 443, AN ACT TO ELIMINATE THE NORTH CAROLINA STATE ART SOCIETY, INC., TO CREATE A DIRECTOR'S COMMITTEE TO HIRE AND SUPERVISE THE DIRECTOR OF THE NORTH CAROLINA MUSEUM OF ART, TO REMOVE THE NORTH CAROLINA CEMETERY COMMISSION FROM THE NORTH CAROLINA DEPARTMENT OF COMMERCE, TO ENDOW THE CEMETERY COMMISSION WITH POWERS SIMILAR TO OCCUPATIONAL LICENSING BOARDS, TO MODIFY THE TERM OF THE VETERINARY TECHNICIAN APPOINTEE TO THE VETERINARY MEDICAL BOARD, AND TO INCREASE THE LENGTH OF THE TERM OF THE GENERAL ASSEMBLY'S APPOINTEES TO THE GEOGRAPHIC INFORMATION COORDINATING COUNCIL. (Became law upon approval of the Governor, June 28, 2012 - S.L. 2012-120.)

H.B. 552, AN ACT TO CREATE THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, TO REMOVE THE ASHEVILLE REGIONAL AIRPORT AND THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE ZONING JURISDICTION OF THE CITY OF ASHEVILLE, TO REQUIRE THE CITY OF ASHEVILLE TO CONVEY TO THE STATE OF NORTH CAROLINA ANY OF ITS RIGHT, TITLE, AND INTEREST TO THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER, AND TO REMOVE THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER FROM THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE. (Became law upon ratification, June 28, 2012 - S.L. 2012-121.)

June 29, 2012

H.B. 956, AN ACT RELATING TO THE USE OF OPEN SPACE FUNDS FOR JOHNSTON COUNTY. (Became law upon ratification, June 28, 2012 - S.L. 2012-122.)

H.B. 1200, AN ACT TO AMEND THE PROVISIONS OF THE WINSTON-SALEM FIREMEN'S RETIREMENT FUND AND TO REPEAL THE PROVISIONS ESTABLISHING THE NEW BERN FIREMEN'S SUPPLEMENTAL RETIREMENT FUND. (Became law upon ratification, June 28, 2012 - S.L. 2012-123.)

H.B. 1169, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF BURGAW, AND CONCERNING COUNTY ZONING OF LOCAL DEANNEXED AREAS. (Became law upon ratification, June 29, 2012 - S.L. 2012-124.)

H.B. 1170, AN ACT TO AMEND THE PROCESS BY WHICH MEMBERS OF THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL ARE SELECTED; TO REMOVE THE REQUIREMENT THAT THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL LOCATE ONE OR MORE STORES IN THE TOWNS OF BURGAW AND ATKINSON; AND TO AMEND THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL. (Became law upon ratification, June 29, 2012 - S.L. 2012-125.)

H.B. 438, AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ENSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-126.)

H.B. 512, AN ACT TO AMEND THE LAWS GOVERNING RENDERING PLANTS AND OPERATIONS, TO REQUIRE CERTIFICATION OF GREASE OWNERSHIP BY COLLECTORS OF WASTE KITCHEN GREASE, AND TO CREATE CRIMINAL PENALTIES RELATED TO WASTE KITCHEN GREASE. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-127.)

S.B. 347, AN ACT RELATING TO REASONABLE SAFETY AND CONTAINMENT MEASURES FOR MANAGING PATIENTS PENDING INVOLUNTARY COMMITMENT PLACEMENT. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-128.)

June 29, 2012

S.B. 656, AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR PHYSICAL THERAPISTS UNDER THEIR HEALTH BENEFIT PLANS. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-129.)

S.B. 804, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-130.)

S.B. 815, AN ACT INITIATING REFORM OF THE WORKFORCE DEVELOPMENT LAWS OF NORTH CAROLINA, MODIFYING THE COMPOSITION OF THE NORTH CAROLINA COMMISSION ON WORKFORCE DEVELOPMENT, AND ESTABLISHING THE JOINT LEGISLATIVE WORKFORCE DEVELOPMENT SYSTEM REFORM COMMITTEE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-131.)

S.B. 94, AN ACT DELAYING THE EFFECTIVE DATE OF OPERATING STANDARDS SET BY THE 911 BOARD FOR PSAPS. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-132.)

H.B. 964, AN ACT TO CREATE THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM AND GOVERNING BOARD; AND TO PROVIDE THAT PRIVATE COLLEGES AND UNIVERSITIES, NONPUBLIC SCHOOLS, AND THE NORTH CAROLINA INDEPENDENT COLLEGES AND UNIVERSITIES ARE NOT LIABLE FOR A BREACH OF CONFIDENTIALITY CAUSED BY THE ACT OR OMISSION OF A STATE AGENCY, LOCAL SCHOOL ADMINISTRATIVE UNIT, COMMUNITY COLLEGE, OR CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-133.)

S.B. 828, AN ACT TO MAKE CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS. (Became law upon approval of the Governor, June 29, 2012 - S.L. 2012-134.)

Upon motion of Senator Harrington, seconded by Senator Hise, the Senate adjourns at 10:12 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Monday, July 2, at 11:00 a.m.

June 29, 2012

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. 1234, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 11393, which changes the title to read **H.B. 1234** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 29, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 187** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, and requests conferees.

Speaker Tillis appoints:

Representative Brubaker, Chair
Representative Dollar
Representative Crawford
Representative Gillespie
Representative Johnson, and
Representative Lewis

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

June 29, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 29, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 191** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, and requests conferees.

Speaker Tillis appoints:

Representative Dollar, Chair
Representative Burr
Representative Brisson, and
Representative Steen

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
June 28, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 707** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT

June 29, 2012

CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, and requests conferees.

Speaker Tillis appoints:

Representative Stevens, Chair
Representative Glazier
Representative Ingle, and
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

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Governor:

H.B. 853, AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION.

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. 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

June 29, 2012

WITH CHILD CUSTODY AND VISITATION ORDERS, 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 30669, which changes the title to read **H.B. 494** (Senate Committee Substitute), 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, is adopted and engrossed.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 141 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for concurrence in the House Committee Substitute bill No. 2 and House Amendments No. 2 and No. 3.

The House Committee Substitute bill No. 2, with unengrossed amendments, is placed on the calendar for Monday, July 2.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF

June 29, 2012

A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, for concurrence in the House Committee Substitute bill and House Amendments No. 1 and No. 2.

The House Committee Substitute bill, with unengrossed Amendments No. 1 and No. 2, is placed on the calendar for Monday, July 2.

H.B. 889 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT AND AUTHORIZING THE NORTH CAROLINA LOCKSMITH LICENSING BOARD TO INCREASE CERTAIN FEES.

Referred to the **Finance Committee**.

H.B. 1077 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROJECT FOR TOLLING THE I-77 HIGH OCCUPANCY TOLL PROJECT.

Referred to the **Finance Committee**.

H.B. 1179 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY AND THE RIVERSIDE GOLF COURSE PROPERTY AND TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE OPTIONS FOR THE DISPOSITION OF THE PROPERTIES.

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

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 416, "An Act to Amend Death Penalty Procedures."

As long as I am Governor, I will fight to make sure the death penalty stays on the books in North Carolina. But it has to be carried out fairly – free of prejudice.

Three years ago, North Carolina took steps to achieve this result by passing the Racial Justice Act. In response to the enactment of this historic law, our State has rightfully received national acclaim for taking a positive and long overdue step to make sure racism does not infect the way the death penalty is administered.

June 29, 2012

Last year, Republicans in the General Assembly tried – and failed – to take North Carolina backwards by passing a bill that would have undone the Racial Justice Act. This year’s Senate Bill 416 is not a “compromise bill;” it guts the Racial Justice Act and renders it meaningless.

Several months ago, a North Carolina superior court judge ruling on a claim brought under the Racial Justice Act determined that racial discrimination occurred in death penalty trials across the State over a multi-year period. The judge’s findings should trouble everyone who is committed to a justice system based on fairness, integrity, and equal protection under the law. Faced with these findings, the Republican majority in the General Assembly could have tried to strengthen our efforts to fix the flaws in our system. Instead, they chose to turn a blind eye to the problem and eviscerate the Racial Justice Act. Willfully ignoring the pernicious effects of discrimination will not make those problems go away.

It is simply unacceptable for racial prejudice to play a role in the imposition of the death penalty in North Carolina.

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 29th day of June, 2012, at 2:22 p.m. for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is placed on the calendar for Monday, July 2, for reconsideration upon the Governor’s veto.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 1215 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

Pursuant to the message from the House of Representatives received Thursday, June 28, that the House fails to concur in the Senate Committee Substitute bill for H.B. 1215 and requests conferees, Senator Phil Berger, President *Pro Tempore*, appoints Senator Apodaca, Chair; Senator Brown and Senator Brunstetter as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

June 29, 2012

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

ONE HUNDRED AND THIRTY-SEVENTH DAY

Senate Chamber
Monday, July 2, 2012

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, as we come before you, we're thankful; we're grateful. We are most grateful because you have given us another day and you have clothed us in our right minds and given us bodies. We do not have to come to you sophisticated, but we can come to you just as we are. Even our personal skepticism, our frailty, and our needs – they're the very things that you love about us. And so today we come again into this chamber before you, before one another, and as we gather stamina for this day – as we gather strength – we're so very thankful that you know everything that stirs inside our souls and that walks through the corridors of our minds. You know everything that falls from our trembling lips. Hear us as we come to you and call upon you for help. Turn your face to us, and give us strength, and give us peace. Give us grace, and give us reassurance. Hear us today, Lord Jesus, Amen.”

The Chair grants leaves of absence for today to Senator Atwater, Senator Clodfelter, Senator Dannelly, Senator Garrou, Senator Jenkins, Senator Mansfield, Senator Robinson, and Senator Walters.

Senator Apodaca announces that the Senate Journal of Friday, June 29, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the 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.

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:

July 2, 2012

H.B. 237, AN ACT PROVIDING THAT THE NORTH CAROLINA RATE BUREAU SHARE WITH THE NORTH CAROLINA INDUSTRIAL COMMISSION INFORMATION ON THE STATUS OF WORKERS' COMPENSATION INSURANCE COVERAGE ON EMPLOYERS IN THIS STATE AND MAKING CLARIFYING, CONFORMING, AND OTHER CHANGES RELATING TO THE WORKERS' COMPENSATION LAWS OF NORTH CAROLINA. (Became law upon approval of the Governor, July 1, 2012 - S.L. 2012-135.)

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 820, "Clean Energy and Economic Security Act."

I support hydraulic fracturing, or "fracking" for natural gas, because I believe it can and should be part of a comprehensive mix of energy sources that will create jobs, reduce costs for businesses and families, and keep our economy growing. Before we "frack," however, we need strong safeguards in place that are specifically adapted to conditions in North Carolina.

This bill does not do enough to ensure that adequate protections for our drinking water, landowners, county and municipal governments, and the health and safety of our families will be in place before fracking begins. I urged the sponsors of the bill to adopt a few changes to ensure that strong protections would be in place before any fracking would occur.

The General Assembly was unwilling to adopt the changes I suggested. Therefore, I must veto the bill. Our drinking water and the health and safety of North Carolina's families are too important; we can't put them in jeopardy by rushing to allow fracking without proper safeguards.

I urge the General Assembly to continue working on this important issue. If they improve the bill to strengthen the protections for North Carolina families, I will sign it into law.

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 1st day of July, 2012, at 3:11 p.m. for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is placed on today's calendar for reconsideration upon the Governor's veto.

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SENATE PAGES

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

Julia Chavis, Raleigh; Elliott Honeycutt III, Raleigh; Emma Jones, Fayetteville; Olivia Jones, Fayetteville; Matthew Mengert, Greensboro; and Morgan Welge, Chapel Hill.

CALENDAR

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

S.B. 399 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY CERTAIN ISSUES PERTAINING TO THE ECOSYSTEM ENHANCEMENT PROGRAM, 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 referred to the **Rules and Operations of the Senate Committee**.

S.B. 433 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES AND TO STRENGTHEN THE LOCAL PUBLIC HEALTH INFRASTRUCTURE BY ESTABLISHING A PUBLIC HEALTH IMPROVEMENT INCENTIVE PROGRAM AND ASSURING THE PROVISION OF THE TEN ESSENTIAL PUBLIC HEALTH SERVICES, 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 referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

H.B. 54 (Senate Committee Substitute), 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 **Appropriations/Base Budget Committee** on May 23.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the **Appropriations/Base Budget Committee** and placed on today's calendar, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill withdrawn from the **Appropriations/Base Budget Committee** and placed on today's calendar.

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CALENDAR (*continued*)

H.B. 690 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING DISPOSITION OF BLOOD EVIDENCE, ADMISSIBILITY OF REPORTS AFTER NOTICE AND DEMAND, AND EXPUNCTION OF DNA SAMPLES TAKEN UPON ARREST, AND TO CHANGE THE METHOD FOR DETERMINING THE SENIOR RESIDENT SUPERIOR COURT JUDGE FOR A DISTRICT, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and is referred to the **Rules and Operations of the Senate Committee**.

H.B. 494 (Senate Committee Substitute), 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, upon second reading.

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.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (40-2) 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.

H.B. 1234 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, upon second reading.

Senator Apodaca offers Amendment No. 1 which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second reading (42-0).

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Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the President orders the Senate Committee Substitute bill, as amended, placed on the calendar for Tuesday, July 3, upon third reading.

S.B. 141 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for concurrence in the House Committee Substitute bill No. 2 and House Amendments No. 2 and No. 3.

With unanimous consent, upon motion of Senator Apodaca, the House Committee Substitute bill No. 2, with unengrossed amendments, is displaced to the end of today's calendar.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, for concurrence in the House Committee Substitute bill and House Amendments No. 1 and No. 2.

With unanimous consent, upon motion of Senator Nesbitt, the House Committee Substitute bill, with unengrossed amendments, is displaced to the end of today's calendar.

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S.R. 957, A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is adopted (42-0).

S.B. 229 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE

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IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for adoption.

With unanimous consent, upon motion of Senator East, the Conference Committee Substitute bill is placed on today's supplemental calendar.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 203 (Senate Committee Substitute), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE

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AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED.

Pursuant to the message from the House of Representatives received Thursday, June 28, that the House fails to concur in the Senate Committee Substitute bill for H.B. 203 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Tucker, Chair; Senator Apodaca, Senator McKissick, and Senator Newton as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

CALENDAR (*continued*)

S.B. 416, (Ratified) AN ACT TO AMEND DEATH PENALTY PROCEDURES, for reconsideration upon the Governor's veto.

With unanimous consent, upon motion of Senator Apodaca, the bill is placed on today's supplemental calendar.

S.B. 820, (Ratified) AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, for reconsideration upon the Governor's veto.

With unanimous consent, upon motion of Senator Apodaca, the bill is placed on today's supplemental calendar.

H.B. 54 (Senate Committee Substitute), 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, upon second reading.

With unanimous consent, upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

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S.B. 141 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, displaced earlier today, for concurrence in the House Committee Substitute bill No. 2 and House Amendments No. 2 and No. 3.

With unanimous consent, upon motion of Senator Apodaca, the House Committee Substitute bill No. 2, with unengrossed amendments, is placed on today's supplemental calendar.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, displaced earlier today, for concurrence in the House Committee Substitute bill and House Amendments No. 1 and No. 2.

With unanimous consent, upon motion of Senator Apodaca, the House Committee Substitute bill, with unengrossed amendments, is placed on today's supplemental calendar.

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The Senate recesses at 11:40 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 12:30 p.m.

RECESS

DISMISSAL OF CONFEREES

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

Senator Phil Berger, President *Pro Tempore*, announces that the Senate Conferees appointed on June 28 to resolve the differences in the House Committee Substitute bill are hereby dismissed.

A message is ordered sent to the House of Representatives informing that honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

This is to inform your Honorable Body that **H.B. 950** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, was returned to the House of Representatives on June 29, 2012, with the attached veto message.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

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SUPPLEMENTAL CALENDAR

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

H.B. 54 (Senate Committee Substitute), 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, upon second reading.

With unanimous consent, upon motion of Senator Apodaca, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1234 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, upon third reading.

Senator Apodaca withdraws his objection to third reading.

With unanimous consent, upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is temporarily displaced.

CONFERENCE REPORT

Senator Hise, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 244** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL, THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL, AND KESTREL HEIGHTS SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 244, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STERLING MONTESSORI ACADEMY AND CHARTER SCHOOL, THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL, AND KESTREL HEIGHTS SCHOOL TO ELECT TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, Senate Insurance Committee Substitute Adopted 6/6/12 Fourth Edition Engrossed 6/7/12, submit the following report:

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The House concurs in Senate Insurance Committee Substitute Adopted 6/6/12, Fourth Edition Engrossed 6/7/12, and the House and the Senate agree to the following amendments:

on page 1, lines 3-4, by rewriting the lines to read:

“SCHOOL AND THE CASA ESPERANZA MONTESSORI CHARTER SCHOOL TO ELECT TO PARTICIPATE IN THE STATE”;

on page 1, lines 11-12, by rewriting the lines to read:

“Morrisville, North Carolina, and (ii) the Casa Esperanza Montessori Charter School, located in Raleigh, North Carolina.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Ralph Hise, Chair	S/Tom Murry, Chair
S/Tom Apodaca	S/Jerry C. Dockham
S/Rick Gunn	S/Michael H. Wray

Upon motion of Senator Apodaca, the Conference Report is placed on today's supplemental calendar for adoption.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 141 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for concurrence in the House Committee Substitute bill No. 2 and House Amendments No. 2 and No. 3.

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Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute No. 2 and House Amendments No. 2 and No. 3 (41-1) which changes the title to read **S.B. 141** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION AND FOR CERTAIN FORENSIC SCIENTISTS TO OBTAIN CERTIFICATION, the bill is ordered enrolled and sent to the Governor by special message.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, for concurrence in the House Committee Substitute bill and House Amendments No. 1 and No. 2.

The Senate fails to concur in the House Committee Substitute bill (0-42).

Senator Nesbitt offers a motion that the Senate appoint conferees, which motion prevails.

S.B. 229 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO

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STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING

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WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for adoption.

With unanimous consent, upon motion of Senator East, the Conference Committee Substitute bill is removed from today's supplemental calendar.

S.B. 416, (Ratified) AN ACT TO AMEND DEATH PENALTY PROCEDURES, for reconsideration upon the Governor's veto.

Senator Newton offers a motion that S.B. 416 become law notwithstanding the objections of the Governor. The motion prevails (31-11) 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, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

Voting in the negative: Senators D. Berger, Blue, Graham, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Stein, Vaughan and White---11.

Pursuant to Article II, Section 22(1) of the North Carolina Constitution, the bill, together with the objections and veto message, is ordered sent to the House of Representatives by special message.

S.B. 820, (Ratified) AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND

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HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, for reconsideration upon the Governor's veto.

Senator Rucho offers a motion that S.B. 820 become law notwithstanding the objections of the Governor. The motion prevails (29-13) 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, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Tillman, Tucker and Westmoreland---29.

Voting in the negative: Senators D. Berger, Blue, Graham, Hunt, Jones, Kinnaird, McKissick, Nesbitt, Purcell, Stein, Stevens, Vaughan and White---13.

Pursuant to Article II, Section 22(1) of the North Carolina Constitution, the bill, together with the objections and veto message, is ordered sent to the House of Representatives by special message.

H.B. 54 (Senate Committee Substitute), 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, displaced earlier today, upon second reading.

With unanimous consent, upon motion of Senator Apodaca, the Senate Committee Substitute bill is temporarily displaced.

H.B. 1234 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, displaced earlier today, upon third reading.

Senator Apodaca offers Amendment No. 2.

With unanimous consent, upon motion of Senator Apodaca, the Senate Committee Substitute bill, as amended, is temporarily displaced with Amendment No. 2 pending.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF

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A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 910 earlier today and the motion by Senator Nesbitt to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Brunstetter, Chair; Senator Hunt, Senator Nesbitt, and Senator Stevens as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

PERSONAL PRIVILEGE

Upon motion of Senator Tillman, the remarks of the members who rise for a point of personal privilege to speak on retiring members are spread upon the Journal as follows:

Senator Brown:

“Jean Preston is going to be leaving us after this session, and I’ve known Jean a long time. She represented Onslow County at one time, and I can just tell you, I’ve never in my life seen any legislator that worked like Jean Preston did. I think all of us know that her heart is in education, and she’s an eastern North Carolina girl; she grew up in Greene County and went to East Carolina University and has worked in education. A lot of you don’t know that Jean has been named as an Outstanding Elementary Teacher of America, an Outstanding Exceptional Education Teacher, and Outstanding Young Woman of America – named one of one hundred incredible East Carolina University women. She received the Excellence in Education Red Apple Award, the North Carolina Association of School Administration Award, the Covenant for North Carolina Children Award, the Agriculture Education Award, Community Colleges Faculty Award, the School Counselor’s Award, and the Gifted and Talented Education Award. So you see where her heart has been, it’s been in education. When Jean decided to run for the Senate, we spent a lot of time together. And you know, Jean is a worrier; she just worried herself to death about every election. And of course, I don’t think she has ever gotten less than 60 percent of the vote any time she has run. I have never in my life seen anybody work a district like Jean Preston does. She goes to more events, is at more activities than anybody I’ve ever seen, and I can tell you that Craven, Pamlico, and Carteret Counties are going to surely miss Jean Preston. I know I am. She was my seat mate last term, and, Jean, I’m just going to tell you, I’m going to truly miss you.”

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Senator Kinnaird:

“I would like to also speak about Jean Preston, whom I have enjoyed very much. We had a wonderful talk last year about this time, and just so much that I was amazed at what you had done. You are a quiet type, and you don’t speak much about your accomplishments or other things. It’s been very special to me because when I came in, maybe sixteen years ago, there were seven women in this body – and to lose yet another woman, because you heard what her accomplishments were. She brings a special perspective and advocacy that we are going to very much miss. And I’m going to miss her for one other reason. We have had, for sixteen years, various bills on fishing – fisheries, fisher people, environmental people – and I have no idea what any of it’s about. So every once in a while, something would come up, and I would go to Jean, and I would say, ‘What on earth do I do about this, whose side should I be on?’ So I’m going to miss you in more than one way, and I hope you have a wonderful future.”

Senator Blue:

“I couldn’t let the moment go by without saying some comments about Senator Preston as well. I remember when she first came to the legislature in the House. In her first term, I appointed her to various committees because she displayed such a passionate feeling about education, and she never let me down in her advocacy for improving education in this state for all of the kids in this state – her concern about the teaching profession, but not just the teaching profession, but all of the different aspects of education. I served with her for, I guess, over ten years in the House, and during that entire tenure, she did an incredible job. I remember telling her when she decided to run for the Senate, she probably made one of the biggest mistakes in her life – just to show you how wise I was at that time. Of the many people that I’ve served with during my tenure in this General Assembly, Jean Preston is one of the most pleasant, one of the most committed, and, I think, one of the most effective. I’ll certainly miss her – her quiet, easy way, but her insistent way, of trying to advocate for those things that are not only important to her, but for all the people in North Carolina.”

Senator McKissick:

“I would like to also say, Senator Preston, you have been a remarkable person. I’ve always enjoyed the conversations we’ve had about what goes on in Coastal North Carolina and your connectedness to the people within your district, but to all the issues that affect our coastal communities, and you’ve provided such tremendous leadership on those issues as well as the area of education. I’ve always respected your knowledge, your purview, the things that you’ve brought to the table. You did it in such a very positive way, so everything about the way you’ve conducted yourself has established a standard, I think, that many others in this chamber aspire to. So I commend you on your service. And of course, Senator Purcell, I’m going to miss you in a very significant way as well – when it comes to the issues related to health and medicine and all of the things about the quality of our life that deals with our

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environment from a medical perspective. Senator Purcell has always been one of those champions who I can go to, who I can seek insight from and could share with me his thoughts and perspectives – regardless of the issues – related to smoking and public smoking in North Carolina and where it ought to be located, or issues related to carbon monoxide poisoning, you name it, whether children should be wearing helmets on their all-terrain vehicles. Senator Purcell, you’ve done such a great job. I want to thank you for all that you have brought to this chamber and for the friendship that you have shared as well. And of course, Senator Harris Blake, you are one of those people who, as a gentleman in this chamber, has established a very high standard for how one can conduct themselves, and someone who is always thoughtful, compassionate, jovial, someone who is on the other side of the aisle who’s not afraid, on appropriate occasions, to reach over to the other side – and that we need a lot more of. For all of you retiring members who will not be coming back, particularly for those of you that are here with us at this point in time, I thank you for your tremendous service to this state. I know that you and the members of your families will be happy to see you come back home, but at the same time we are going to miss all of your wisdom, insight, and knowledge that all of us have gained from you during your service. I can’t forget Senator Stevens over there because, Senator Stevens, you bring that knowledge of local government and perspective that I think is very rare for members of this chamber – as someone who has served on city council and government. I can think of so many occasions when I wanted to get another alternative perspective on things – which I was always able to reach out to you as it dealt with issues particularly impacting local government of this state and dealing with our budget and your leadership and service on the board of Governors and your thoughts and perspective when it came to higher education. So Senator Stevens, another giant – someone whose talents will be sorely missed.”

Lt. Governor Dalton:

“Let’s include Senator Vaughn in those comments also.”

Senator Bingham:

“I wanted to at least rise and speak to some of the Senators that will be leaving, and I’ll start with Jean. Jean has become a seat mate of mine. I didn’t know her very well; until having to sit beside someone, you get to know them very well. She has been all that everyone has described. She’s been very pleasant and courteous and wonderful to work with, and I didn’t realize how much I did appreciate her until I had Senator McKissick sitting beside me, and then I really found out that I had a charm in having her because I didn’t get an opportunity to say much when I had Senator McKissick by my side. Senator Vaughan, I can’t thank you enough. I don’t know how many of you do or don’t know, but Senator Vaughan has helped me with a gentlemen in Davidson County. His name was Fred Sink. He was a former U.S. Marshal and a Sheriff for Davidson County, and he ended up with a misdemeanor over a toilet flapper. And he [Senator Vaughn] has made numerous trips with me to see the Governor on a pardon, and, Senator Vaughan, I know you didn’t have to do that. He did

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this *pro bono*, and I greatly, and the family greatly, appreciates what you've done. I consider you a dear friend and always will; I truly mean that. Senator Stevens, we all know the mathematical calculator is going to be dramatically missed. I don't know how he keeps up with the numbers and things he does, but if you sit beside him, you may think you're smart, but you won't be here long, and you'll realize that you don't know a whole lot because he would be given the budget one day before or the night before, and then the next morning we would come in, and I would say, 'did you hear anything about so and so?' and he would say, 'yeah, on page 462, item 27.2, there was a three and a half million dollar appropriation by so and so.' I mean, it's incredible. I don't know how he gets all these things and keeps all these things in his mind. Senator Stevens, you have been truly a friend and an asset to this body and, in fact, an asset to this state, and we will dramatically miss you. I mean that; we truly will. And there are some others that will be leaving, I don't recall who all, but I consider this the finest bunch of folks that I'll ever have the opportunity to work with. I've had a lot of pleasure and humor and fun, and thank God I'm in the Senate rather than the House. God bless all of you."

BILL TRANSMISSION

Upon the motion of Senator Apodaca, without objection, all conference reports, committee reports, and bills for concurrence received from the House of Representatives will be placed on today's supplemental calendar.

The Senate recesses at 1:42 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 4:00 p.m.

RECESS

S.B. 229 (Conference Committee Substitute), AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND

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PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR

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VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

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

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 382 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 382 on Thursday, June 28, and the motion by Senator Apodaca to appoint conferees having prevailed, Senator Phil Berger, President *Pro Tempore*, appoints Senator Tillman, Chair; Senator Apodaca, and Senator Hartsell as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

CONFERENCE REPORT

Senator Tucker, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 707** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, 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 707, A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, House Committee Substitute Favorable 6/13/12 Fourth Edition Engrossed 6/19/12, submit the following report:

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The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/13/12, Fourth Edition Engrossed 6/19/12, as amended:

On page 3, line 39, by deleting the words “a new subsection” and substituting the words “new subsections”, and

On page 3, between lines 39 and 40, by inserting the following:

“(b1) Approval by District Attorney; school personnel. – Notwithstanding any other provision of law, no warrant for arrest, order for arrest, criminal summons, or other criminal process shall be issued by a magistrate against a school employee, as defined in G.S. 14-33(c)(6), for an offense that occurred while the school employee was in the process of discharging his or her duties of employment, without the prior written approval of the district attorney or the district attorney’s designee. For purposes of this subsection, the term “district attorney” means the person elected to the office of district attorney. This subsection does not apply if the offense is a traffic offense or if the offense occurred in the presence of a sworn law enforcement officer. The district attorney may decline to accept the authority set forth in this subsection; in such case, the procedure and review authority shall be as set forth in subsection (b2) of this section.”

And on page 3, line 40, by rewriting the line to read:

“(b2) Magistrate review; school personnel. – A district attorney may decline the authority provided under subsection (b1) of this section by transmitting a letter so indicating to the chief district court judge. Upon receipt of a letter from the district attorney declining the authority provided in subsection (b1) of this section, the chief district court judge shall appoint a magistrate or”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tommy Tucker, Chair	S/Sarah Stevens, Chair
S/E. S. (Buck) Newton	S/Rick Glazier
S/Ralph Hise	S/Dan W. Ingle
S/Jerry W. Tillman	S/Grier Martin

Upon motion of Senator Apodaca, the Conference Report is placed on today’s supplemental calendar for adoption.

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CONFERENCE REPORT

Senator Tucker, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 525** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, 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 525, A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, House Committee Substitute Favorable 6/13/12, submit the following report:

The Senate and House agree to the following amendment, and the Senate concurs in the House Committee Substitute Favorable 6/13/12, as amended:

On page 1, lines 18-19, by rewriting the lines to read:

“two of the following listed services within an age and disability-specific continuum.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tommy Tucker, Chair	S/Nelson Dollar, Chair
S/Louis Pate	S/Fred F. Steen, II
S/Ralph Hise	S/Pat B. Hurley
S/William D. Brisson	

Upon motion of Senator Apodaca, the Conference Report is placed on today's supplemental calendar for adoption.

INTRODUCTION OF A RESOLUTION

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

By Senator Apodaca:

S.J.R. 961, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

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

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 910** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, and requests conferees.

Speaker Tillis appoints:

Representative Stevens, Chair
Representative Burr
Representative Glazier, and
Representative Stam

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 2, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 382** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, and requests conferees.

Speaker Tillis appoints:

Representative T. Moore, Chair
Representative Stam
Representative Brisson
Representative R. Moore
Representative Holloway
Representative LaRoque, and
Representative Blust

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS

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

H.B. 320, AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN WATER RESOURCES PROJECTS.

H.B. 457, 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.

July 2, 2012

H.B. 1023, AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION.

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

H.B. 278, AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, AND THE CITY OF RALEIGH, AND TO AUTHORIZE THE CITY OF KINSTON TO DELEGATE TO THE CITY MANAGER OR AN APPOINTED BOARD THE POWER TO GRANT, RENEW, EXTEND, AMEND, REVOKE, OR SUSPEND A TAXICAB FRANCHISE.

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

S.B. 141, AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION AND FOR CERTAIN FORENSIC SCIENTISTS TO OBTAIN CERTIFICATION.

July 2, 2012

H.B. 572, AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING.

H.B. 799, AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES.

H.B. 914, 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.

H.B. 1173, AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT.

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

S.B. 876, AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS.

H.B. 180, AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.J.R. 961, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, with a favorable report.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's supplemental calendar.

H.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS, with a favorable report.

Upon motion of Senator Apodaca, 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.

July 2, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **S.B. 416**, AN ACT TO AMEND DEATH PENALTY PROCEDURES, notwithstanding the objections of the Governor and the bill becomes law.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 227 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill and unengrossed Amendment No. 1.

Upon motion of Senator Apodaca, the House Committee Substitute bill, with unengrossed Amendment No. 1, is placed on today's supplemental calendar.

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FERRY TOLLS AND JUVENILE JUSTICE REFORMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed on today's supplemental calendar.

H.J.R. 1233, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KINSTON.

Upon the motion of Senator Apodaca, the Joint Resolution is placed on today's supplemental calendar for immediate consideration.

July 2, 2012

SUPPLEMENTAL CALENDAR *(continued)*

H.J.R. 1233, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KINSTON, upon second reading.

The Joint Resolution passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 54 (Senate Committee Substitute), 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, displaced earlier today, upon second reading.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

H.B. 1234 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS, displaced earlier today, with Amendment No. 2 pending, upon third reading.

Senator Apodaca's proposed Amendment No. 2 is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its third reading (42-0) and is ordered sent, with unengrossed amendments, to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and unengrossed Senate Amendments No. 1 and No. 2.

S.B. 525 (Conference Report), A BILL TO BE ENTITLED AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES, for adoption.

Upon motion of Senator Tucker, the Senate adopts the Conference Report (42-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 707 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY, for adoption.

Upon motion of Senator Tucker, the Senate adopts the Conference Report (42-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

July 2, 2012

H.B. 244 (Conference Report), 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN, for adoption.

Without objection, Senator Brunstetter requests to be excused from voting on the Conference Report due to a conflict of interest.

Upon motion of Senator Hise, the Senate adopts the Conference Report (41-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 227 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

With unanimous consent, the Chair orders the House Committee Substitute bill temporarily displaced.

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FERRY TOLLS AND JUVENILE JUSTICE REFORMS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from today's supplemental calendar and is referred to the **Rules and Operations of the Senate Committee**.

S.J.R. 961, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY, upon second reading.

The Joint Resolution passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

H.B. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS, upon second reading.

The Committee Substitute bill passes its second reading (41-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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The Senate recesses at 4:41 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 9:30 p.m.

RECESS

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. 416, AN ACT TO AMEND DEATH PENALTY PROCEDURES. (Became law after veto by the Governor overridden, July 2, 2012 - S.L. 2012-136.)

S.B. 876, AN ACT TO REMOVE A CERTAIN DESCRIBED TRACT FROM THE CORPORATE LIMITS OF THE TOWN OF MOORESVILLE AT THE REQUEST OF THE TOWN BOARD OF COMMISSIONERS. (Became law upon ratification, July 2, 2012 - S.L. 2012-137.)

H.B. 180, AN ACT TO VOLUNTARILY ANNEX CERTAIN DESCRIBED AREAS TO THE CORPORATE LIMITS OF THE CITY OF WILMINGTON. (Became law upon ratification, July 2, 2012 - S.L. 2012-138.)

H.B. 278, AN ACT TO BROADEN THE EXCEPTION TO THE PUBLIC RECORDS ACT FOR IDENTIFYING INFORMATION OF MINORS PARTICIPATING IN LOCAL GOVERNMENT PARKS AND RECREATION PROGRAMS TO INCLUDE ALL LOCAL GOVERNMENT PROGRAMS AND ALSO TO PROTECT E-MAIL ADDRESSES OF MINORS IN SUCH PROGRAMS IN THE TOWNS OF APEX, CARY, FUQUAY-VARINA, GARNER, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, ROLESVILLE, WAKE FOREST, WENDELL, AND ZEBULON, AND THE CITY OF RALEIGH, AND TO AUTHORIZE THE CITY OF KINSTON TO DELEGATE TO THE CITY MANAGER OR AN APPOINTED BOARD THE POWER TO GRANT, RENEW, EXTEND, AMEND, REVOKE, OR SUSPEND A TAXICAB FRANCHISE. (Became law upon ratification, July 2, 2012 - S.L. 2012-139.)

CONFERENCE REPORT

Senator Tucker, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 203** (Senate Committee Substitute), 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; TO MAKE IT A CLASS I

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FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, Senate Rules and Operations of the Senate Committee Substitute Adopted 6/7/12 Third Edition Engrossed 6/27/12, submit the following report:

The House and Senate agree to the following amendments to the Senate Rules and Operations of the Senate Committee Substitute Adopted 6/7/12 Third Edition Engrossed 6/27/12, and the House concurs in the Senate Rules and Operations of the Senate Committee Substitute as amended:

On page 3, line 49 through page 4, line 39, by rewriting the lines to read:

“**SECTION 4.** Article 20 of Chapter 14 of the General Statutes is amended by adding a new section to read as follows:

“**§ 14-118.6. Filing false lien or encumbrance.**

(a) It shall be unlawful for any person to present for filing in a public record or a private record generally available to the public a false lien or encumbrance against the real or personal property of a public officer or public employee on account of the performance of the public officer or public employee’s official duties, knowing or having reason to know that the lien or encumbrance is false or contains a materially false, fictitious, or fraudulent statement or representation. Any person who violates this subsection shall be guilty of a Class I felony.

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(b) In the case of a lien or encumbrance presented to the register of deeds for filing, if the register of deeds has a reasonable suspicion that the lien or encumbrance is false, the register of deeds may refuse to file the lien or encumbrance. Neither the register of deeds nor any other entity shall be liable for filing or refusing to file a lien or encumbrance under this section. If the filing of the lien or encumbrance is denied, the register of deeds shall allow the filing of a Notice of Denied Lien or Encumbrance Filing on a form adopted by the Secretary of State. The Notice of Denied Lien or Encumbrance Filing shall not itself constitute a lien or encumbrance. If the filing of the lien or encumbrance is denied, any interested person may file a special proceeding in the county where the filing was denied within ten (10) business days of the filing of the Notice of Denied Lien or Encumbrance Filing asking the court to find that the proposed filing has a statutory or contractual basis and to order that the document be filed. If, after hearing, upon a minimum of five (5) days' notice and opportunity to be heard to all interested persons and all persons claiming an ownership interest in the property, the court finds that there is a statutory or contractual basis for the proposed filing, the court shall order the document filed. A lien or encumbrance filed upon order of the court under this subsection shall have a priority interest as of the time of the filing of the Notice of Denied Lien or Encumbrance Filing. If the court finds that there is no statutory or contractual basis for the proposed filing, the court shall order that the proposed filing is null and void and that it shall not be filed, indexed, or recorded and a copy of that order shall be filed by the register of deeds that originally denied the filing. The review by the judge under this subsection shall not be deemed a finding as to any underlying claim of the parties involved. If a special proceeding is not filed under this subsection within ten (10) business days of the filing of the Notice of Denied Lien or Encumbrance Filing, the lien or encumbrance is deemed null and void.

(c) Upon being presented with an order duly issued by a court of this State declaring that a filed lien or encumbrance is false, and therefore null and void, the register of deeds that received the filing, in addition to filing the order, shall conspicuously mark on the first page of the original record previously filed the following statement: "THE CLAIM ASSERTED IN THIS DOCUMENT IS FALSE AND IS NOT PROVIDED FOR BY THE GENERAL LAWS OF THIS STATE."

(d) In addition to any criminal penalties provided for in this section, a violation of this section shall constitute a violation of G.S. 75-1.1.

(e) Subsections (b) and (c) of this section shall not apply to filings under Article 9 of Chapter 25 of the General Statutes or under Chapter 44A of the General Statutes."; and

on page 5, lines 17 and 18, by inserting the following new bill section between the lines to read:

"SECTION 6.1. G.S. 44A-12.1(c) reads as rewritten:

"(c) Any person who causes or attempts to cause a claim of lien on real

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property or other document to be filed, knowing that the filing is not authorized by statute, or with the intent that the filing is made for an improper purpose such as to hinder, harass, or otherwise wrongfully interfere with any person, shall be guilty of a ~~Class 1 misdemeanor~~. Class I felony.”^{cc}.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tommy Tucker, Chair	S/James W. Crawford, Jr., Chair
S/Tom Apodaca	S/Shirley B. Randleman
S/E. S. (Buck) Newton	S/Paul Stam
S/Floyd B. McKissick, Jr.	S/Pat McElraft

Upon motion of Senator Apodaca, the Conference Report is placed on today's supplemental calendar for adoption.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 244** (Conference Report), 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 2, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

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. 191** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

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. 525**, AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

July 2, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

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. 707** (Conference Report), A BILL TO BE ENTITLED AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

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. 54** (Senate Committee Substitute), 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, and requests conferees.

July 2, 2012

Speaker Tillis has appointed:

Representative Crawford, Chair
Representative Stam
Representative Lewis, and
Representative Ingle

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 203** (Conference Report), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 2, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **H.B. 585** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, and requests conferees.

Speaker Tillis appoints:

Representative Daughtry, Chair
Representative Boles
Representative Randleman
Representative Spear, and
Representative Starnes

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

EXECUTIVE ORDER

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

Executive Order No. 121, Emergency Relief for States Impacted by Severe Weather.

July 2, 2012

WITHDRAWAL FROM COMMITTEE

S.R. 959, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE DESIGNATION OF AN ANNUAL WELCOME HOME VIETNAM VETERANS DAY, referred to the **Rules and Operations of the Senate Committee** on June 25.

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

The Chair orders the resolution withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's supplemental calendar.

ENROLLED BILLS AND A RESOLUTION

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

S.B. 525, AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES.

H.B. 244, 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN.

H.B. 494, 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.

H.B. 837, 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 2015.

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

H.B. 994, AN ACT TO PERMIT THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS.

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H.B. 1234, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS.

H.J.R. 1233, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE CITY OF KINSTON. (Res. 11)

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 Jones.

SUPPLEMENTAL CALENDAR *(continued)*

S.B. 227 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES, displaced earlier today, for concurrence in the House Committee Substitute bill and House Amendment No. 1.

Upon motion of Senator Pate, the Senate concurs in the House Committee Substitute bill and unengrossed House Amendment No. 1 (40-0) and the bill is ordered enrolled and sent to the Governor by special message.

CONFERENCE REPORT

Senator Rouzer, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 819** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 819, A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/12 Fourth Edition Engrossed 6/12/12, submit the following report:

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The House and Senate agree to the following amendment to the Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/12 Fourth Edition Engrossed 6/12/12, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H819-PCCS80412-SB-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/David Rouzer, Chair	S/Pat McElraft, Chair
S/Jean Preston	S/Ruth Samuelson
S/Harry Brown	S/Timothy L. Spear
S/Thom Goolsby	S/Mike Hager
S/Stan White	S/Frank Iler

The text of the attached Proposed Conference Committee Substitute, H819-PCCS80412-SB-6 is as follows:

A BILL TO BE ENTITLED
AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT
POLICIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-103(2) reads as rewritten:

“(2) “Coastal area” means the counties that (in whole or in part) are adjacent to, adjoining, intersected by or bounded by the Atlantic Ocean (extending offshore to the limits of State jurisdiction, as may be identified by rule of the Commission for purposes of this Article, but in no event less than three geographical miles offshore) or any coastal sound. The Governor, in accordance with the standards set forth in this subdivision and in subdivision (3) of this section, shall designate the counties that constitute the “coastal area,” as defined by this section, and his designation shall be final and conclusive. On or before May 1, 1974, the Governor shall file copies of a list of said coastal-area counties with the chairmen of the boards of commissioners of each county in the coastal area, with the mayors of each incorporated city within the coastal area (as so defined) having a population of 2,000 or more and of each incorporated city having a population of less than 2,000 whose corporate boundaries are contiguous with the Atlantic Ocean, and with the Secretary of State. By way of illustration, the counties designated as coastal-

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area counties under this subdivision as of July 1, 2012, are Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington. The said coastal-area counties and cities shall thereafter—transmit nominations to the Governor of members of the Coastal Resources Commission as provided in G.S. 113A-104(d).”

SECTION 2.(a) Article 7 of Chapter 113A of the General Statutes is amended by adding a new section to read:

“§ 113A-107.1. Sea-level policy.

(a) The General Assembly does not intend to mandate the development of sea-level policy or the definition of rates of sea-level change for regulatory purposes.

(b) No rule, policy, or planning guideline that defines a rate of sea-level change for regulatory purposes shall be adopted except as provided by this section.

(c) Nothing in this section shall be construed to prohibit a county, municipality, or other local government entity from defining rates of sea-level change for regulatory purposes.

(d) All policies, rules, regulations, or any other product of the Commission or the Division related to rates of sea-level change shall be subject to the requirements of Chapter 150B of the General Statutes.

(e) The Commission shall be the only State agency authorized to define rates of sea-level change for regulatory purposes. If the Commission defines rates of sea-level change for regulatory purposes, it shall do so in conjunction with the Division of Coastal Management of the Department. The Commission and Division may collaborate with other State agencies, boards, and commissions; other public entities; and other institutions when defining rates of sea-level change.”

SECTION 2.(b) The Coastal Resources Commission and the Division of Coastal Management of the Department of Environment and Natural Resources shall not define rates of sea-level change for regulatory purposes prior to July 1, 2016.

SECTION 2.(c) The Coastal Resources Commission shall direct its Science Panel to deliver its five-year updated assessment to its March 2010 report entitled “North Carolina Sea Level Rise Assessment Report” to the Commission no later than March 31, 2015. The Commission shall direct the Science Panel to include in its five-year updated assessment a comprehensive review and summary of peer-reviewed scientific literature that address the full range of global, regional, and North Carolina-specific sea-level change data and hypotheses, including sea-level fall, no movement in sea level, deceleration of sea-level rise, and acceleration of sea-level rise. When summarizing research dealing with sea level, the Commission and the Science Panel shall define the assumptions and limitations of predictive modeling used to predict future sea-level scenarios. The Commission shall make this report available to the general

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public and allow for submittal of public comments including a public hearing at the first regularly scheduled meeting after March 31, 2015. Prior to and upon receipt of this report, the Commission shall study the economic and environmental costs and benefits to the North Carolina coastal region of developing, or not developing, sea-level regulations and policies. The Commission shall also compare the determination of sea level based on historical calculations versus predictive models. The Commission shall also address the consideration of oceanfront and estuarine shorelines for dealing with sea-level assessment and not use one single sea-level rate for the entire coast. For oceanfront shorelines, the Commission shall use no fewer than the four regions defined in the April 2011 report entitled "North Carolina Beach and Inlet Management Plan" published by the Department of Environment and Natural Resources. In regions that may lack statistically significant data, rates from adjacent regions may be considered and modified using generally accepted scientific and statistical techniques to account for relevant geologic and hydrologic processes. The Commission shall present a draft of this report, which shall also include the Commission's Science Panel five-year assessment update, to the general public and receive comments from interested parties no later than December 31, 2015, and present these reports, including public comments and any policies the Commission has adopted or may be considering that address sea-level policies, to the General Assembly Environmental Review Commission no later than March 1, 2016.

SECTION 3.(a) Notwithstanding Article 7 of Chapter 113A of the General Statutes and rules adopted pursuant to that Article, the Coastal Resources Commission shall not deny a development permit for the replacement of a single-family or duplex residential dwelling with a total floor area greater than 5,000 square feet based on failure to meet the ocean hazard setback required under 15A NCAC 07H .0306(a)(2) if the structure meets all of the following criteria:

- (1) The structure was originally constructed prior to August 11, 2009.
- (2) The structure as replaced does not exceed the original footprint or square footage.
- (3) The structure as replaced meets the minimum setback required under 15A NCAC 07H .0306(a)(2)(A).
- (4) It is impossible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under 15A NCAC 07H .0306(a)(2).
- (5) The structure is rebuilt as far landward on the lot as feasible.

SECTION 3.(b) No later than October 1, 2012, the Coastal Resources Commission shall adopt temporary rules consistent with the provisions of subsection (a) of this section. Notwithstanding G.S. 150B-19(4), the rules adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (a) of this section. The temporary rules shall remain in effect until permanent rules that replace the temporary rules become effective.

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SECTION 4. The Coastal Resources Commission shall study the feasibility of creating a new Area of Environmental Concern for the lands adjacent to the mouth of the Cape Fear River. In studying this region, which shall at least encompass the Town of Caswell Beach and the Village of Bald Head Island, the Commission shall consider the unique coastal morphologies and hydrographic conditions not found elsewhere along the coast. As part of this study, the Commission shall collaborate with the Town of Caswell Beach, the Village of Bald Head Island, and landowners within and immediately adjacent to these two municipalities to identify regulatory concerns and develop strategies for creating a more efficient regulatory framework. If the Commission deems action is necessary to preserve, protect, and balance the economic and natural resources of this region, the Commission shall work to eliminate overlapping Areas of Environmental Concern in these areas and instead incorporate appropriate development standards into one single Area of Environmental Concern unique to this location. The Commission shall report its findings, including any proposed actions the Commission deems appropriate, to the Secretary of Environment and Natural Resources, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Environmental Review Commission on or before December 31, 2013.

SECTION 5. The Coastal Resources Commission shall study the feasibility of eliminating the Inlet Hazard Area of Environmental Concern and incorporating appropriate development standards adjacent to the State's developed inlets into the Ocean Erodible Area of Environmental Concern. If the Commission deems action is necessary to preserve, protect, and balance the economic and natural resources adjacent to inlets, the Commission shall consider the elimination of the inlet hazard boxes; the development of shoreline management strategies that take into account short- and long-term inlet shoreline oscillation and variation, including erosion rates and setback factors; the development of standards that account for the lateral movement of inlets and their impact on adjacent development and habitat; and consideration of how new and existing development standards, as well as existing and proposed development, are impacted by historical and ongoing beach and inlet management techniques, including dredging, beach fill, and engineered structures such as groins and jetties. As part of this study, the Commission shall collaborate with local governments and landowners affected by the Commission's Inlet Hazard Areas to identify regulatory concerns and develop strategies for creating a more efficient regulatory framework. The Commission shall report its findings, including any proposed actions the Commission deems appropriate, to the Secretary of Environment and Natural Resources, the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Environmental Review Commission on or before January 31, 2015.

SECTION 6. This act is effective when it becomes law.

Upon motion of Senator Apodaca, the Conference Committee Substitute is placed on today's supplemental calendar for adoption.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 635 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE SENTENCING LAWS TO COMPLY WITH THE UNITED STATES SUPREME COURT DECISION IN MILLER V. ALABAMA, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on today's supplemental calendar.

SUPPLEMENTAL CALENDAR (*continued*)

S.B. 635 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE SENTENCING LAWS TO COMPLY WITH THE UNITED STATES SUPREME COURT DECISION IN MILLER V. ALABAMA, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Newton, the Senate concurs in the House Committee Substitute bill (40-1) and the bill is ordered enrolled and sent to the Governor by special message.

S.R. 959, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE DESIGNATION OF AN ANNUAL WELCOME HOME VIETNAM VETERANS DAY, for adoption.

Upon motion of Senator Pate, the Senate Resolution is adopted (40-0).

APPOINTMENT OF NEW CONFEREES

S.B. 191 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

Pursuant to the Senate Conferees appointed on Thursday, June 28, to resolve the differences in the House Committee Substitute bill having been dismissed, Senator Blake, Deputy President *Pro Tempore*, announces new conferees appointed Monday, July 2, as follows:

Senator Hartsell, Chair; Senator Brunstetter, and Senator Tucker.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 54 (Senate Committee Substitute), 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.

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Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 54 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Allran, Chair; Senator Daniel, and Senator Newton as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 585 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill No. 2 and Senate Amendments No. 1 and No. 2 for H.B. 585 and requests conferees, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Bingham, Chair; Senator Brock, and Senator Brown as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 910** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY WHAT INFORMATION THE DIVISION OF SOCIAL SERVICES IS REQUIRED TO MAINTAIN IN THE FOSTER CARE REGISTRY AND UNDER WHAT CIRCUMSTANCES INFORMATION IN

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THE REGISTRY MAY BE WITHHELD; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, 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 910, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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; AND TO EXPAND THE LIST OF FELONIES FOR WHICH A DNA SAMPLE SHALL BE TAKEN UPON ARREST, House Committee Substitute Favorable 6/27/12, submit the following report:

The Senate concurs in House Amendments #1 and #2. The House and Senate agree to the following amendments to the House Committee Substitute adopted 6/27/12, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 11 through 12, by rewriting those lines to read:
“REGISTRY MAY BE WITHHELD.”;

And on page 4, line 39 through page 5, line 30, by rewriting those lines to read:
“**SECTION 8.** Section 5 and 8 of this act are effective when they become law.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Peter S. Brunstetter, Chair	S/Sarah Stevens, Chair
S/Richard Stevens	S/Justin P. Burr
S/Neal Hunt	S/Rick Glazier
S/Martin L. Nesbitt, Jr.	S/Paul Stam

Upon motion of Senator Apodaca, the Conference Report is placed on today’s supplemental calendar for adoption.

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CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 1215** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 1215, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, Senate Finance Committee Substitute Adopted 6/27/12, with Senate Amendment No. 1 adopted on 6/28/12, unengrossed, submit the following report:

The Senate recesses from Senate Amendment No. 1, adopted on 6/28/12, and the House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 6/27/12, and the House concurs in the Senate Finance Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached Proposed Conference Committee Substitute H1215-PCCS11396-SV-2.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Edgar V. Starnes, Chair
S/Harry Brown	S/Wm. C. "Bill" McGee
S/Peter S. Brunstetter	S/Tricia Ann Cotham

The text of the attached Proposed Conference Committee Substitute, H1215-PCCS11396-SV-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF
COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT
ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO
MAKE OTHER ADMINISTRATIVE CHANGES.

The General Assembly of North Carolina enacts:

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SECTION 1. Section 5 of Chapter 172 of the 1987 Session Laws, as amended by Chapter 55 of the 1991 Session Laws and by Section 21(p) of S.L. 2007-527, reads as rewritten:

“Sec. 5. Occupancy Tax. (a) ~~Authorization and Scope. – The Board of Commissioners of Henderson County may by resolution, after not less than 10 days’ public notice and after a public hearing held pursuant thereto, levy a room occupancy and tourism development tax of no less than three percent (3%) nor more than five percent (5%) of the gross receipts derived from the rental of any room, lodging, or similar accommodation furnished by a hotel, motel, inn, or similar place within the county that is subject to sales tax imposed by the State under G.S. 105-164.4(3).~~ G.S. 105-164.4(a)(3). This tax is in addition to any State or local sales tax. This tax does not apply to accommodations furnished by nonprofit charitable, educational, or religious organizations.

(a1) Authorization of Additional Tax. – In addition to the tax authorized by subsection (a) of this section, the Board of Commissioners of Henderson County may levy a room occupancy and tourism development tax of one percent (1%) of the gross receipts derived from the rental of accommodations taxable under subsection (a) of this section. The levy, collection, administration, and repeal of the tax authorized by this subsection shall be in accordance with the provisions of this section. Henderson County may not levy a tax under this subsection unless it also levies the tax authorized under subsection (a) of this section.

(b) ~~Collection. Every operator of a business subject to the tax levied under this act shall, on and after the effective date of the levy of the tax, collect the tax. This tax shall be collected as part of the charge for furnishing a taxable accommodation. The tax shall be stated and charged separately from the sales records, and shall be paid by the purchaser to the operator of the business as trustee for and on account of the county. The tax shall be added to the sales price and shall be passed on to the purchaser instead of being borne by the operator of the business. The county shall design, print, and furnish to all appropriate businesses and persons in the county the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

(c) Administration. – A tax levied under this section shall be levied, administered, collected, and repealed as provided in G.S. 153A-155. The penalties provided in G.S. 153A-155 apply to a tax levied under this section. ~~The county shall administer a tax levied under this act. A tax levied under this act is due and payable to the county finance officer in monthly installments on or before the 20th day of the month following the month in which the tax accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the 20th day of each month, prepare and render a return on a form prescribed by the county. The return shall state the total gross receipts derived in the preceding month from rentals upon which the tax is levied.~~

~~A return filed with the county finance officer under this act is not a public record as defined by G.S. 132-1 and may not be disclosed except as required by law.~~

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~~(d) Penalties. A person, firm, corporation, or association who fails or refuses to file the return required by this act shall pay an additional tax, as a penalty, of one percent (1%) of the tax due for each day's omission up to 30 days, with a minimum penalty of twenty five dollars (\$25.00). In case of failure or refusal to file the return or pay the tax for a period of 30 days after the time required for filing the return or for paying the tax, there shall be an additional tax, as a penalty, of ten percent (10%) of the tax and penalty due in addition to any other penalty, with an additional tax of ten percent (10%) for each additional month or fraction thereof until the tax is paid. The board of commissioners may, for good cause shown, compromise or forgive the tax penalties imposed by this subsection.~~

~~Any person who willfully attempts in any manner to evade a tax or penalty imposed under this act or who willfully fails to pay the tax or penalty or make and file a return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed six months, or both.~~

(e) Use of Tax Revenue. – The county shall, on a quarterly basis, remit the net proceeds of the room occupancy and tourism development tax levied under this act to the Henderson County Tourism Development Authority. The Authority shall use the net proceeds as follows:

- (1) First five percent (5%). – At least two-thirds of the net proceeds of the room occupancy tax levied under subsection (a) of this section shall be used to promote travel and tourism in Henderson County and the remainder shall be used for tourism-related expenditures.
 - (2) Additional one percent (1%). – The net proceeds of the additional one percent room occupancy tax levied under subsection (a1) of this section shall be used for the maintenance, operation, renovation, and promotion of The Vagabond School of the Drama, Inc., including the Mainstage and the Playhouse Downtown locations.
- (e1) Definitions. – The following definitions apply in this act:
- (1) Net proceeds. – Gross proceeds less the cost to the county of administering and collecting the tax, as determined by the finance officer, not to exceed three percent (3%) of the first five hundred thousand dollars (\$500,000) of gross proceeds collected each year and one percent (1%) of the remaining gross receipts collected each year.
 - (2) Promote travel and tourism. – To advertise or market an area or activity, publish and distribute pamphlets and other materials, conduct market research, or engage in similar promotional activities that attract tourists or business travelers to the area. The term includes administrative expenses incurred in engaging in the listed activities.

- (3) Tourism-related expenditures. – Expenditures that, in the judgment of the entity responsible for expending the net proceeds of the tax, are designed to increase the use of lodging facilities, meeting facilities, or convention facilities in a county or to attract tourists or business travelers to the county. The term includes tourism-related capital expenditures.

~~shall place the net proceeds collected from a tax levied under this act in a special Travel and Tourism Fund. Revenue in this fund may be used only to promote travel and tourism in the county. This fund will be administered by the Henderson Travel and Tourism Committee. As used in this subsection, “net proceeds” means gross proceeds less five percent (5%) of the gross proceeds which the county may retain to defray the cost of administering and collecting the tax.~~

~~The scope of promotion of travel and tourism in the county may include the following:~~

- ~~(1) Contracting with any person, firm, or agency to advise and assist in travel and tourism promotion.~~
- ~~(2) Advertising via appropriate media.~~
- ~~(3) Assisting in the initial funding and possible annual subsidy of a fine arts center or other similar facility which could logically be expected to promote tourism in the county.~~
- ~~(4) Promoting special events which would bring tourists to the county.~~

~~(f) Effective Date of Levy. A tax levied under this act shall become effective on the date specified in the resolution levying the tax. That date must be the first day of a calendar month, however, and may not be earlier than the first day of the second month after the date the resolution is adopted.~~

~~(g) Repeal. A tax levied under this act may be repealed by a resolution adopted by the board of commissioners of the county. Repeal of a tax levied under this act does not affect a liability for a tax that attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.”~~

SECTION 2.(a) Section 6 of Chapter 172 of the 1987 Session Laws, as amended by Chapter 55 of the 1991 Session Laws and by Section 21(p) of S.L. 2007-527, reads as rewritten:

“Sec. 6. Henderson Travel and Tourism Committee. Tourism Development Authority. (a) Appointment and Membership. – When the board of commissioners adopts a resolution levying a room occupancy tax under this act, it shall also adopt a resolution creating the Henderson Travel and Tourism Committee, Tourism Development Authority, which shall be a public authority under the Local Government Budget and Fiscal Control Act. The resolution adopted by the Board of Commissioners shall provide for the membership of the Authority, including the members’ terms of office, and for the filling of vacancies on the Authority. However, no member shall serve on the Authority for more than five consecutive years. The Committee shall consist of nine voting members as follows:

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- (1) ~~Four~~Three members who are registered to vote in Henderson County, appointed by the Henderson County Board of ~~Commissioners;~~Commissioners.
- (2) ~~Four~~Three members who are registered to vote in Henderson County, appointed by the Hendersonville City ~~Council;~~and Council.
- (3) ~~The President of the Greater Hendersonville Chamber of Commerce, or his designee, to serve ex officio.~~One member who is registered to vote in Henderson County, appointed by the Fletcher Town Council.
- (4) One member who is registered to vote in Henderson County, appointed by the Flat Rock Village Council.
- (5) One member appointed by the Henderson County Board of Commissioners upon a recommendation of the Henderson County Chamber of Commerce.

Of these members, at least one-third of the members shall be individuals who are affiliated with businesses that collect the tax in the county, and at least one-half of the members shall be individuals who are currently active in the promotion of travel and tourism in the county.

The board of commissioners shall designate one member of the ~~Committee Authority~~ as chair and shall determine the compensation, if any, to be paid to members of the ~~Committee Authority.~~ The ~~Committee Authority~~ shall meet at the call of the chair and shall adopt rules of procedure to govern its meetings. The finance officer for Henderson County shall be the ex officio finance officer of the ~~Committee Authority.~~ ~~The Committee shall administer the Travel and Tourism Fund as provided in Section 1(e) of this act.~~

(b) Duties. – The Authority shall expend the net proceeds of the tax levied under subsections (a) and (a1) of Section 5 of this act for the purposes provided in Section 5 of this act. The Authority shall promote travel, tourism, and conventions in the county, sponsor tourist-related events and activities in the county, and finance tourist-related capital projects in the county.

(c) Reports. – The ~~Committee Authority~~ shall report quarterly and at the close of the fiscal year to the board of commissioners on its receipts and expenditures for the preceding quarter and for the year in such detail as the board may require. The Vagabond School of the Drama, Inc., shall separately identify in its financial statements expenditures of funds that it receives pursuant to this act. The Vagabond School of the Drama, Inc., shall report annually by October 1 to the Authority expenditures of the funds received during the Authority's fiscal year pursuant to this act in such detail as required by the Authority or the Authority's Finance Officer."

SECTION 2.(b) This section is effective when it becomes law, and the board of county commissioners shall adopt a resolution establishing the Henderson Tourism Development Authority and make the changes to the membership as required by this section on or before September 1, 2012.

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SECTION 3.(a) Subsection (e) of Section 5 of Chapter 172 of the 1987 Session Laws, as amended by Chapter 55 of the 1991 Session Laws, by Section 21(p) of S.L. 2007-527, and by Section 1(a) of this act, reads as rewritten:

“(e) Use of Tax Revenue. – The county shall, on a quarterly basis, remit the net proceeds of the room occupancy and tourism development tax levied under this act to the Henderson County Tourism Development Authority. The Authority shall use at least two-thirds of the funds remitted to it to promote travel and tourism in Henderson County and shall use the remainder for tourism-related expenditures. ~~The Authority shall use the net proceeds as follows:~~

- (1) ~~First five percent (5%). — At least two thirds of the net proceeds of the room occupancy tax levied under subsection (a) of this section shall be used to promote travel and tourism in Henderson County and the remainder shall be used for tourism related expenditures.~~
- (2) ~~Additional one percent (1%). — The net proceeds of the additional one percent room occupancy tax levied under subsection (a1) of this section shall be used for the maintenance, operation, renovation, and promotion of The Vagabond School of the Drama, Inc., including the Mainstage and the Playhouse Downtown locations.”~~

SECTION 3.(b) This section becomes effective July 1, 2014, and applies to room occupancy taxes collected on or after that date.

SECTION 4. G.S. 153A-155(g) reads as rewritten:

“(g) Applicability. – Subsection (c) of this section applies to all counties and county districts that levy an occupancy tax. To the extent subsection (c) conflicts with any provision of a local act, subsection (c) supersedes that provision. The remainder of this section applies only to Alleghany, Anson, Brunswick, Buncombe, Burke, Cabarrus, Camden, Carteret, Caswell, Chatham, Cherokee, Chowan, Clay, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Durham, Forsyth, Franklin, Granville, Halifax, Haywood, Henderson, Jackson, Madison, Martin, McDowell, Montgomery, Moore, Nash, New Hanover, New Hanover County District U, Northampton, Pasquotank, Pender, Perquimans, Person, Randolph, Richmond, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Swain, Transylvania, Tyrrell, Vance, Washington, and Wilson Counties, to Surry County District S, to Watauga County District U, to Wilkes County District K, to Yadkin County District Y, and to the Township of Averbosboro in Harnett County and the Ocracoke Township Taxing District.”

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

Upon motion of Senator Apodaca, the Conference Committee Substitute is placed on today’s supplemental calendar for adoption.

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SUPPLEMENTAL CALENDAR *(continued)*

H.B. 203 (Conference Report), 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; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED, for adoption.

Upon motion of Senator Tucker, the Senate adopts the Conference Report (40-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

H.B. 819 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES, for adoption.

Upon motion of Senator Rouzer, the Senate adopts the Conference Committee Substitute (40-1).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

H.B. 1215 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES, for adoption.

Upon motion of Senator Apodaca, the Senate adopts the Conference Committee Substitute bill (27-14).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **H.B. 950**, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS

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APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, notwithstanding the objections of the Governor. Pursuant to Article II, Section 22, of the North Carolina Constitution, the bill together with the objections and veto message are hereby delivered to your Honorable Body for reconsideration.

Respectfully,
S/Denise G. Weeks
Principal Clerk

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 950, "An Act to Modify the Current Operations and Capital Improvements Appropriations Act of 2011 and for Other Purposes."

North Carolina needs a budget that moves our state forward and that is focused on investing in our future. Budgets are about values, priorities, and choices. Last week, the General Assembly delivered to me a budget that left too many of North Carolina's needs unmet – too many priorities unaddressed.

First and foremost, their budget does not invest enough resources in education. Investing in schools is among the most important things a state must do in order to prepare our children for the future, and to send a powerful economic message that we have a well-educated, well-trained workforce and this is a state where 21st century companies should invest.

Last year, the Republican-controlled General Assembly forced deep and unnecessary cuts to education. After those cuts, schools across North Carolina cut 915 teachers, more than 2,000 teacher assistants, and nearly 5,000 total education positions.

It should have been clear to everyone that we needed to do better this year – that we needed to reverse those harmful cuts. Not only are we failing to do better, but under this budget, things would actually get worse. If the budget they passed becomes law, schools across North Carolina would get about \$190 million less next year than they got this year.

In addition, their budget fails to provide additional funding to increase access for Smart Start or NC Pre-K, our nationally recognized early childhood education programs that help assure that young children come to school prepared to succeed.

This isn't good enough. It fails to do an adequate job in what is now – and what has always been – North Carolina's top priority: preparing our children so they can have more opportunity than we had.

While schools would get \$190 million less next year than they got this year, the General Assembly did include small raises for teachers and state employees.

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I know that teachers and state employees are long overdue for a pay increase, and I support a pay increase. In fact, I included raises in my budget proposal that were 50% larger than the ones in this budget.

But under this budget, while some teachers and other employees will get raises, there is no question that some educators and other state employees will lose their jobs because of the choices the General Assembly made in this budget. Raises for some and layoffs for others is not the right direction for North Carolina.

The flaws in this budget extend beyond the legislature's failure to invest sufficient resources in schools:

- They failed to invest in jobs proposals, like (i) the initiative to provide a credit to encourage small businesses to hire post-9/11 veterans and unemployed North Carolinians, and (ii) plans to boost our surging film and biotech industries.
- They failed to invest in proposals to support our servicemen and women and military families, like the plan to provide tuition assistance to military veterans and their dependents.
- They failed to invest in public safety, like proposals to fund more probation officers to oversee known criminals.
- And they failed to invest in other priorities, like mental health, and efforts to effectively continue the state's successful efforts to curb teen smoking.

Finally, they ignored the bipartisan attempt to compensate verified living victims of the state's forced sterilization program that happened just a generation ago.

At the same time that they left all of these needs unmet, their budget also gives tax breaks to millionaires. I am not against giving tax relief to small businesses. On the contrary, I'm strongly for it. Last year, I recommended cutting the corporate income tax, which would have given tax relief to businesses across North Carolina.

But budgets are about North Carolina's priorities and our view of the future. And I simply don't believe that the General Assembly should give tax breaks to lawyers, lobbyists, and other millionaires while leaving so many critical needs unmet.

Despite all of the flaws in the budget, and all of the priorities it fails to address, I understand that we have a divided government. I was willing and determined to reach a bipartisan compromise. After I reviewed the budget I reached out to Speaker Tillis and President *Pro Tem* Phil Berger and tried repeatedly to forge a consensus.

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I told them clearly that I would allow the budget to become law if they would just improve the investment in our children's future and in other critical priorities. I didn't ask them to meet me halfway; I didn't ask them to "split the difference." I just asked them to do a little better and invest a little more in our children's future and in some other key priorities. Unfortunately, they rejected my efforts and essentially told me to "take it or leave it."

With all of the budget's unmet needs, with all of its misplaced priorities, and with the Republican legislative leaders' unwillingness to make even the slightest move towards compromise, I feel as though I have no choice but to veto this budget.

Therefore, I veto this bill.

S/Beverly Eaves Perdue

This bill having been vetoed is returned to the Clerk of the North Carolina House of Representatives on this 29th day of June, 2012, at 2:17 p.m. for reconsideration by that body.

Upon the motion of Senator Apodaca, the bill is placed on the supplemental calendar for immediate consideration.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 950, (Ratified) AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, for reconsideration upon the Governor's veto.

Senator Stevens offers a motion that H.B. 950 become law notwithstanding the objections of the Governor. The motion prevails (31-10) 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, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, Tillman, Tucker and Westmoreland---31.

Voting in the negative: Senators D. Berger, Blue, Graham, Kinnaird, McKissick, Nesbitt, Purcell, Stein, Vaughan and White---10.

In accordance with Article II, Sec. 22(1) of the North Carolina Constitution, H.B. 950 becomes law notwithstanding the objections of the Governor at 10:41 p.m.

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

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S.B. 910 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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, for adoption.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Report (41-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

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. 1179 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY AND THE RIVERSIDE GOLF COURSE PROPERTY AND TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE OPTIONS FOR THE DISPOSITION OF THE PROPERTIES, with a favorable report.

Upon the motion of Senator Apodaca, the Committee Substitute bill No. 2 is placed on today's supplemental calendar.

The Senate recesses at 10:45 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 11:05 p.m.

RECESS

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

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CONFERENCE REPORT

Senator Tillman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 382** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 382, A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, House Committee Substitute Favorable 6/25/12 Fourth Edition Engrossed 6/27/12, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 6/25/12 Fourth Edition Engrossed 6/27/12, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/25/12 Fourth Edition Engrossed 6/27/12, and substitute the attached Proposed Committee Substitute S382-PCCS15268-ST-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Jerry W. Tillman, Chair	S/Tim Moore, Chair
S/Tom Apodaca	S/Paul Stam
S/Fletcher L. Hartsell, Jr.	S/William D. Brisson
	S/Rodney W. Moore
	S/Bryan R. Holloway
	S/Stephen A. LaRoque
	S/John M. Blust

The text of the attached Proposed Conference Committee Substitute, S382-PCCS15268-ST-6 is as follows:

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A BILL TO BE ENTITLED

AN ACT TO PROVIDE WATER AND SEWER SERVICE TO CERTAIN PROPERTIES OUTSIDE THE CORPORATE LIMITS OF A CITY AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

“§ 160A-329. Provision of municipal services to certain properties.

(a) Upon request of a property owner, a city shall provide municipal services to any property if that property owner submitted a petition for voluntary annexation under Article 4A of this Chapter and the city’s governing board failed to vote to give final approval or disapproval of that petition for voluntary annexation within 18 months from the date of submission of that petition, even if the property owner subsequently withdrew the petition for voluntary annexation after the city governing board’s failure to vote to give final approval or disapproval within 18 months.

(b) A property owner receiving municipal services under subsection (a) of this section shall bear the cost and expense of any infrastructure improvements necessary for the provision of municipal services to the property, construct any infrastructure improvements necessary in a manner that complies with the city’s infrastructure system for that municipal service, and dedicate all infrastructure improvements to the city upon its completion. The city shall accept the dedication of the infrastructure improvements, shall seek to obtain any permits needed to activate the provision of municipal services in a timely fashion, and may charge up to twice the usage rate for those municipal services that the city charges property owners within the corporate limits of the city.

(c) If the city subsequently annexes some or all of the property receiving municipal services under subsection (a) of this section, the city may no longer charge up to twice the rate under subsection (b) of this section. If the city subsequently annexes some or all the property receiving municipal services under subsection (a) of this section, the city may not delay the provision of municipal services to the annexed area, and may not change any zoning designation impacting that property whether imposed by the city or county for at least 36 months without the consent of the property owner.

(d) The city is not required to provide other services, such as fire protection, police protection, solid waste services, or street maintenance services to the property under this section.

(e) For purposes of this section, the term “municipal services” shall mean any of the following services that the city provides within the corporate limits of the city: water or sewer.”

SECTION 1.(b) This section is effective when it becomes law, applies to any petition for voluntary annexation filed on or before that date, and expires on December 31, 2012.

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SECTION 2.(a) Definition. – As used in this act, “New Development Rule 15A NCAC 02B .0265” means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

SECTION 2.(b) New Development Rule 15A NCAC 02B .0265. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 2(d) of this act, the Commission and the Department shall implement New Development Rule 15A NCAC 02B .0265, as provided in Section 2(c) of this act.

SECTION 2.(c) Implementation. – Notwithstanding sub-subdivision (d) of subdivision (4) of New Development Rule 15A NCAC 02B .0265, by August 10, 2014, within three months after the Commission’s approval of a local program, or upon the Division’s first renewal of a local government’s NPDES stormwater permit, whichever occurs later, the affected local government shall complete adoption of and implement its local stormwater management program.

SECTION 2.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 2(c) of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – Section 2(c) of this act expires on the date that rules adopted pursuant to Section 2(d) of this act become effective.

SECTION 3. This act is effective when it becomes law.

Upon motion of Senator Apodaca, the Conference Committee Substitute is placed on today’s supplemental calendar for adoption.

CONFERENCE REPORT

Senator Allran, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 54** (Senate Committee Substitute), 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, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

July 2, 2012

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 54, 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, Senate Judiciary II Committee Substitute Adopted 5/23/12, submit the following report:

The House and Senate agree to the following amendment to the Senate Judiciary II Committee Substitute Adopted 5/23/12, and the House concurs in the Senate Judiciary II Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H54-PCCS11398-SA-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Austin M. Allran, Chair	S/James W. Crawford, Jr., Chair
S/E. S. (Buck) Newton	S/Paul Stam
	S/Warren Daniel
	S/David R. Lewis
	S/Dan W. Ingle

The text of the attached Proposed Conference Committee Substitute, H54-PCCS11398-SA-2 is as follows:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE
PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY
OFFENSE IS A FELONY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-72(b) reads as rewritten:

“§ 14-72. Larceny of property; receiving stolen goods or possessing stolen goods.

...

(b) The crime of larceny is a felony, without regard to the value of the property in question, if the larceny is any of the following:

- (1) From the person.
- (2) Committed pursuant to a violation of G.S. 14-51, 14-53, 14-54, 14-54.1, or 14-57.
- (3) Of any explosive or incendiary device or substance. As used in this section, the phrase “explosive or incendiary device or substance” shall include any explosive or

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incendiary grenade or bomb; any dynamite, blasting powder, nitroglycerin, TNT, or other high explosive; or any device, ingredient for such device, or type or quantity of substance primarily useful for large-scale destruction of property by explosive or incendiary action or lethal injury to persons by explosive or incendiary action. This definition shall not include fireworks; or any form, type, or quantity of gasoline, butane gas, natural gas, or any other substance having explosive or incendiary properties but serving a legitimate nondestructive or nonlethal use in the form, type, or quantity stolen.

- (4) Of any firearm. As used in this section, the term "firearm" shall include any instrument used in the propulsion of a shot, shell or bullet by the action of gunpowder or any other explosive substance within it. A "firearm," which at the time of theft is not capable of being fired, shall be included within this definition if it can be made to work. This definition shall not include air rifles or air pistols.
- (5) Of any record or paper in the custody of the North Carolina State Archives as defined by G.S. 121-2(7) and G.S. 121-2(8).
- (6) Committed after the defendant has been convicted in this State or in another jurisdiction for any offense of larceny under this section, or any offense deemed or punishable as larceny under this section, or any substantially similar offense in any other jurisdiction, regardless of whether the prior convictions were misdemeanors, felonies, or a combination thereof, at least four times. A conviction shall not be included in the four prior convictions required under this subdivision unless the defendant was represented by counsel or waived counsel at first appearance or otherwise prior to trial or plea. If a person is convicted of more than one offense of misdemeanor larceny in a single session of district court, or in a single week of superior court or of a court in another jurisdiction, only one of the convictions may be used as a prior conviction under this subdivision; except that convictions based upon offenses which occurred in separate counties shall each count as a separate prior conviction under this subdivision."

SECTION 2. This act becomes effective December 1, 2012, and applies to offenses committed on or after that date.

Upon motion of Senator Apodaca, the Conference Committee Substitute is placed on today's supplemental calendar for adoption.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 1077 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROJECT FOR TOLLING THE I-77 HIGH OCCUPANCY TOLL PROJECT, 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 30670, which changes the title to read **H.B. 1077** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT AND TO REALLOCATE THE MONEY APPROPRIATED FOR STUDIES RELATED TO THE MID-CURRITUCK BRIDGE PROJECT TO THE DEPARTMENT OF TRANSPORTATION, FERRY DIVISION, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute is placed on today's supplemental calendar.

SUPPLEMENTAL CALENDAR (*continued*)

H.B. 1179 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TO TERMINATE ITS LEASE OF THE INDIAN CULTURAL CENTER PROPERTY AND THE RIVERSIDE GOLF COURSE PROPERTY AND TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE OPTIONS FOR THE DISPOSITION OF THE PROPERTIES, upon second reading.

Senator Apodaca offers Amendment No. 1 which is adopted (41-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Amendment No. 1.

H.B. 1077 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT AND TO REALLOCATE THE MONEY APPROPRIATED FOR STUDIES RELATED TO THE MID-CURRITUCK BRIDGE PROJECT TO THE DEPARTMENT OF TRANSPORTATION, FERRY DIVISION, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 37, noes 4, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, D. Berger, P. Berger, Bingham, Blake, Brock, Brown, Brunstetter, Carney, Daniel, Davis, East, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, McKissick, Meredith, Newton, Pate, Preston, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Westmoreland and White---37.

Voting in the negative: Senators Blue, Kinnaird, Nesbitt and Purcell---4.

The Senate Committee Substitute bill remains on the calendar for Tuesday, July 3, upon third reading.

H.B. 54 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY, for adoption.

Upon motion of Senator Allran, the Chair orders, without objection, the Conference Committee Substitute temporarily displaced.

S.B. 382 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE TO CERTAIN PROPERTIES OUTSIDE THE CORPORATE LIMITS OF A CITY AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, for adoption.

Without objection, Senator Blue requests to be excused from voting on the Conference Committee Substitute bill due to a conflict of interest.

Upon motion of Senator Tillman, the Conference Committee Substitute bill fails of adoption (15-25).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 2, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **S.B. 820**, AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE

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STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, notwithstanding the objections of the Governor and the bill becomes law.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 191** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, 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 191, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, House Committee Substitute Favorable 6/26/12 Fourth Edition Engrossed 6/26/12, submit the following report:

The Senate concurs in the House Committee Substitute Favorable 6/26/12 Fourth Edition Engrossed 6/26/12, and the Senate and the House agree to the following amendment:

on page 2, line 31, by rewriting the line to read:
“shall appoint the unrepresented category. The boards of county commissioners within a multicounty area with a catchment population of at least 1,250,000 shall have the option to appoint members of the area board in a manner or with a composition other than as required by this section by each county unanimously adopting a resolution to that effect and receiving written approval from the Secretary by January 1, 2013. A member of the board may be removed with or”;

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And on page 4, line 13 by deleting the phrase "July 1, 2013." and by substituting the phrase "October 1, 2013."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

Conferees for the Senate

S/Fletcher L. Hartsell, Jr., Chair

S/Peter S. Brunstetter

S/Tommy Tucker

Conferees for the House of Representatives

S/Nelson Dollar, Chair

S/Justin P. Burr

S/William D. Brisson

S/Fred F. Steen, II

Upon motion of Senator Apodaca, the Conference Report is placed on the calendar for Tuesday, July 3, for adoption.

CONFERENCE REPORT

Senator Bingham, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 585** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 585, A BILL TO BE ENTITLED AN ACT (1) TO MODIFY PROVISIONS RELATED TO THE SALES OF ALCOHOLIC BEVERAGES, (2) TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN EIGHTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, (3) TO PROVIDE FOR CONFORMING CHANGES TO WHO MAY SUPERVISE THE STATE HIGHWAY PATROL PURSUANT TO THE CONSOLIDATION OF THE DEPARTMENT OF PUBLIC SAFETY, AND (4) TO EXEMPT LAW

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ENFORCEMENT, FIRE, EMERGENCY SERVICE, AND INMATE AND JUVENILE TRANSPORTATION VEHICLES OWNED BY THE DEPARTMENT OF PUBLIC SAFETY FROM DEPARTMENT OF ADMINISTRATION MOTOR FLEET MANAGEMENT, Senate Rules and Operations of the Senate Committee Substitute Adopted 6/28/12, with Senate Amendment No. 1 adopted on 6/28/12, unengrossed, and Senate Amendment No. 2 adopted on 6/28/12, unengrossed, and submit the following report:

The Senate recesses from Senate Amendment No. 1, adopted on 6/28/12, and Senate Amendment No. 2, adopted on 6/28/12, and the House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Rules and Operations of the Senate Committee Substitute Adopted 6/28/12, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H585-PCCS11397-RW-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 2, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Stan Bingham, Chair	S/N. Leo Daughtry, Chair
S/Harry Brown	S/James L. Boles, Jr.
Andrew C. Brock	Shirley B. Randleman
	S/Edgar V. Starnes
	Timothy L. Spear

The text of the attached Proposed Conference Committee Substitute, H585-PCCS11397-RW-2 is as follows:

A BILL TO BE ENTITLED

AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN SEVENTY THOUSAND MILES FROM EMISSIONS INSPECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-183.2(b)(3) reads as rewritten:

“(b) Emissions. – A motor vehicle is subject to an emissions inspection in accordance with this Part if it meets all of the following requirements:

- ...
- (3) It is (i) a 1996 or later ~~model-model~~ and older than the three most recent model years or (ii) a 1996 or later model and has 70,000 miles or more on its odometer.”

SECTION 2. The Department of Environment and Natural Resources shall submit for approval the emissions inspection program changes

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provided in Section 1 of this act to the United States Environmental Protection Agency as an amendment to the North Carolina State Implementation Plan under the federal Clean Air Act. If the United States Environmental Protection Agency approves the amendment, the Secretary of the Department of Environment and Natural Resources shall certify this approval to the Revisor of Statutes. In the certification, the Secretary of the Department of Environment and Natural Resources shall include the session law number of this act.

SECTION 3. After the Motor Vehicle Inspection and Law Enforcement System (MILES) is retired and the replacement system for MILES is operational, the Commissioner of Motor Vehicles shall certify to the Revisor of Statutes that MILES has been replaced. In the certification, the Commissioner of Motor Vehicles shall include the session law number of this act.

SECTION 4. Section 1 of this act becomes effective on the later of the following dates and applies to motor vehicles inspected, or due to be inspected, on or after the effective date of Section 1 of this act:

- (1) January 1, 2014.
- (2) The first day of a month that is 30 days after both of the following have occurred:
 - a. The Department of Environment and Natural Resources certifies to the Revisor of Statutes that the United States Environmental Protection Agency has approved the amendment to the North Carolina State Implementation Plan based on the change to the emissions inspection program provided in Section 1 of this act.
 - b. The Commissioner of Motor Vehicles certifies to the Revisor of Statutes that the Motor Vehicle Inspection and Law Enforcement System (MILES) has been replaced.

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

The Conference Committee Substitute is placed on the calendar for Tuesday, July 3, for adoption.

Upon motion of Senator Phil Berger, seconded by Senator Blue, the Senate adjourns at 11:52 p.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to meet Tuesday, July 3, at 12:05 a.m.

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ONE HUNDRED AND THIRTY-EIGHTH DAY

Senate Chamber
Tuesday, July 3, 2012

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

Prayer is offered by The Honorable Jerry W. Tillman, Senator from Randolph County, as follows:

“Lord, this session is soon coming to a close, and we will say *Sine Die* for the session, and we thank you. We know that you are present with us at all times, and we know we couldn’t do this job without you. There will be many leaving us, Lord, and we just ask you that whatever their next step is in life, you will bless it and guide and direct it. We will cherish the fond memories that we have of these, and we will live with those the rest of our life and hope that they will do the same. Guide us and direct us. In Christ’s name we pray, Amen.”

The Chair grants leaves of absence for today to Senator Atwater, Senator Clodfelter, Senator Dannelly, Senator Garrou, Senator Jenkins, Senator Jones, Senator Mansfield, Senator Robinson, and Senator Walters.

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

WITHDRAWAL FROM COMMITTEE

S.B. 229 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING;

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(5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE

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STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, referred to the **Rules and Operations of the Senate Committee** on July 2.

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

The Chair orders the Conference Committee Substitute withdrawn from the **Rules and Operations of the Senate Committee** and placed on today's calendar.

CALENDAR

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

H.B. 54 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY, placed on calendar as unfinished business, for adoption.

Upon motion of Senator Apodaca, Rule 42.3A is suspended and the incarceration note requirement is waived, without objection.

Upon motion of Senator Allran, the Senate adopts the Conference Committee Substitute (37-3).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, for concurrence in the House Committee Substitute bill with unengrossed House Amendments Nos. 1-8.

Upon motion of Senator Apodaca, the rules are suspended and the House Committee Substitute bill with House Amendments Nos. 1-8 is placed on the calendar for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill and House Amendments Nos. 1-8 (0-40).

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Senator Hartsell offers a motion that the Senate appoint conferees, which motion prevails.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 847 earlier today and the motion by Senator Hartsell to appoint conferees having prevailed, Senator Blake, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair; Senator Apodaca, Senator Brown, and Senator Brunstetter as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

CALENDAR *(continued)*

H.B. 585 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN SEVENTY THOUSAND MILES FROM EMISSIONS INSPECTIONS, for adoption.

Upon motion of Senator Bingham, the Senate adopts the Conference Committee Substitute (36-3).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

WITHDRAWAL FROM COMMITTEE

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** on July 26, 2011.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and placed on

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today's calendar, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill withdrawn from the **Judiciary I Committee** and placed on today's calendar.

CALENDAR *(continued)*

S.B. 191 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, for adoption.

The Chair orders the Conference Report temporarily displaced.

The Chair grants leaves of absence for the remainder of today's session to Senator Brunstetter and Senator Hartsell.

H.B. 1077 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT AND TO REALLOCATE THE MONEY APPROPRIATED FOR STUDIES RELATED TO THE MID-CURRITUCK BRIDGE PROJECT TO THE DEPARTMENT OF TRANSPORTATION, FERRY DIVISION, upon third reading.

Senator Rabon offers Amendment No. 1 which is adopted (37-0), and changes the title to read **H.B. 1077** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, D. Berger, P. Berger, Bingham, Blake, Blue, Brock, Brown, Carney, Daniel, Davis, East, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Pate, Preston, Purcell, Rabon, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Tucker, Vaughan, Westmoreland and White---38.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill and unengrossed Amendment No. 1.

RECONSIDERATION

S.B. 382 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE TO CERTAIN PROPERTIES OUTSIDE THE CORPORATE LIMITS OF A CITY AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

Having voted in the majority, Senator Stevens makes a motion that the vote by which the Conference Committee Substitute bill for S.B. 382 was adopted be

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reconsidered, which motion prevails without objection, and the bill is placed on today's calendar.

CALENDAR (*continued*)

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, upon second reading.

Senator Brock offers Amendment No. 1 which is adopted (38-0).

The Committee Substitute bill, as amended, fails its second reading (5-33).

S.B. 191 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, displaced earlier today, for adoption.

Upon motion of Senator Apodaca, the Conference Report is temporarily displaced.

S.B. 382 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE WATER AND SEWER SERVICE TO CERTAIN PROPERTIES OUTSIDE THE CORPORATE LIMITS OF A CITY AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, for adoption.

The Senate fails to adopt the Conference Committee Substitute bill (18-19).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 1:21 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 2:00 a.m.

RECESS

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 847** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, and requests conferees.

Speaker Tillis appoints:

Representative T. Moore, Chair
Representative Stam
Representative Blust, and
Representative Owens

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
Tuesday, July 3, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Blust has been dismissed and Representative Lewis has been added as a conferee to **S.B. 847** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT

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DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

Upon the appearance of Senator Brunstetter and Senator Hartsell in the chamber, the Chair acknowledges their presence and the leaves of absence granted previously are withdrawn.

CALENDAR *(continued)*

S.B. 191 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER, displaced earlier today, for adoption.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (29-10).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 229 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO

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OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN

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SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for adoption.

Upon motion of Senator East, the Senate adopts the Conference Committee Substitute (33-6).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

The Chair orders the bill enrolled and sent to the Governor by special message.

The Senate recesses at 2:23 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 2:37 a.m.

RECESS

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

CALENDAR *(continued)*

S.B. 847 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS, for adoption.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (35-4).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 3:00 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 3:15 a.m.

RECESS

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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 Blue.

CONFERENCE REPORT

Senator Stevens, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 187** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, 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 187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, House Committee Substitute Favorable 6/27/12 Fourth Edition Engrossed 6/27/12 Corrected Copy 6/28/12, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/27/12, Fourth Edition Engrossed 6/27/12, Corrected Copy 6/28/12, and the Senate concurs in the House Committee Substitute Favorable 6/27/12, as amended:

Delete the entire House Committee Substitute Favorable 6/27/12, Fourth Edition Engrossed 6/27/12, Corrected Copy 6/28/12 and substitute the attached Proposed Conference Committee Substitute S187-PCCS15272-LR-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 3, 2012.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Richard Stevens, Chair	S/Harold J. Brubaker, Chair
S/Peter S. Brunstetter	S/Nelson Dollar
S/Neal Hunt	James W. Crawford, Jr.
S/Bob Rucho	S/Mitch Gillespie
S/Harry Brown	S/Linda P. Johnson
	S/David R. Lewis

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The text of the attached Proposed Conference Committee Substitute, S187-PCCS15272-LR-6 is as follows:

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER
MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL
IMPROVEMENTS APPROPRIATIONS ACTS.

The General Assembly of North Carolina enacts:

PART I. GENERAL PROVISIONS

SECTION 1.1. Section 2.1 of S.L. 2012-142 reads as rewritten:

“CURRENT OPERATIONS AND EXPANSION/GENERAL FUND

“SECTION 2.1. Appropriations from the General Fund of the State for the maintenance of the State departments, institutions, and agencies, and for other purposes as enumerated, are adjusted for the fiscal year ending June 30, 2013, according to the schedule that follows. Amounts set out in parentheses are reductions from General Fund appropriations for the 2012-2013 fiscal year.

Current Operations – General Fund	2012-2013
EDUCATION	
Community Colleges System Office	\$ 5,165,000
Department of Public Instruction	62,430,967
University of North Carolina – Board of Governors	
Appalachian State University	573,876
East Carolina University	
Academic Affairs	4,447,287
Health Affairs	0
Elizabeth City State University	0
Fayetteville State University	473,656
NC A&T State University	0
NC Central University	0
NC State University	
Academic Affairs	3,346,252
Agricultural Research	0
Agricultural Extension	0
UNC-Asheville	0
UNC-Chapel Hill	
Academic Affairs	0
Health Affairs	0
AHEC	<u>015,000,000</u>
UNC-Charlotte	0
UNC-Greensboro	103,534

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UNC-Pembroke	0
UNC-School of the Arts	0
UNC-Wilmington	434,038
Western Carolina University	0
Winston-Salem State University	0
General Administration	9,808,141
University Institution Programs	15,560,828
Related Educational Programs	(12,139,141)
UNC Financial Aid Private Colleges	4,500,000
NC School of Science & Math	0
UNC Hospitals	(3,000,000) (18,000,000)
Total University of North Carolina – Board of Governors	\$24,108,471

HEALTH AND HUMAN SERVICES

Department of Health and Human Services

Division of Central Management and Support	1,307,641
Division of Aging and Adult Services	50,000,000
Division of Services for Blind/Deaf/Hard of Hearing	(168,336)
Division of Child Development	(3,500,000)
Division of Health Service Regulation	1,792,559
Division of Medical Assistance	194,172,266
Division of Mental Health, Dev. Disabilities and Sub. Abuse	(15,196,981)
NC Health Choice	(2,007,430)
Division of Public Health	11,384,778
Division of Social Services	(9,079,116)
Division of Vocational Rehabilitation	0
Total Health and Human Services	\$228,705,381

NATURAL AND ECONOMIC RESOURCES

Department of Agriculture and Consumer Services \$47,362,832

Department of Commerce

Commerce	7,471,362
Commerce State-Aid	(1,217,540) (217,540)
NC Biotechnology Center	(351,034)
Rural Economic Development Center	(3,757,535) (1,757,535)

Department of Environment and Natural Resources (39,339,288)

DENR Clean Water Management Trust Fund (500,000)

Department of Labor (316,738)

Wildlife Resources Commission 434,397

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JUSTICE AND PUBLIC SAFETY

Department of Public Safety	\$(32,231,135)
Judicial Department	(2,334,307)
Judicial Department – Indigent Defense	0
Department of Justice	(6,667,504)

GENERAL GOVERNMENT

Department of Administration	\$(24,861)
Department of State Auditor	(213,521)
Office of State Controller	1,580,412
Department of Cultural Resources	
Cultural Resources	(298,866)
Roanoke Island Commission	(300,000)
State Board of Elections	(102,532)
General Assembly	1,570,422
Office of the Governor	
Office of the Governor	(94,823)
Office of State Budget and Management	(116,973)
OSBM – Reserve for Special Appropriations	1,438,388
Housing Finance Agency	(8,064,634)
Department of Insurance	
Insurance	459,055
Insurance – Volunteer Safety Workers' Compensation	0
Office of Lieutenant Governor	(144,150)
Office of Administrative Hearings	0
Department of Revenue	(1,563,991)
Department of Secretary of State	766,661
Department of State Treasurer	
State Treasurer	0
State Treasurer – Retirement for Fire and Rescue Squad Workers	0

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RESERVES, ADJUSTMENTS AND DEBT SERVICE

Information Technology Fund	\$(750,000)
Reserve for Job Development Investment Grants (JDIG)	(6,500,000)
Judicial Retirement System Contribution	100,000
Continuation/Justification Review Reserve	(35,576,758)
Compensation and Performance Pay Reserve	(121,105,840)
Reserve for Compensation Increases and Personnel Flexibility	159,984,426
Disability Income Plan Rate Reduction	(8,688,000)
One North Carolina Fund	9,000,000
Reserve for VIPER	10,000,000
 Debt Service	
General Debt Service	(52,904,635)

TOTAL CURRENT OPERATIONS – GENERAL FUND

\$ ~~237,413,109~~ 240,413,109"

SECTION 1.1A.(a) Section 2.2(a) of S.L. 2012-142 reads as rewritten:

“GENERAL FUND AVAILABILITY STATEMENT

“SECTION 2.2.(a) Section 2.2(a) of S.L. 2011-145, as amended by Section 2(b) of S.L. 2011-391 and Section 5(a) of S.L. 2011-395, is repealed. The General Fund availability used in adjusting the 2012-2013 budget is shown below:

	FY 2012-2013
Unappropriated Balance Remaining	\$41,232,325
Anticipated Overcollections from FY 2011-2012	232,500,000
Anticipated Reversions for FY 2011-2012	205,500,000 <u>206,873,330</u>
Net Supplemental Medicaid Appropriation (S.L. 2012-2)	(154,000,000)
Less Earmarkings of Year-End Fund Balance	
Savings Reserve Account	(123,170,924)
Repairs and Renovations Reserve Account	(23,170,924)
Beginning Unreserved Fund Balance	\$178,890,477 <u>180,263,807</u>
 Revenue Based on Existing Tax Structure	 18,931,200,000
 Nontax Revenue	
Investment Income	21,600,000
Judicial Fees	258,700,000
Disproportionate Share	115,000,000
Insurance	73,700,000
Other Nontax Revenues	304,400,000
Highway Trust Fund Transfer	27,600,000
Highway Fund Transfer	212,280,000
Total – Nontax Revenues	1,013,280,000

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Subtotal General Fund Availability **20,123,370,477****20,124,743,807**

Adjustments to Availability: 2012 Session

E-Commerce Reserve Cash Balance	2,470,642
One North Carolina Fund Cash Balance	45,000,000
Sale of State Assets Receipt	(25,000,000)
Information Technology Internal Service Fund Cash Balance	14,000,000
National Mortgage Settlement	9,610,000
Highway Fund Transfer – Technical Adjustment	8,000,000
Work Opportunity Tax Credit Extension (HB 1015 Reserve)	(800,000)
Tax Deduction for Educational Supplies (HB 1015 Reserve)	(1,800,000)
Sales Tax Refund Application for Passenger Air Carriers (HB 1015 Reserve)	(3,150,000)
Insurance Regulatory Fund	166,613
Teaching Fellows Trust Fund Cash Balance	3,265,000
Diversion of Golden L.E.A.F. Funds	3,750,000 <u>6,750,000</u>
Charitable Licensing Receipts	979,752

Subtotal Adjustments to Availability: **56,492,007****59,492,007**

Revised Total General Fund Availability **20,179,862,484****20,184,235,814**

Less General Fund Appropriations **20,179,862,484****20,184,235,814**

Balance Remaining **0”**

SECTION 1.1A.(b). Section 2.2(e) of S.L. 2011-145, as amended by Section 2.2(h) of S.L. 2012-142, reads as rewritten:

“**SECTION 2.2.(e)** Of the 2011-2012 and the 2012-2013 annual installment payments to the North Carolina State Specific Account that would have been transferred to The Golden L.E.A.F. (Long-Term Economic Advancement Foundation), Inc., pursuant to Section 2(b) of S.L. 1999-2, seventeen million five hundred sixty-three thousand seven hundred sixty dollars (\$17,563,760) for the 2011-2012 fiscal year and ~~twenty one million five hundred sixty three thousand seven hundred sixty dollars (\$21,563,760)~~ twenty-four million three hundred thirteen thousand seven hundred sixty dollars (\$24,313,760) for the 2012-2013 fiscal year is transferred to the General Fund.”

SECTION 1.2. S.L. 2012-142 is amended by adding a new section to read:

“EXEMPTIONS FROM MANAGEMENT FLEXIBILITY REDUCTIONS

“**SECTION 6.15.** Notwithstanding the provisions of Section 6.14 of this act and G.S. 143C-6-4, and unless otherwise specifically directed in this act or in S.L. 2011-145, additional funds appropriated for the 2012-2013 fiscal year to State agencies as defined by G.S. 143C-1-1(d)(24) shall not be used to offset management flexibility adjustments enacted in this act or in S.L. 2011-145.”

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LOTTERY FUNDS

SECTION 1.3 Section 5.3(d) of S.L. 2012-142 reads as rewritten:

“**SECTION 5.3.(d)** Notwithstanding G.S. 18C-164(f) or any other provision of law, excess lottery receipts realized in the 2011-2012 fiscal year in the amount of ~~twenty five million five hundred eighty eight thousand three hundred seventy dollars (\$25,588,370)~~ thirty-two million one hundred thirty-three thousand six hundred forty-one dollars (\$32,133,641) shall be allocated for UNC Need-Based Financial Aid.”

PART II. EDUCATION

SECTION 2.1. S.L. 2012-142 is amended by adding a new section to read:

“AUTHORITY TO ESTABLISH POSITIONS TO ADMINISTER THE EXCELLENT PUBLIC SCHOOLS ACT

“**SECTION 7A.12.** The Department of Public Instruction may establish 11 positions to administer the provisions of Section 7A.1 of this act.”

SECTION 2.2. S.L. 2012-142 is amended by adding a new section to read:

“FUNDING FOR BOWLES CENTER FOR ALCOHOL STUDIES

“**SECTION 9.16.** G.S. 20-7(i1) reads as rewritten:

“(i1) Restoration Fee. – Any person whose drivers license has been revoked pursuant to the provisions of this Chapter, other than G.S. 20-17(a)(2) shall pay a restoration fee of fifty dollars (\$50.00). A person whose drivers license has been revoked under G.S. 20-17(a)(2) shall pay a restoration fee of one hundred dollars (\$100.00). The fee shall be paid to the Division prior to the issuance to such person of a new drivers license or the restoration of the drivers license. The restoration fee shall be paid to the Division in addition to any and all fees which may be provided by law. This restoration fee shall not be required from any licensee whose license was revoked or voluntarily surrendered for medical or health reasons whether or not a medical evaluation was conducted pursuant to this Chapter. The fifty-dollar (\$50.00) fee, and the first fifty dollars (\$50.00) of the one-hundred-dollar (\$100.00) fee, shall be deposited in the Highway Fund. Twenty-five dollars (\$25.00) of the one-hundred-dollar (\$100.00) fee shall be used to fund a statewide chemical alcohol testing program administered by the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services. The remainder of the one-hundred-dollar (\$100.00) fee shall be deposited in the General Fund. The Office of State Budget and Management shall annually report to the General Assembly the amount of fees deposited in the General Fund and transferred to the Forensic Tests for Alcohol Branch of the Chronic Disease and Injury Section of the Department of Health and Human Services under this subsection.

~~It is the intent of the General Assembly to annually appropriate~~ Effective with the 2011-2012 fiscal year, from the funds deposited in the General Fund under this subsection the sum of five hundred thirty-seven thousand four

hundred fifty-five dollars (\$537,455) shall be transferred annually to the Board of Governors of The University of North Carolina to be used for the operating expenses of the Bowles Center for Alcohol Studies at The University of North Carolina at Chapel Hill.”“

SECTION 2.3. S.L. 2012-142 is amended by adding a new section to read:

“FUNDING FOR UNC MEDICAL SCHOOL

“SECTION 9.17.(a) Notwithstanding any provision of law to the contrary, of the funds appropriated by this act for the 2012-2013 fiscal year to the Board of Governors of The University of North Carolina the sum of forty-four million eleven thousand eight hundred eighty-two dollars (\$44,011,882) in recurring funds, the recurring reduction of those funds in the amount of three million dollars (\$3,000,000), and the nonrecurring reduction of those funds in the amount of twenty-six million eleven thousand eight hundred eighty-two dollars (\$26,011,882) shall be transferred from the UNC Hospitals Budget Code 16095 to the UNC School of Medicine Budget Code 16021 and shall be used for medical education. The transfer of the appropriation of the sum of forty-four million eleven thousand eight hundred eighty-two dollars (\$44,011,882) in recurring funds and the transfer of the recurring reduction of those funds in the amount of three million dollars (\$3,000,000) shall be a permanent transfer of appropriation and reduction in funds from the UNC Hospitals Budget Code 16095 to the UNC School of Medicine Budget Code 16021 that shall be reflected in those budget codes for the 2012-2013 fiscal year and in the continuation budgets for those budget codes for each subsequent fiscal year.”

SECTION 2.4.(a) Section 7.21(a) of S.L. 2011-145, as amended by Section 7.18 of S.L. 2012-142, reads as rewritten:

“SECTION 7.21.(a) For fiscal ~~years 2011-2012 and year~~ 2012-2013, the State Board of Education is authorized to extend its emergency rules, in accordance with G.S. 150B-21.1A, granting maximum flexibility to local school administrative units regarding the expenditure of State funds. These rules shall not be subject to the limitations on transfers of funds between funding allotment categories set out in G.S. 115C-105.25. However, these rules shall not permit the following transfers:

- (1) The transfer of funds into central office administration.
- (2) The transfer of funds from the classroom teachers allotment to any allotment other than teacher assistants allotment.
- (3) The transfer of funds from the teacher assistants allotment to any allotment other than the classroom teachers allotment.

For funds related to classroom teacher positions, the salary transferred shall be based on the ~~first step of step~~ corresponding to six years of experience on the “A” Teachers salary schedule.

SECTION 2.4.(a1) Section 7.18(b) of S.L. 2012-142 reads as rewritten:

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“**SECTION 7.18.(b)** Local school administrative units may transfer funds for certified instructional support personnel for any purpose not otherwise prohibited by the State Board of Education’s ABC transfer policy by submitting an ABC Transfer Form to the Department of Public Instruction. For funds related to certified instructional support personnel positions, the salary transferred shall be based on the ~~first step of~~ step corresponding to six years of experience on the “A” Teachers salary schedule. No local school administrative unit shall convert certified position allotments to dollars in order to hire the same type of position.”

SECTION 2.4.(b) This section applies to the 2012-2013 fiscal year only. For subsequent fiscal years, it is the intent of the General Assembly to require that all transfers of teacher and instructional support personnel positions be based on step 0 of the “A” Teachers salary schedule.

SECTION 2.5. S.L. 2012-142 is amended by adding a new section to read:

“SCHOOL CALENDAR

“SECTION 7A.11.(a) G.S. 115C-84.2 reads as rewritten:

“§ 115C-84.2. School calendar.

(a) School Calendar. – Each local board of education shall adopt a school calendar consisting of 215 days all of which shall fall within the fiscal year. A school calendar shall include the following:

- (1) A minimum of 185 days ~~and or~~ 1,025 hours of instruction covering at least nine calendar months. The local board shall designate when the ~~185~~ instructional days shall occur. The number of instructional hours in an instructional day may vary according to local board policy and does not have to be uniform among the schools in the administrative unit. Local boards may approve school improvement plans that include days with varying amounts of instructional time. If school is closed early due to inclement weather, the day and the scheduled amount of instructional hours may count towards the required minimum to the extent allowed by State Board policy. The school calendar shall include a plan for making up days and instructional hours missed when schools are not opened due to inclement weather.

~~...
If the State Board of Education finds that it will enhance student performance to do so, the State Board may grant a local board of education a waiver to use up to five of the instructional days required by subdivision (1) of this subsection as teacher workdays. For each instructional day waived, the State Board shall waive an equivalent number of instructional hours.~~

Local boards and individual schools are encouraged to use the calendar flexibility in order to meet the annual performance standards set by the State Board. Local boards of education shall consult with parents and the employed public school personnel in the development of the school calendar.

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Local boards shall designate at least two days scheduled under subdivision (5) of this subsection as days on which teachers may take accumulated vacation leave. Local boards may designate the remaining days scheduled in subdivision (5) of this subsection as days on which teachers may take accumulated vacation leave, but local boards shall give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

...

(d) Opening and Closing Dates. – Local boards of education shall determine the dates of opening and closing the public schools under subdivision (a)(1) of this section. Except for year-round schools, the opening date for students shall ~~not be before August 25, be no earlier than the Monday closest to August 26,~~ and the closing date for students shall ~~not be after June 10, be no later than the Friday closest to June 11.~~ On a showing of good cause, the State Board of Education may waive ~~this requirement~~ the requirement that the opening date for students be no earlier than the Monday closest to August 26 and may allow the local board of education to set an opening date no earlier than the Monday closest to August 19, to the extent that school calendars are able to provide sufficient days to accommodate anticipated makeup days due to school closings. A local board may revise the scheduled closing date if necessary in order to comply with the minimum requirements for instructional days or instructional time. For purposes of this subsection, the term “good cause” means ~~either that that schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations,~~

- (1) ~~Schools in any local school administrative unit in a county have been closed eight days per year during any four of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations; or~~
- (2) ~~Schools in any local school administrative unit in a county have been closed for all or part of eight days per year during any four of the last 10 years because of severe weather conditions. For purposes of this subdivision, a school shall be deemed to be closed for part of a day if it is closed for two or more hours.~~

~~The State Board also may waive this requirement for an educational purpose. The term “educational purpose” means a local school administrative unit establishes a need to adopt a different calendar for (i) a specific school to accommodate a special program offered generally to the student body of that school, (ii) a school that primarily serves a special population of students, or (iii) a defined program within a school. The State Board may grant the waiver for an educational purpose for that specific school or defined program to the extent that the State Board finds that the educational purpose is reasonable, the accommodation is necessary to accomplish the educational purpose, and the~~

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~~request is not an attempt to circumvent the opening and closing dates set forth in this subsection. The waiver requests for educational purposes shall not be used to accommodate system-wide class scheduling preferences.~~

The required opening and closing dates under this subsection shall not apply to any school that a local board designated as having a modified calendar for the 2003-2004 school year or to any school that was part of a planned program in the 2003-2004 school year for a system of modified calendar schools, so long as the school operates under a modified calendar.

....

“**SECTION 7A.11.(b)** G.S. 115C-238.29F(d)(1) reads as rewritten:

“(1) The school shall provide instruction each year for at least 185 days or 1,025 hours over nine calendar months. ~~If the State Board of Education finds that it will enhance student performance to do so, the State Board may grant a charter school a waiver to use up to five of these instructional days as teacher workdays.”~~

“**SECTION 7A.11.(c)** G.S. 115C-238.53(d) reads as rewritten:

“(d) A program approved under this Part shall provide instruction each school year for at least ~~180 days~~ 185 days or 1,025 instructional hours during nine calendar months, shall comply with laws and policies relating to the education of students with disabilities, and shall comply with Article 27 of this Chapter. The requirements of G.S. 115C-84.2 shall not apply to the school calendar of a program approved under this Part.”

“**SECTION 7A.11.(d)** G.S. 115C-238.66(1)d. reads as rewritten:

“d. The board of directors shall adopt a school calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months.”

“**SECTION 7A.11.(e)** Notwithstanding the calendar requirements of G.S. 115C-84.2, a local board of education may adopt a calendar consisting of a minimum of 185 days or 1,025 hours of instruction covering at least nine calendar months for certain schools within the local school administrative unit that meet all of the following requirements:

- (1) Are located in a local school administrative unit that borders another state and serves a minimum of 135,000 students.
- (2) Participate in a public-private partnership with private monetary investment in the school and local school administrative unit for the purpose of eliminating the educational gap and ensuring that all students graduate from high school prepared to succeed in college and life through a program that requires excellent principals and effective teachers, extended learning time opportunities, access to and effective use of technology, and community support through engaged parents, motivated mentors, and community connections.

- (3) Belong to a feeder pattern that also participate in the same public-private partnership and includes not more than nine schools.

State funding shall not be used by the local board of education to fund any instructional days in excess of 185 included in a school calendar adopted as provided in this section. Local and private funds may be used to fund additional instructional days in the school calendar. The requirements of G.S. 115C-84.2 shall not apply to a school calendar approved as provided in this section.

“SECTION 7A.11.(f) This section is effective when it becomes law and applies beginning with the 2013-2014 school year.”

PART III. HEALTH AND HUMAN SERVICES

SECTION 3.1.(a) The portion of Section 10.25(a) of S.L. 2012-142 setting forth the allocation for County Departments of Social Services for Local Program Expenditures, Divisions of Social Services and Aging and Adult Services, under the Social Services Block Grant reads as rewritten:

“SECTION 10.25.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2013, according to the following schedule:

...
SOCIAL SERVICES BLOCK GRANT

Local Program Expenditures

Divisions of Social Services and Aging and Adult Services

- 01. County Departments of Social Services ~~\$ 32,249,206~~ \$30,452,068
(Transfer from TANF \$4,148,001)....”

SECTION 3.1.(b) The portion of Section 10.25(a) of S.L. 2012-142 setting forth the allocation for Children’s Health Services for Local Program Expenditures, Division of Public Health, under the Maternal and Child Health Block Grant reads as rewritten:

“SECTION 10.25.(a) Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2013, according to the following schedule: ...

MATERNAL AND CHILD HEALTH BLOCK GRANT

Local Program Expenditures

Division of Public Health

- 01. Children’s Health Services ~~\$ 8,487,547~~ \$ 8,569,465
....”

SECTION 3.1.(c) The portion of Section 10.25(a) of S.L. 2012-142 setting forth the allocation for HIV/STD Prevention and Community Planning for Local Program Expenditures, Division of Public Health, under the Preventive Health Services Block Grant reads as rewritten:

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“**SECTION 10.25.(a)** Appropriations from federal block grant funds are made for the fiscal year ending June 30, 2013, according to the following schedule:

...

PREVENTIVE HEALTH SERVICES BLOCK GRANT

Local Program Expenditures

Division of Public Health

01.	HIV/STD Prevention and Community Planning (Transfer from Social Services Block Grant)	180,470
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....”

SECTION 3.1.(d) Section 10.25(l) of S.L. 2012-142 reads as rewritten:

“**SECTION 10.25.(l)** The sum of ~~thirty two million two hundred forty nine thousand two hundred six dollars (\$32,249,206)~~ thirty million four hundred fifty-two thousand sixty-eight dollars (\$30,452,068) appropriated in this section in the Social Services Block Grant to the Department of Health and Human Services, Division of Social Services, for the 2012-2013 fiscal year shall be used for County Block Grants. The Division shall certify these funds in the appropriate State-level services based on prior year actual expenditures. The Division has the authority to realign the authorized budget for these funds among the State-level services based on current year actual expenditures.”

SECTION 3.1.(e) Section 10.25 of S.L. 2012-142 is amended by adding a new subsection to read:

“**SECTION 10.25.(r1)** The sum of two million seven hundred twenty-eight thousand dollars (\$2,728,000) appropriated in this section in the Social Services Block Grant for the 2012-2013 fiscal year to the Department of Health and Human Services, Division of Public Health, shall be used for tobacco cessation and prevention. These funds are exempt from the provisions of 10A NCAC 71R .0201(3).”

SECTION 3.3. Section 10.9A of S.L. 2012-142 reads as rewritten:

“**SECTION 10.9A.(a)** The State Auditor shall ~~conduct a performance audit of the North Carolina Medicaid Program and the Division of Medical Assistance operated within the Department of Health and Human Services. The audit shall examine the program’s effectiveness; results of the program; the utilization of outside vendor contracts, including the number, cost, and duration of such contracts; fiscal controls and Medicaid forecasting; and compliance with requirements of the Centers for Medicare and Medicaid Services and the requirements of State law.~~ audit the Department of Health and Human Services, Division of Medical Assistance, and the State Medicaid Program operated within the Department. The audit shall include the State Auditor’s examination of at least all of the following:

- (1) The administrative functions and responsibilities of permanent Division staff.

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- (2) The administrative functions that are performed either partially or entirely through contracts, cooperative agreements, Memorandums of Understanding (MOUs) with external entities, such as independent contractors, private vendors, universities, county governments, and other State or federal agencies. To identify these administrative functions, the State Auditor shall develop an inventory of all administrative contracts for purchased services, including a brief description of the scope of work, cost, and the period of performance for each contract.
- (3) The amount of funds, staff, and other resources dedicated to the performance of each administrative function of the Division.
- (4) The timeliness and compliance with State and federal mandates when carrying out the functions of the Division, including all of the following:
 - a. The production of accurate, multiyear projections of Medicaid recipient participation, consumption of services, and costs.
 - b. The oversight of the Medicaid program to ensure that program participation by Medicaid eligible recipients, consumption of services, and expenditures are within the budget authorized by the General Assembly for each fiscal year, including early detection of expenditure trends that indicate potential budget shortfalls.
 - c. The timeliness of preparing and submitting Medicaid State Plan amendments to obtain approval from the Centers for Medicare and Medicaid Services to comply with State and federal laws and regulations.
 - d. The collection, distribution, and maintenance of statistical data and other information on the Medicaid eligible population, eligible recipient participation, consumption of services, Medicaid patient health outcomes, provider participation and related issues, and costs.
 - e. The timeliness of distribution and the presentation of complete and accurate information with supportive documentation to the Secretary of the Department of Health and Human Services, the Governor's Office, and the General Assembly regarding funding needs and policy issues.

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“**SECTION 10.9A.(b)** The State Auditor shall give a preliminary report on the ~~performance~~ audit required by this section to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by November 1, 2012, and shall complete the ~~performance~~ audit by February 1, 2013.

“**SECTION 10.9A.(c)** Of the funds appropriated to the Department of Health and Human Services, Division of Medical Assistance, from the General Fund for the 2012-2013 fiscal year to fund contracts, the Department shall transfer to the North Carolina Office of the State Auditor the amount of funds necessary to complete the ~~performance~~ audit required by this section.”

SECTION 3.4. Section 10.11(a) of S.L. 2012-142 is amended by adding a new subdivision to read:

- “(4) The impact of implementing the 1915(b)/(c) Medicaid waiver and other mental health system reforms on public guardianship services, including at least all of the following:
- a. Guardianship roles, responsibilities, and procedures.
 - b. The effect on existing relationships between guardians and wards.
 - c. Recommended legislation to support the transition of public guardianship services from the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services within the Department of Health and Human Services to county departments of social services.”

SECTION 3.5. Section 10.9E(a) of S.L. 2012-142 reads as rewritten:

“**SECTION 10.9E.(a)** ~~The~~By September 15, 2012, the Department of Health and Human Services, Division of Medical Assistance, shall develop and submit to the Centers for Medicare and Medicaid Services an application for a home- and community-based services program under Medicaid State Plan 1915(i) authority for ~~elderly~~ individuals who (i) are typically served in special care and memory care units that meet the criteria of the State-County Special Assistance Program and (ii) have been diagnosed with a ~~progressive~~, degenerative, irreversible disease that attacks the brain and results in impaired memory, thinking, and behavior. The home- and community-based services program developed by the Department pursuant to this section shall focus on providing these ~~elderly~~ individuals with personal care services necessary to ameliorate the effects of gradual memory loss, impaired judgment, disorientation, personality change, difficulty in learning, and loss of language skills.”

SECTION 3.6. Section 10.23A.(f) of S.L. 2012-142 reads as rewritten:

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“**SECTION 10.23A.(f)** Of the amount appropriated to the Fund established in subsection (d) of this section, the sum of thirty-nine million seven hundred thousand dollars (\$39,700,000) is designated for implementation of the State’s plan to provide temporary, short-term assistance only to adult care homes as they transition into the State’s Transitions to Community Living Initiative. These funds shall be used only for this purpose. The General Assembly recognizes that while transformation of the system is being undertaken, adult care homes provide stable and safe housing and care to many of North Carolina’s frail and elderly population, and it is necessary during this time of transition and transformation of the statewide system that the industry remain able to provide such care.

~~Upon~~ Following completion of an independent assessment process, as outlined in Section 10.9F(d) of this act, by December 31, 2012, and upon certification by the Department of Health and Human Services, in consultation with a local adult care home resident discharge team, as defined in G.S. 131D-2.1(3a), that a resident (i) who is no longer eligible to receive Medicaid reimbursable assistance and assistance, (ii) for whom a community placement has not yet been arranged-arranged, and (iii) who cannot be safely and timely discharged into the community, the Department may make a monthly payment to the adult care home to support the facility’s continuing provision of services to the resident. The Department may make the monthly payment from the thirty-nine million seven hundred thousand dollars (\$39,700,000) designated for implementation of the State’s plan under this subsection. The monthly payment provided by the Department to an adult care home pursuant to this subsection shall not exceed six hundred ninety-four dollars (\$694) per month per resident for a period not to exceed three months for each resident. At the expiration of this three-month period, the monthly payment shall be reduced by twenty-five percent (25%) and shall not exceed five hundred twenty dollars and fifty cents (\$520.50) per month per resident. Upon implementation of the home-and community-based services program for ~~elderly~~ individuals typically served in special care or memory care units, to be developed by the Department under Medicaid State Plan 1915(i) authority pursuant to Section 10.9E of this act, the Department shall terminate all monthly payments pursuant to this subsection for continuing services provided to residents of special care or memory care units. The Department shall terminate all monthly payments pursuant to this subsection on June 30, 2013. Notwithstanding any other provision of this subsection, the Department is prohibited from making any monthly payments under this subsection to an adult care home for services provided to any resident during the pendency of an appeal by or on behalf of the resident under G.S. 108A-70.9A.

The Department of Health and Human Services shall administer these funds but may, as needed, contract with a vendor for administration.”

SECTION 3.7. Section 10.9F(g) of S.L. 2012-142 reads as rewritten:

“**SECTION 10.9F.(g)** ~~Subsections (c) and (d)~~ Subsection (c) of this section ~~become~~ becomes effective January 1, 2013.”

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PART IV. NATURAL AND ECONOMIC RESOURCES

SECTION 4.1. Notwithstanding any provision of S.L. 2012-142 to the contrary, the sum of two hundred eighty-two thousand four hundred twelve dollars (\$282,412) in recurring funds shall be transferred from the Department of Environment and Natural Resources to the Department of Health and Human Services to support Division of Environmental Health operations associated with the Department of Environment and Natural Resources' Regional Offices.

SECTION 4.2. Notwithstanding any provision of S.L. 2012-142 to the contrary, 8.75 full-time equivalents shall be transferred from the Department of Environment and Natural Resources to the Department of Agriculture and Consumer Services for the restoration of Division of Soil and Water Conservation employees associated with Department of Environment and Natural Resources' Regional Offices.

SECTION 4.3. S.L. 2012-142 reads is amended by adding a new section to read:

“SOIL AND WATER CONSERVATION CLARIFICATIONS

“SECTION 11.6.(a) Of the funds appropriated in this act to the Soil and Water Conservation Division of the Department of Agriculture and Community Services for the Conservation Reserve Enhancement Program, the recurring sum of two hundred seventy-five thousand dollars (\$275,000) designated for the Roanoke and Pasquotank River basins and for the implementation of amended Conservation Reserve Enhancement Program agreements in the Neuse, Tar-Pamlico, Chowan, and Jordan Lake basins may be used for operation and implementation of the Conservation Reserve Enhancement Program in any of the State's river basins eligible for the Conservation Reserve Enhancement Program.

“SECTION 11.6.(b) G.S. 139-4 reads as rewritten:

“§ 139-4. Powers and duties of Soil and Water Conservation Commission generally.

...

(d) In addition to the duties and powers hereinafter conferred upon the Soil and Water Conservation Commission, it shall have the following duties and powers:

- ...
- (12) To develop and approve best management practices for the Agriculture Cost Share Program for Nonpoint Source Pollution Control and for use in the water quality protection and water use efficiency, availability, and storage programs of the Department of Environment and Natural Resources and to adopt rules that establish criteria governing approval of these best management practices.

....”

“SECTION 11.6.(c) Section 3.3 of S.L. 1999-329, as amended by Section 6 of S.L. 2001-254, Section 1.2 of S.L. 2002-176, Section 6.2 of S.L. 2003-340, and Section 12.7(b) of S.L. 2005-276, reads as rewritten:

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“**SECTION 3.3.** The Department of ~~Environment and Natural Resources, Agriculture and Consumer Services,~~ in consultation with both the Division of Water Quality of the Department of Environment and Natural Resources and the Division of Soil and Water Conservation, shall submit semiannual interim reports no later than 15 April and 15 October of each year beginning 15 October 1999 to the Environmental Review Commission, the Fiscal Research Division, and the Appropriations Subcommittees on Natural and Economic Resources in both the Senate and the House of Representatives. These reports shall indicate whether the pilot program has increased the effectiveness of the annual inspections program or the response to complaints and reported problems, specifically whether the pilot program had resulted in identifying violations earlier, taking corrective actions earlier, increasing compliance with the animal waste management plans and permit conditions, improving the time to respond to discharges, complaints, and reported problems, improving communications between farmers and Department employees, and any other consequences deemed pertinent by the Department. These reports shall also compare the costs of conducting operations reviews and inspections under the pilot program with the costs of conducting operations reviews and inspections pursuant to G.S. 143-215.10D and G.S. 143-215.10F and the resources that would be required to expand the pilot program to all counties.”

SECTION 4.4. S.L. 2012-142 is amended by adding a new section to read:

“CLARIFY USE OF FUNDS FROM NATURAL HERITAGE TRUST FUND

“SECTION 12.10. G.S. 113-77.9(c) reads as rewritten:

“(c) Other Purposes. – The Trustees may authorize expenditures from the Fund to pay for the inventory of natural areas conducted under the Natural Heritage Program established pursuant to the Nature Preserves Act, Article 9A of Chapter 113A of the General Statutes. The Trustees may also authorize expenditures from the Fund to pay for conservation and protection planning and for informational programs for owners of natural areas, as defined in G.S. 113A-164.3. The Trustees shall authorize expenditures from the Fund not to exceed seventy-five thousand dollars (\$75,000) to pay the cost of the Department of Agriculture and Consumer Services to administer the Plant Conservation Program. The Trustees shall authorize expenditures from the Fund not to exceed three hundred twenty-five thousand dollars (\$325,000) to pay the cost of supporting staff in the Office of Conservation Planning and Community Affairs of the Department of Environment and Natural ~~Resources~~.Resources for activities in addition to those conducted in support of the purposes set forth in this section.”

SECTION 4.5. Section 13.9A of S.L. 2012-142 is amended by adding a new subsection to read:

“SECTION 13.9A.(c) The Department of Commerce shall transfer to the Department of Agriculture and Consumer Services position 60080945. This position shall be supported from funds appropriated for the 2012-2013 fiscal year in this act to the Department of Agriculture and Consumer Services for the North Carolina Wine and Grape Growers Council on a nonrecurring basis.”

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SECTION 4.6. Section 13.12A of S.L. 2012-142 is repealed.

SECTION 4.7. S.L. 2012-142 is amended by adding a new section to read as follows:

“BIOFUELS CENTER OF NORTH CAROLINA/TVA FUNDS

“SECTION 13.12A1. Subsections (a) and (b) of Section 14.14 of S.L. 2011-145 are repealed.”

SECTION 4.8. S.L. 2012-142 is amended by adding the following new section to read:

“REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS FUNDING

SECTION 13.16. Of the funds appropriated in this act, an additional sum of one million dollars (\$1,000,000) for the 2012-2013 fiscal year in nonrecurring funds shall be allocated to the Regional Economic Development Commissions.”

SECTION 4.9. S.L. 2012-142 is amended by adding the following new section to read:

“RURAL ECONOMIC DEVELOPMENT CENTER FLEXIBILITY

SECTION 13.13B.(a) Sections 13.13, 13.13A, and 13.14A of House Bill 950, 2012 Regular Session, are repealed.

SECTION 13.13B.(b) Notwithstanding Sections 14.16, 14.17, and 14.18 of S.L. 2011-145, an additional sum of two million dollars (\$2,000,000) for the 2012-2013 fiscal year in nonrecurring funds shall be allocated to the Rural Economic Development Center. The Center shall determine which reductions are needed to achieve the reductions required by this act for the 2012-2013 fiscal year.”

PART V. GENERAL GOVERNMENT

SECTION 5.1. S.L. 2012-142 is amended by adding a new Part to read:

“PART XVIA. DEPARTMENT OF ADMINISTRATION

“NORTH CAROLINA STERILIZATION VICTIMS FOUNDATION FUNDING

“SECTION 16A.1. Of the funds appropriated to the Department of Administration, up to the sum of one hundred twenty-eight thousand six hundred eighteen dollars (\$128,618) for the 2012-2013 fiscal year shall be used for the continued operation of the North Carolina Sterilization Victims Foundation on a nonrecurring basis.”

PART VI. TRANSPORTATION

SECTION 6.1. S.L. 2012-142 is amended by adding a new section to read:

“DEPARTMENT OF TRANSPORTATION RELOCATION OF MUNICIPAL UTILITIES

“SECTION 24.22. Article 2 of Chapter 136 of the General Statutes is amended by adding a new section to read:

“§ 136-27.3. Relocation of municipalities’ utilities by Department; repayment by municipalities.”

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When requiring municipalities to relocate utilities under its power granted in G.S. 136-18(10), the Department may enter into agreements with municipalities to provide that the necessary engineering and utility construction be accomplished by the Department on a reimbursement basis as follows:

- (1) Reimbursement to the Department shall be due after completion of the work and within 60 days after date of invoice.
- (2) Interest shall be paid on any unpaid balance due at a variable rate of the prime rate plus one percent (1%).”

SECTION 6.2. Section 24.18(b) of S.L. 2012-142 reads as rewritten:

“SECTION 24.18.(b) The Department of Transportation shall disregard Executive Order No. 116, or any other executive order pertaining to ferry tolls, and shall collect the tolls required by S.L. 2011-145 and this section, except for the Cherry Branch/Minnesott Beach route, for which the Department of Transportation shall not collect the increased tolls required by S.L. 2011-145 during fiscal year 2012-2013. Notwithstanding the clarifying amendment to G.S. 136-82 made by subsection (a) of this section and notwithstanding the increase in ferry toll revenue required by S.L. 2011-145, the Department of Transportation, Ferry Division, shall not collect the increased ferry tolls required by S.L. 2011-145 during fiscal year 2012-2013. Notwithstanding any other provision of this act, the sum of two million dollars (\$2,000,000), nonrecurring, is not appropriated to the Turnpike Authority to supplement and advance project studies related to the Mid-Currituck Bridge project; instead, notwithstanding G.S. 136-176(b2) or any other provision of law, the sum of two million dollars (\$2,000,000), nonrecurring, of the funds appropriated to the Turnpike Authority under G.S. 136-176(b2) is transferred from the Highway Trust Fund to the Highway Fund, and that sum is appropriated from the Highway Fund to the Department of Transportation, Ferry Division, for fiscal year 2012-2013. Notwithstanding any other provision of this act, the appropriation provided elsewhere in this act for the Reserve for General Maintenance in the Highway Fund is decreased by the sum of five hundred thousand dollars (\$500,000), nonrecurring, and that sum is appropriated to the Department of Transportation, Ferry Division, for fiscal year 2012-2013. For fiscal year 2012-2013, the Department of Transportation, Ferry Division, shall collect the tolls as found in 19 NCAC 02D .0532 prior to the Department’s March 2012 amendment to 19 NCAC 02D .0532. The Department of Transportation, Ferry Division, shall collect tolls based on the March 2012 amendment to 19 NCAC 02D .0532 beginning on July 1, 2013.”

PART VI-A. CAPITAL APPROPRIATIONS

SECTION 6A.1. Section 26.1 of S.L. 2012-142 reads as rewritten:

“CAPITAL APPROPRIATIONS/GENERAL FUND

“SECTION 26.1.(a) There is appropriated from the General Fund for the 2012-2013 fiscal year the following amounts for capital improvements:

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Capital Improvements – General Fund**2012-2013**

Department of Environment and Natural Resources

Water Resources Development Projects

\$ 5,000,000

Department of Public SafetyGreensboro Readiness Center Renovation and Expansion\$1,373,330**TOTAL CAPITAL IMPROVEMENTS – GENERAL FUND****\$ 5,000,000\$6,373,330**

“SECTION 26.1.(b) The General Assembly authorizes the Department of Public Safety to complete the Greensboro Readiness Center Renovation and Expansion capital improvement project in accordance with this section. The funds appropriated for that project in subsection (a) of this section shall be used as State matching funds for this project. The remainder of the project costs shall be paid from federal matching funds. The total project cost shall not exceed the sum of five million four hundred eighty-nine thousand eight hundred twenty dollars (\$5,489,820).”

PART VI-B. SALARIES AND BENEFITS

SECTION 6B.1. S.L. 2012-142 is amended by adding a new subsection to read:

“SPECIAL ANNUAL LEAVE BONUS

“SECTION 25.5. Any person (i) who was on July 1, 2012 a full-time permanent employee of the State, a community college institution, or a local board of education, or was under contract on July 1, 2012 to be employed for the 2012-2013 school year in such a position, and (ii) who is eligible to earn annual leave, shall have a one-time additional five days of annual leave credited on July 1, 2012. The additional leave shall be accounted for separately from the annual leave bonus provided by Section 28.3A of S.L. 2002-126, by Section 30.12B(a) of S.L. 2003-284, and by Section 29.14A of S.L. 2005-276, and must be used by June 30, 2013. Annual leave bonus not used during FY 2012-2013 shall expire on June 30, 2013 and shall not be paid in a lump sum upon termination of employment unless the person effects a retirement from a State-supported retirement system immediately upon termination of employment. Part-time permanent employees shall receive a pro rata amount of the five days.”

PART VII. EFFECTIVE DATE

SECTION 7.1. Except as otherwise provided, this act becomes effective July 1, 2012.

Upon motion of Senator Stevens, the Conference Committee Substitute is placed on the calendar for immediate consideration for adoption.

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CALENDAR (*continued*)

S.B. 187 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS, for adoption.

Upon motion of Senator Stevens, the Senate adopts the Conference Committee Substitute bill (34-2).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 3:42 a.m., subject to the ratification of bills, receipt of messages from the House of Representatives, receipt and referral of committee reports, receipt and referral of conference reports, appointment of conferees, introduction of bills and resolutions, re-referral of bills and resolutions, and receipt of messages from the Governor, to reconvene at 11:00 a.m.

RECESS**ENROLLED BILLS**

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

S.B. 227, AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES.

S.B. 635, AN ACT TO AMEND THE STATE SENTENCING LAWS TO COMPLY WITH THE UNITED STATES SUPREME COURT DECISION IN MILLER V. ALABAMA.

S.B. 707, AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY.

H.B. 203, AN ACT TO PROVIDE AN ALTERNATIVE MORTGAGE SATISFACTION FORM THAT ALLOWS A SECURED CREDITOR TO INDICATE THAT THE UNDERLYING OBLIGATION HAS BEEN EXTINGUISHED; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL

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PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED.

H.B. 953, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, AND TO MAKE CHANGES TO THE CLEAN ENERGY AND ECONOMIC SECURITY ACT.

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. 994, AN ACT TO PERMIT THE COUNTY OF ROCKINGHAM TO USE DESIGN-BUILD DELIVERY METHODS. (Became law upon ratification, July 2, 2012 - S.L. 2012-140.)

H.B. 1234, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE AND TO MAKE TECHNICAL CORRECTIONS TO PREVIOUS APPOINTMENTS. (Became law upon ratification, July 2, 2012 - S.L. 2012-141.)

H.B. 950, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES. (Became law after veto by the Governor overridden, July 2, 2012 - S.L. 2012-142.)

S.B. 820, AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT

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LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY. (Became law after veto by the Governor overridden, July 2, 2012 - S.L. 2012-143.)

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

ENROLLED BILLS AND A RESOLUTION

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

S.J.R. 961, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY. (Res. 12)

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

S.B. 191, AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

S.B. 229, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION

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SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR

July 3, 2012

VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

H.B. 462, AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

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. 191** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

Upon motion of Senator Phil Berger, seconded by Senator Nesbitt, the Senate adjourns *Sine Die* at 12:41 p.m., in accordance with Senate Joint Resolution 961, subject to the enrolling and ratification of bills and resolutions, receipt of messages from the House of Representatives, and receipt of messages from the Governor.

July 3, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 819** (Conference Report), A BILL TO BE ENTITLED AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 54** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 3, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 1215** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

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. 910** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM,

July 3, 2012

AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **H.B. 585** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN SEVENTY THOUSAND MILES FROM EMISSIONS INSPECTIONS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 3, 2012

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

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. 187** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

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. 847** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

July 3, 2012

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The bill is ordered enrolled and sent to the Governor by special message.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 3, 2012

Mr. President:

It is ordered that a message be sent to the Senate respectively advising your Honorable Body that the House of Representatives has concluded the public business before it and stands ready to adjourn sine die pursuant to **S.J.R. 961**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2011 REGULAR SESSION OF THE GENERAL ASSEMBLY.

Respectfully,
S/Denise Weeks
Principal Clerk

DESIGNATION OF A MEMBER TO RATIFY BILLS

Senator Phil Berger, President *Pro Tempore*, designates Senator Bill Rabon to ratify bills for the remainder of the day.

ENROLLED BILLS

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

S.B. 910, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT

July 3, 2012

CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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.

H.B. 54, AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY.

H.B. 585, AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN SEVENTY THOUSAND MILES FROM EMISSIONS INSPECTIONS.

H.B. 614, AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS.

H.B. 819, AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES.

H.B. 1077, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT.

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

H.B. 1215, AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES.

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

S.B. 187, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS.

July 3, 2012

S.B. 847, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS.

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

WALTER DALTON
President of the Senate

SARAH CLAPP
Principal Clerk

July 3, 2012

ADDENDUM

SENATE JOURNAL

2011 SESSION

SECOND SESSION

2012



EDITOR'S NOTES

A number of bills and resolutions passed second reading and were read a third time on the same day.

Rule 50 states:

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

In order to comply with this rule, no bill which has passed its second reading is read a third time unless it is ordered by two-thirds of the membership of the Senate present and voting, there is a rule suspension motion which prevails by at least a three-fifths vote of the membership of the Senate present and voting, or the Chair determines that there is no objection, which constitutes unanimous consent.

The phrase "without objection" appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair that there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

When a bill passes its second reading and remains on the calendar for further consideration, unless indicated otherwise the measure is placed on the calendar for the next legislative day in its regular order of business.

Pursuant to Article II, Section 20, of the Constitution of North Carolina, the General Assembly met regularly, and did not adjourn for a period in excess of three days, from May 16, 2012 through July 3, 2012. Prior to convening on May 16, 2012, the Senate and House met intermittently through the passage of joint resolutions outlining adjournment and reconvening dates, and matters eligible for consideration.

Sec. 20 - Powers of the General Assembly. Each house shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, and shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future day or other place. Either house may, of its own motion, adjourn for a period not in excess of three days.

The Presiding Officer rules whether or not individual bills require a call of the roll. The ruling is made pursuant to Rule 25 and the following citation from Article II, Section 23, of the Constitution of North Carolina, which reads:

Sec. 23 - *Revenue bills.* No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

The numerical figures which appear in parentheses throughout the Senate Journal represent the affirmative and negative votes cast and recorded electronically, pursuant to Rule 25. Original vote tabulation sheets are deposited in the Division of Archives and History of the Department of Cultural Resources. Voting data can also be obtained at the Legislative Library and on the N.C. General Assembly's website, www.ncleg.net.

Sarah Clapp
Principal Clerk

SENATE BILLS VETOED BY THE GOVERNOR

S.B. 416, AN ACT TO AMEND DEATH PENALTY PROCEDURES, was vetoed by the Governor and returned to the Senate June 29, 2012.



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

BEVERLY EAVES PERDUE
GOVERNOR

June 29, 2012

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 416, "An Act To Amend Death Penalty Procedures"

As long as I am Governor, I will fight to make sure the death penalty stays on the books in North Carolina. But it has to be carried out fairly – free of prejudice.

Three years ago, North Carolina took steps to achieve this result by passing the Racial Justice Act. In response to the enactment of this historic law, our State has rightfully received national acclaim for taking a positive and long overdue step to make sure racism does not infect the way the death penalty is administered.

Last year, Republicans in the General Assembly tried -- and failed -- to take North Carolina backwards by passing a bill that would have undone the Racial Justice Act. This year's Senate Bill 416 is not a "compromise bill"; it guts the Racial Justice Act and renders it meaningless.

Several months ago, a North Carolina superior court judge ruling on a claim brought under the Racial Justice Act determined that racial discrimination occurred in death penalty trials across the State over a multi-year period. The judge's findings should trouble everyone who is committed to a justice system based on fairness, integrity, and equal protection under the law. Faced with these findings, the Republican majority in the General Assembly could have tried to strengthen our efforts to fix the flaws in our system. Instead, they chose to turn a blind eye to the problem and eviscerate the Racial Justice Act. Willfully ignoring the pernicious effects of discrimination will not make those problems go away.

It is simply unacceptable for racial prejudice to play a role in the imposition of the death penalty in North Carolina.

Therefore, I veto this bill.

Beverly Eaves Perdue

This bill having been vetoed is returned to the Clerk of the North Carolina Senate on this 29th day of June 2012, at 2:22 pm for reconsideration by that body.

RECEIVED FROM GOVERNOR
2:22 p.m. - 6.29.12
Sarah Clapp



LOCATION: 116 WEST JONES STREET • RALEIGH, NC • TELEPHONE: (919) 733-5811
WWW.GOVERNOR.STATE.NC.US

S.B. 820, AN ACT TO (1) RECONSTITUTE THE MINING COMMISSION AS THE MINING AND ENERGY COMMISSION, (2) REQUIRE THE MINING AND ENERGY COMMISSION AND OTHER REGULATORY AGENCIES TO DEVELOP A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING FOR THAT PURPOSE, (3) AUTHORIZE HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, BUT PROHIBIT THE ISSUANCE OF PERMITS FOR THESE ACTIVITIES PENDING SUBSEQUENT LEGISLATIVE ACTION, (4) ENHANCE LANDOWNER AND PUBLIC PROTECTIONS RELATED TO HORIZONTAL DRILLING AND HYDRAULIC FRACTURING, AND (5) ESTABLISH THE JOINT LEGISLATIVE COMMISSION ON ENERGY POLICY, was vetoed by the Governor and returned to the Senate June 29, 2012.



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

BEVERLY EAVES PERDUE
 GOVERNOR

July 1, 2012

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

Senate Bill 820, "Clean Energy and Economic Security Act"

I support hydraulic fracturing, or "fracking" for natural gas, because I believe it can and should be part of a comprehensive mix of energy sources that will create jobs, reduce costs for businesses and families, and keep our economy growing. Before we "frack," however, we need strong safeguards in place that are specifically adapted to conditions in North Carolina.

This bill does not do enough to ensure that adequate protections for our drinking water, landowners, county and municipal governments, and the health and safety of our families will be in place before fracking begins. I urged the sponsors of the bill to adopt a few changes to ensure that strong protections would be in place before any fracking would occur.

The General Assembly was unwilling to adopt the changes I suggested. Therefore, I must veto the bill. Our drinking water and the health and safety of North Carolina's families are too important; we can't put them in jeopardy by rushing to allow fracking without proper safeguards.

I urge the General Assembly to continue working on this important issue. If they improve the bill to strengthen the protections for North Carolina families, I will sign it into law.

Therefore, I veto this bill.

Beverly Eaves Perdue

This bill having been vetoed is returned to the Clerk of North Carolina Senate on this 1st day of July 2012, at _____ for reconsideration by that body.

RECEIVED FROM GOVERNOR

Date: 7.1.12

Time: 3:11 p.m.

Sarah Clapp



LOCATION: 116 WEST JONES STREET • RALEIGH, NC • TELEPHONE: (919) 733-5811
 WWW.GOVERNOR.STATE.NC.US

HOUSE BILLS VETOED BY THE GOVERNOR

H.B. 950, AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2011 AND FOR OTHER PURPOSES, was vetoed by the Governor and returned to the House June 29, 2012.



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

BEVERLY EAVES PERDUE
 GOVERNOR

June 29, 2012

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 950, "An Act to Modify the Current Operations and Capital Improvements Appropriations Act of 2011 and for Other Purposes."

North Carolina needs a budget that moves our state forward and that is focused on investing in our future. Budgets are about values, priorities, and choices. Last week, the General Assembly delivered to me a budget that left too many of North Carolina's needs unmet—too many priorities unaddressed.

First and foremost, their budget does not invest enough resources in education. Investing in schools is among the most important things a state must do in order to prepare our children for the future, and to send a powerful economic message that we have a well-educated, well-trained workforce and this is a state where 21st century companies should invest.

Last year, the Republican-controlled General Assembly forced deep and unnecessary cuts to education. After those cuts, schools across North Carolina cut 915 teachers, more than 2,000 teacher assistants, and nearly 5,000 total education positions.

It should have been clear to everyone that we needed to do better this year -- that we needed to reverse those harmful cuts. Not only are we failing to do better, but under this budget, things would actually get worse. If the budget they passed becomes law, schools across North Carolina would get about \$190 million less next year than they got this year.

In addition, their budget fails to provide additional funding to increase access for Smart Start or NC Pre-K, our nationally recognized early childhood education programs that help assure that young children come to school prepared to succeed.

This isn't good enough. It fails to do an adequate job in what is now -- and what has always been -- North Carolina's top priority: preparing our children so they can have more opportunity than we had.

While schools would get \$190 million less next year than they got this year, the General Assembly did include small raises for teachers and state employees.

I know that teachers and state employees are long overdue for a pay increase, and I support a pay increase. In fact, I included raises in my budget proposal that were 50% larger than the ones in this budget.

But under this budget, while some teachers and other employees will get raises, there is no question that some educators and other state employees will lose their jobs because of the choices the General Assembly made in this budget. Raises for some and layoffs for others is not the right direction for North Carolina.



LOCATION: 116 WEST JONES STREET • RALEIGH, NC • TELEPHONE: (919) 733-5811
 WWW.GOVERNOR.STATE.NC.US

*Continues to next page.

The flaws in this budget extend beyond the legislature's failure to invest sufficient resources in schools:

- They failed to invest in jobs proposals, like (i) the initiative to provide a credit to encourage small businesses to hire post-9/11 veterans and unemployed North Carolinians, and (ii) plans to boost our surging film and biotech industries.
- They failed to invest in proposals to support our servicemen and women and military families, like the plan to provide tuition assistance to military veterans and their dependents.
- They failed to invest in public safety, like proposals to fund more probation officers to oversee known criminals.
- And they failed to invest in other priorities, like mental health, and efforts to effectively continue the state's successful efforts to curb teen smoking.

Finally, they ignored the bipartisan attempt to compensate verified living victims of the state's forced sterilization program that happened just a generation ago.

At the same time that they left all of these needs unmet, their budget also gives tax breaks to millionaires. I am not against giving tax relief to small businesses. On the contrary, I'm strongly for it. Last year, I recommended cutting the corporate income tax, which would have given tax relief to businesses across North Carolina.

But budgets are about North Carolina's priorities and our view of the future. And I simply don't believe that the General Assembly should give tax breaks to lawyers, lobbyists, and other millionaires while leaving so many critical needs unmet.

Despite all of the flaws in the budget, and all of the priorities it fails to address, I understand that we have a divided government. I was willing and determined to reach a bipartisan compromise. After I reviewed the budget I reached out to Speaker Tillis and President Pro Tem Berger and tried repeatedly to forge a consensus.

I told them clearly that I would allow the budget to become law if they would just improve the investment in our children's future and in other critical priorities. I didn't ask them to meet me halfway, I didn't ask them to "split the difference." I just asked them to do a little better and invest a little more in our children's future and in some other key priorities. Unfortunately, they rejected my efforts and essentially told me to "take it or leave it."

With all of the budget's unmet needs, with all of its misplaced priorities, and with the Republican legislative leaders' unwillingness to make even the slightest move towards compromise, I feel as though I have no choice but to veto this budget.

Therefore, I veto this bill.



Beverly Eaves Perdue

This bill having been vetoed is returned to the Clerk of the North Carolina House of Representatives on this 29th day of June 2012, at ~~2:17pm~~ for reconsideration by that body.

RECEIVED FROM GOVERNOR
Denise Weeks

CHAPTERED BILLS

The following bills were properly enrolled, reviewed and approved by the Governor as indicated, assigned the following Chapter Numbers and presented to the Office of the Secretary of State after the 2011 Session adjourned on July 3, 2012.

H.B. 1215, AN ACT TO AUTHORIZE THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES. (Became law upon ratification, July 3, 2012 - S.L. 2012-144.)

S.B. 187, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACTS. (Became law upon approval of the Governor, July 10, 2012 - S.L. 2012-145.)

H.B. 494, 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. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-146.)

S.B. 227, AN ACT TO PROVIDE THAT THE NAME AND ADDRESS OF A MINOR CHILD INVOLVED IN A SCHOOL BUS CRASH MAY BE DISCLOSED ONLY IN CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-147.)

S.B. 635, AN ACT TO AMEND THE STATE SENTENCING LAWS TO COMPLY WITH THE UNITED STATES SUPREME COURT DECISION IN MILLER V. ALABAMA. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-148.)

S.B. 707, AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND END SUNSET FOR A PROVISION REGARDING AN LEA'S BASIS OF KNOWLEDGE ABOUT A CHILD WITH A DISABILITY. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-149.)

H.B. 203, AN ACT TO PROVIDE AN ALTERNATIVE MORTGAGE SATISFACTION FORM THAT ALLOWS A SECURED CREDITOR TO INDICATE THAT THE UNDERLYING OBLIGATION HAS BEEN EXTINGUISHED; TO MAKE IT A CLASS I FELONY TO SIMULATE COURT PROCESS IN CONNECTION WITH THE COLLECTION OF A

CLAIM, DEMAND, OR ACCOUNT, TO KNOWINGLY FILE A FALSE LIEN OR ENCUMBRANCE AGAINST THE REAL OR PERSONAL PROPERTY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, OR TO FILE A FALSE SECURITY INSTRUMENT; AND TO PROVIDE THAT IT IS A VIOLATION OF THE RESIDENTIAL MORTGAGE FRAUD ACT FOR A PERSON TO KNOWINGLY FILE A DOCUMENT FALSELY CLAIMING THAT A MORTGAGE LOAN HAS BEEN SATISFIED OR DISCHARGED. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-150.)

S.B. 191, AN ACT TO MAKE CHANGES IN GOVERNANCE OF LOCAL MANAGEMENT ENTITIES WITH RESPECT TO THE IMPLEMENTATION OF STATEWIDE EXPANSION OF THE 1915(B)/(C) MEDICAID WAIVER. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-151.)

H.B. 462, AN ACT TO LIMIT USE OF CONTINGENT-BASED CONTRACTS FOR AUDIT OR ASSESSMENT PURPOSES. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-152.)

S.B. 910, AN ACT TO CREATE THE CRIMINAL OFFENSE OF UNLAWFUL SALE, SURRENDER, OR PURCHASE OF A MINOR; TO REQUIRE THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS TO CONDUCT A STUDY TO DETERMINE WHAT OTHER MEASURES MAY BE NEEDED TO STOP THIS TYPE OF CRIMINAL ACTIVITY; TO CLARIFY WHEN, TO WHOM, AND UNDER WHAT CIRCUMSTANCES THE IDENTITY OF A PERSON REPORTING CHILD ABUSE OR NEGLECT MAY BE RELEASED; TO CLARIFY 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. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-153.)

H.B. 54, AN ACT TO PROVIDE THAT IF A DEFENDANT HAS FOUR OR MORE PRIOR LARCENY CONVICTIONS, A SUBSEQUENT LARCENY OFFENSE IS A FELONY. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-154.)

H.B. 614, AN ACT ALLOWING REGISTERED SPONSORING ORGANIZATIONS TO ARRANGE FOR THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES IN THIS STATE, RELIEVING PROVIDERS OF VOLUNTARY HEALTH CARE SERVICES FROM ADDITIONAL LICENSURE REQUIREMENTS, AND PROVIDING LIMITED PROTECTION FROM CIVIL LIABILITY TO PERSONS PROVIDING VOLUNTARY HEALTH CARE SERVICES IN ASSOCIATION WITH SPONSORING ORGANIZATIONS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-155.)

S.B. 426, 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 AUTHORIZE A RESOLUTION ESTABLISHING A MUNICIPAL SERVICE DISTRICT TO BECOME EFFECTIVE UPON A DATE SPECIFIED IN THE RESOLUTION IF SPECIAL OBLIGATION BONDS ARE ANTICIPATED TO BE AUTHORIZED FOR A PROJECT. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-156.)

H.B. 1105, AN ACT TO SIMPLIFY THE COLLECTION OF PROPERTY TAXES THAT ARE DUE ON PROPERTY OWNED BY CERTAIN NONPROFIT HOMEOWNERS ASSOCIATIONS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-157.)

S.B. 42, AN ACT TO REQUIRE PERSONS FURNISHING LABOR OR MATERIALS IN CONNECTION WITH CERTAIN IMPROVEMENTS TO REAL PROPERTY TO GIVE WRITTEN NOTICE TO THE DESIGNATED LIEN AGENT OF THE OWNER OF THE IMPROVED REAL PROPERTY TO PRESERVE THEIR LIEN RIGHTS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-158.)

H.B. 989, AN ACT TO LIMIT ELIGIBILITY FOR PERMANENT REGISTRATION PLATES TO GOVERNMENTAL ENTITIES, AND TO REFORM THE PROCESS BY WHICH ELIGIBLE ENTITIES APPLY FOR AND ARE ISSUED PERMANENT REGISTRATION PLATES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, BUT TO CONTINUE TO ALLOW CIVIL AIR PATROLS, INCORPORATED EMERGENCY RESCUE SQUADS, RURAL FIRE DEPARTMENTS, AND LOCAL CHAPTERS OF THE AMERICAN NATIONAL RED CROSS TO BE ELIGIBLE FOR PERMANENT REGISTRATION PLATES. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-159.)

H.B. 737, AN ACT TO STRENGTHEN THE LAWS REGARDING THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-160.)

S.B. 647, AN ACT TO PROVIDE FOR THE CREATION OF MUTUAL INSURANCE HOLDING COMPANIES AND TO CHANGE THE TIME PERIOD FOR FIRE CODE INSPECTIONS OF PUBLIC BUILDINGS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-161.)

S.B. 836, AN ACT TO IMPROVE THE RATE-MAKING PROCESS BY REQUIRING THE DEPARTMENT OF INSURANCE TO ACCEPT PUBLIC COMMENT ON ALL PROPERTY INSURANCE RATE FILINGS, BY PROVIDING THE COMMISSIONER WITH THE POWER TO SPECIFY THE APPROPRIATE RATE LEVEL OR LEVELS BETWEEN THE CURRENT RATE AND THE FILED RATE UPON A FINDING THAT A RATE FILING DOES NOT COMPLY WITH APPLICABLE LAW, BY PROVIDING THAT THE COST OF REINSURANCE BE INCLUDED AS A FACTOR IN RATE MAKING AND REQUIRING CERTAIN SUPPORTING INFORMATION ON REINSURANCE COSTS IN A FILING, BY REQUIRING THAT THE RATE BUREAU CREATE A RATING PLAN FOR A PROPERTY INSURANCE POLICY THAT EXCLUDES COVERAGE FOR THE PERILS OF WINDSTORM AND HAIL, AND BY REQUIRING THAT THE RATE BUREAU AND THE DEPARTMENT OF INSURANCE STUDY THE FAIRNESS AND EFFICACY OF THE CURRENT PROPERTY INSURANCE GEOGRAPHIC RATE TERRITORIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON PROPERTY INSURANCE RATE MAKING. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-162.)

S.B. 521, AN ACT ABOLISHING THE RULE IN DUMPOR'S CASE AND CONCERNING BROKER PRICE OPINIONS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-163.)

S.B. 444, AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-164.)

S.B. 105, AN ACT TO INCREASE THE PENALTY FOR CERTAIN SECOND DEGREE MURDERS TO CLASS B1 FELONIES, AND CREATE A GRADUATED SCALE OF PENALTIES FOR DEATHS CAUSED BY DRIVING WHILE IMPAIRED. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-165.)

H.B. 320, AN ACT TO PROVIDE FLEXIBILITY FOR CERTAIN WATER RESOURCES PROJECTS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-166.)

H.B. 457, 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. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-167.)

S.B. 141, AN ACT TO CREATE NEW FIRST DEGREE TRESPASS OFFENSES, TO MAKE VARIOUS CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, TO AMEND THE PROCEDURE FOR IMMEDIATE LICENSE REVOCATIONS FOR PROVISIONAL LICENSEES CHARGED WITH CERTAIN CRIMINAL MOVING VIOLATIONS, TO CLARIFY THAT CERTAIN CHANGES TO PAYABLE ON DEATH CONTRACTS DID NOT CHANGE THE PROCEDURES FOR CREATING THOSE CONTRACTS, TO ESTABLISH A RESEARCH AND PLANNING SECTION WITHIN THE DEPARTMENT OF PUBLIC SAFETY, TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO DESIGNATE ITS RESEARCH AND PLANNING SECTION AS THE SINGLE STATE AGENCY RESPONSIBLE FOR THE COORDINATION AND IMPLEMENTATION OF REENTRY POLICY INITIATIVES, TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO CONTINUE ITS EFFORTS TO ASSIST OFFENDERS IN SUCCESSFULLY REENTERING SOCIETY, AND TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION AND FOR CERTAIN FORENSIC SCIENTISTS TO OBTAIN CERTIFICATION. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-168.)

H.B. 572, AN ACT TO PROVIDE GREATER ACCOUNTABILITY FOR NONPROFIT ENTITIES THAT RECEIVE PUBLIC FUNDING. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-169.)

H.B. 1173, AN ACT TO PROVIDE THAT A PROBATION VIOLATOR WHO ABSCONDS OR OTHERWISE WILLFULLY AVOIDS ARREST AFTER THE ISSUANCE OF A WARRANT SHALL FORFEIT ANY PUBLIC ASSISTANCE BENEFITS UNTIL SURRENDERING TO THE COURT. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-170.)

S.B. 525, AN ACT RELATING TO CRITICAL ACCESS BEHAVIORAL HEALTH AGENCIES. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-171.)

H.B. 853, AN ACT TO AMEND LOCAL INTAKE PROCEDURES FOR RECEIVING DELINQUENCY AND UNDISCIPLINED COMPLAINTS UNDER THE LAWS PERTAINING TO UNDISCIPLINED AND DELINQUENT JUVENILES, TO AUTHORIZE MONITORING OF COUNTY DETENTION CENTERS BY THE DEPARTMENT OF PUBLIC SAFETY, TO AMEND LAWS ON STATE STANDARDS FOR JUVENILE DETENTION AND LOCAL JAILS, TO CORRECT REFERENCES TO THE AGENCY RESPONSIBLE FOR JUVENILE DETENTION, AND TO PROVIDE PROCEDURES FOR REVIEW OF JUVENILES ON PROTECTIVE SUPERVISION. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-172.)

H.B. 1085, AN ACT TO, FOR THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, WHICH COVERS RETIREES WITHIN THE RETIREMENT SYSTEM, (1) AMEND THE DEFINITION OF "DEPENDENT CHILD" IN ORDER TO COMPLY WITH THE AFFORDABLE CARE ACT, (2) LIMIT ENROLLMENT WITHOUT A QUALIFYING EVENT TO THE ANNUAL ENROLLMENT PERIOD, (3) REPEAL THE OPTIONAL PROGRAM OF LONG-TERM CARE BENEFITS, AND (4) MAKE A CLARIFYING CHANGE RELATED TO COINSURANCE. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-173.)

H.B. 1073, AN ACT TO MODIFY THE COMPOSITION AND APPOINTMENT PROCESS FOR MEMBERS OF THE BOARD OF DIRECTORS OF THE UNIVERSITY OF NORTH CAROLINA HEALTH CARE SYSTEM. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-174.)

H.B. 1052, AN ACT TO MAKE VARIOUS AMENDMENTS TO NORTH CAROLINA'S MECHANICS LIEN AND PAYMENT BOND LAWS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S MECHANICS LIENS ON REAL PROPERTY COMMITTEE. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-175.)

H.B. 1044, AN ACT TO ALLOW MEMBERS OF THE MILITARY WHO HAVE TAKEN A COMPARABLE MOTORCYCLE SAFETY PROGRAM PROVIDED BY FEDERALLY CERTIFIED INSTRUCTORS TO RECEIVE THE SAME MOTORCYCLE INSURANCE DISCOUNT AS CITIZENS WHO COMPLETE THE MOTORCYCLE SAFETY INSTRUCTION PROGRAM, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON MILITARY AFFAIRS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-176.)

S.B. 951, AN ACT TO TRANSFER THE CLEVELAND COUNTY CORRECTIONAL FACILITY TO CLEVELAND COUNTY COMMUNITY COLLEGE AND TO TRANSFER THE HAYWOOD CORRECTIONAL CENTER TO THE HAYWOOD COUNTY BOARD OF COMMISSIONERS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-177.)

S.B. 803, AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-178.)

S.B. 755, AN ACT TO ENACT THE EQUAL ACCESS ACT. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-179.)

S.B. 133, AN ACT TO ELIMINATE OBSOLETE PROVISIONS FROM, AND MAKE CLARIFYING CHANGES TO, THE LAWS GOVERNING PREPARATION AND STORAGE OF JURY LISTS, AND TO EXEMPT PERSONS WHO HAVE BEEN LAWFULLY SUMMONED FOR JURY SERVICE FROM PAYING FERRY TOLLS TO TRAVEL TO AND FROM THEIR HOMES AND THE SITE OF THAT SERVICE. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-180.)

H.B. 1114, AN ACT PROVIDING THAT THE CITIES AND TOWNS THAT ARE MEMBERS OF THE NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY 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, AND TO MAKE CLARIFYING CHANGES TO THE AMOUNT OF THE RETURN ON INVESTMENT TRANSFER. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-181.)

S.B. 699, 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; TO ALLOW THE DIVISION OF CRIMINAL INFORMATION TO ASSESS FEES FOR SETUP, ACCESS TO, AND USE OF THE CRIMINAL INFORMATION NETWORK; TO RECODIFY THE EXISTING SUPERIOR COURT DISTRICTS USING 2010 GEOGRAPHY; AND TO ALLOW SHARING OF CONFIDENTIAL INVESTIGATORY INFORMATION BETWEEN THE STATE ETHICS COMMISSION AND THE LEGISLATIVE ETHICS COMMITTEE. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-182.)

S.B. 738, AN ACT TO PROVIDE FOR THE PRE-LICENSING AND CONTINUING EDUCATION OF BAIL BONDSMEN AND RUNNERS. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-183.)

H.B. 1077, AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO A PILOT PUBLIC-PRIVATE PARTNERSHIP TOLL PROJECT. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-184.)

H.B. 1074, AN ACT TO MAKE CHANGES TO THE STATUTES GOVERNING THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, AND THE DISABILITY INCOME PLAN OF NORTH CAROLINA TO PROVIDE PROTECTION AND REMEDIES FOR REPORTING VIOLATIONS OF RETIREMENT LAW; TO ESTABLISH

GUIDELINES FOR FRAUD INVESTIGATIONS THAT WILL ENHANCE THE DEPARTMENT OF STATE TREASURER'S CAPABILITY TO PREVENT AND DETECT FRAUD, WASTE, AND ABUSE; TO MAKE IT A CLASS 1 MISDEMEANOR TO FRAUDULENTLY RECEIVE A DECEDENT'S MONTHLY DISABILITY BENEFIT; AND TO CLARIFY THE APPOINTMENT OF THE MEDICAL BOARD. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-185.)

H.B. 177, AN ACT TO: (1) CREATE AN INTERAGENCY TASK FORCE TO STUDY THE FEASIBILITY AND DESIRABILITY OF ADVANCING THE USE OF ALTERNATIVE FUELS BY STATE AGENCIES AND THE DEVELOPMENT OF ASSOCIATED FUELING INFRASTRUCTURE; (2) ESTABLISH CRITERIA FOR THE OPERATION OF ELECTRIC VEHICLE CHARGING STATIONS LOCATED AT STATE-OWNED REST STOPS ALONG THE HIGHWAYS AND; (3) AMEND THE ENERGY JOBS ACT OF 2011 IF THE ENERGY JOBS ACT OF 2011 BECOMES LAW. (Became law upon approval of the Governor, July 12, 2012 - S.L. 2012-186.)

S.B. 810, AN ACT TO (1) REESTABLISH THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (1A) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (2A) MAKE VARIOUS TECHNICAL AND CLARIFYING CHANGES TO THE ADMINISTRATIVE PROCEDURES ACT; (2B) MAKE CONFORMING CHANGES TO THE STATE PERSONNEL ACT; (3) EXTEND THE EFFECTIVE DATE FOR CHANGES TO FINAL DECISION-MAKING AUTHORITY IN CERTAIN CONTESTED CASES; (4) LIMIT THE PERIOD DURING WHICH RECORDS OF UNCLAIMED PROPERTY MUST BE MAINTAINED; (5A) DIRECT AGENCIES TO SUBMIT A REPORT ON NOTICE GIVEN BEFORE AUDITING OR EXAMINING A BUSINESS TO THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE; (5B) LIMIT STATE AGENCY IDENTITY THEFT REPORTING REQUIREMENTS; (5C) REQUIRE THE DEPARTMENT OF LABOR TO PROVIDE NOTICE PRIOR TO INSPECTIONS; (6) CLARIFY THAT THE DISCHARGE OF WASTE INTO WATERS OF THE STATE DOES NOT INCLUDE THE RELEASE OF AIR CONTAMINANTS INTO THE OUTDOOR ATMOSPHERE; (7) AUTHORIZE RATHER THAN REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES FOR THE TESTING OF WATER FROM NEW DRINKING WATER WELLS FOR CERTAIN VOLATILE ORGANIC COMPOUNDS; (7A) CLARIFY APPLICATION OF CERTAIN NUTRIENT RULES TO SMALL WASTEWATER DISCHARGES; (8) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRACK AND REPORT ON PERMIT PROCESSING TIMES; (9) DELAY THE EFFECTIVE DATE FOR COMPLIANCE WITH WADING POOL FENCING REQUIREMENTS FROM JULY 1, 2012, TO JANUARY 1, 2013; (10) DIRECT THE COMMISSION FOR PUBLIC

HEALTH TO AMEND THE RULES GOVERNING THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND THE PERIOD IN WHICH THOSE PERMITS ARE REVIEWED; (11) AMEND THE CRITERIA FOR DESIGNATION AS A PORT ENHANCEMENT ZONE; (12) EXEMPT CERTIFIED ROADSIDE FARM MARKETS FROM CERTAIN BUILDING CODE REQUIREMENTS; AND (13) ALLOW THE PERMITTING OF MOBILE FOOD UNITS THAT MEET THE SANITATION REQUIREMENTS OF A COMMISSARY. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-187.)

H.B. 1021, AN ACT TO CLARIFY CERTAIN PROVISIONS OF THE JUSTICE REINVESTMENT ACT. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-188.)

H.B. 1181, AN ACT TO AUTHORIZE THE REVENUE LAWS STUDY COMMITTEE TO STUDY WHETHER MUNICIPALITIES SHOULD HAVE THE AUTHORITY TO LEVY A LOCAL OPTION SALES TAX FOR BEACH NOURISHMENT AND TO STUDY THE TAXATION AND VALUATION OF LEASEHOLD INTERESTS IN EXEMPT REAL PROPERTY. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-189.)

S.B. 821, AN ACT TO (1) DIRECT THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, AND THE DEPUTY SECRETARY FOR TRANSIT OF THE DEPARTMENT OF TRANSPORTATION TO JOINTLY STUDY FEES ASSOCIATED WITH THE ISSUANCE OF COASTAL FISHING LICENSES AND THE NUMBERING AND TITLING OF VESSELS; (2) DIRECT THE EXECUTIVE DIRECTOR OF THE WILDLIFE RESOURCES COMMISSION, THE DIRECTOR OF THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE COMMISSIONER OF AGRICULTURE TO JOINTLY STUDY THE REORGANIZATION OF FISHERIES MANAGEMENT IN THE STATE; (3) MAKE IT UNLAWFUL TO TAKE MENHADEN OR ATLANTIC THREAD HERRING WITH A PURSE SEINE NET DEPLOYED BY A MOTHER SHIP AND ONE OR MORE RUNNER BOATS IN COASTAL FISHING WATERS; (4) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; AND (5) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-190.)

H.B. 1023, AN ACT TO ALLOW FOR EXPUNCTION OF NONVIOLENT FELONIES OR NONVIOLENT MISDEMEANORS AFTER FIFTEEN YEARS FOR PERSONS WHO HAVE HAD NO OTHER CONVICTIONS FOR FELONIES OR MISDEMEANORS OTHER THAN TRAFFIC VIOLATIONS UNDER THE LAWS OF THE UNITED STATES, THIS STATE, OR ANY OTHER JURISDICTION, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION. (Became law upon approval of the Governor, July 16, 2012 - S.L. 2012-191.)

H.B. 244, 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 AND TO PROVIDE PROTECTIONS FOR WHISTLE-BLOWERS ALLEGING FRAUD OR OTHER MISCONDUCT RELATED TO THE STATE HEALTH PLAN. (Became law upon approval of the Governor, July 17, 2012 - S.L. 2012-192.)

H.B. 153, AN ACT TO PROHIBIT A PERSON WHO HAS BEEN CONVICTED OF A FELONY RELATED TO EMPLOYMENT OR HOLDING OFFICE FROM RECEIVING RETIREMENT BENEFITS FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, THE LEGISLATIVE RETIREMENT SYSTEM, THE OPTIONAL RETIREMENT PROGRAM FOR THE UNIVERSITY OF NORTH CAROLINA, THE OPTIONAL RETIREMENT PROGRAM FOR STATE-FUNDED COMMUNITY COLLEGES, THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR STATE LAW-ENFORCEMENT OFFICERS, AND THE SUPPLEMENTAL RETIREMENT INCOME PLAN FOR LOCAL GOVERNMENTAL LAW-ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, July 17, 2012 - S.L. 2012-193.)

S.B. 847, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, INCLUDING SPECIFICALLY AUTHORIZING THE REVISOR OF STATUTES TO PRINT DRAFTERS' COMMENTS TO THREE ACTS ENACTED IN 2011 IN WHICH THIS AUTHORIZATION WAS INADVERTENTLY OMITTED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE OTHER AMENDMENTS. (Became law upon approval of the Governor, July 17, 2012 - S.L. 2012-194.)

S.B. 655, AN ACT TO REQUIRE THAT DENTIST AGREEMENTS WITH MANAGEMENT COMPANIES CONFORM WITH THE DENTAL PRACTICE ACT AND TO ESTABLISH A TASK FORCE ON DENTAL MANAGEMENT ARRANGEMENT RULES. (Became law upon approval of the Governor, July 19, 2012 - S.L. 2012-195.)

H.B. 799, AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES. (Became law upon approval of the Governor, July 24, 2012 - S.L. 2012-196.)

H.B. 837, 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 2015. (Became law upon approval of the Governor, July 26, 2012 - S.L. 2012-197.)

H.B. 914, 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. (Became law upon approval of the Governor, July 26, 2012 - S.L. 2012-198.)

H.B. 585, AN ACT TO EXEMPT VEHICLES OF THE THREE NEWEST MODEL YEARS AND WITH LESS THAN SEVENTY THOUSAND MILES FROM EMISSIONS INSPECTIONS. (Became law upon approval of the Governor, August 1, 2012 - S.L. 2012-199.)

S.B. 229, AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) PROVIDE THAT TYPE 1 SOLID WASTE COMPOST FACILITIES ARE NOT REQUIRED TO OBTAIN A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT FOR DISCHARGE OF PROCESS WASTEWATER BASED SOLELY ON THE DISCHARGE OF STORMWATER THAT HAS COME INTO CONTACT WITH FEEDSTOCK, INTERMEDIATE PRODUCT, OR FINAL PRODUCT AT THE FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS;

(7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (8A) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO ALLOW DEVELOPMENT ON EXISTING LOTS UNDER CERTAIN CONDITIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE AND DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (15) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (16) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (17) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (18) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (19) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (20) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; (21) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; AND (22) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS. (Became law upon approval of the Governor, August 1, 2012 - S.L. 2012-200.)

H.B. 953, AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES, DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE, AND TO MAKE CHANGES TO THE CLEAN ENERGY AND ECONOMIC SECURITY ACT. (Became law upon approval of the Governor, August 1, 2012 - S.L. 2012-201.)

H.B. 819, AN ACT TO STUDY AND MODIFY CERTAIN COASTAL MANAGEMENT POLICIES. (Become law without the approval of the Governor, August 3, 2012 - S.L. 2012-202.)

H.B. 1009, AN ACT TO AMEND THE NORTH CAROLINA METROPOLITAN SEWERAGE DISTRICTS ACT TO MODIFY REPRESENTATION ON THE DISTRICT BOARD UPON EXPANSION, AND TO ALLOW METROPOLITAN SEWERAGE DISTRICTS TO ALSO EXERCISE THE SAME POWERS AS METROPOLITAN WATER DISTRICTS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION'S METROPOLITAN SEWERAGE/WATER SYSTEM COMMITTEE. (Become law without the approval of the Governor, August 3, 2012 - S.L. 2012-203.)

APPENDIX

SENATE JOURNAL

2011 SESSION

SECOND SESSION

2012



**NORTH CAROLINA GENERAL ASSEMBLY
SENATE DISTRICTS**

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Census Tracts, Block Groups
1st (1)	BEAUFORT, CAMDEN, CURRITUCK, DARE, HYDE, PASQUOTANK, TYRRELL, WASHINGTON.
2nd (1)	CARTERET, CRAVEN, PAMLICO.
3rd (1)	EDGECOMBE, MARTIN, PITT: Precinct Arthur: Tract 16: Block Group 1: Block 1000, Block 1001, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1016, Block 1017; Block Group 2: Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Tract 17: Block Group 1: Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077; Tract 18: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Ayden B: Tract 12: Block Group 2: Block 2006, Block 2007; Tract 14: Block Group 2: Block 2038; Block Group 3, Block Group 4: Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4010, Block 4011; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5031, Block 5032, Block 5033; Precinct Belvoir, Precinct Bethel, Precinct Carolina, Precinct Chicod, Precinct Falkland, Precinct Fountain: Tract 19: Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1018; Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2048; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3033; Precinct Greenville 01, Precinct Greenville 03,

Precinct Greenville 04, Precinct Greenville 05A, Precinct Greenville 05B, Precinct Greenville 06, Precinct Greenville 09: **Tract 3:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1008, Block 1009, Block 1010, Block 1018, Block 1019, Block 1998, Block 1999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057; **Tract 9:** Block Group 2: Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2036, Block 2037, Block 2055, Block 2056, Block 2057, Block 2059, Block 2993, Block 2994, Block 2995, Block 2996; **Tract 10:** Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4997; Precinct Greenville 12A: **Tract 6:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2026; Precinct Grifton, Precinct Grimesland, Precinct Pactolus, Precinct Simpson A, Precinct Simpson B, Precinct Swift Creek.

4th (1) **BERTIE, CHOWAN, GATES, HALIFAX, HERTFORD, NORTHAMPTON, PERQUIMANS.**

5th (1) **GREENE, PITT:** Precinct Arthur: **Tract 6:** Block Group 2: Block 2018, Block 2021; **Tract 16:** Block Group 1: Block 1002, Block 1003, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1020; Block Group 2: Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2049, Block 2050, Block 2054; Block Group 3: Block 3005, Block 3006; Precinct Ayden A, Precinct Ayden B: **Tract 12:** Block Group 1: Block 1033, Block 1034; **Tract 14:** Block Group 1: Block 1005, Block 1012, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1059, Block 1060, Block 1061, Block 1062; Block Group 2: Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2039, Block 2041;

Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5015, Block 5016, Block 5025, Block 5026, Block 5027, Block 5028; Precinct Farmville A, Precinct Farmville B, Precinct Fountain: **Tract 18:** Block Group 3: Block 3001; **Tract 19:** Block Group 1: Block 1044; Block Group 2: Block 2001, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2047; Block Group 3: Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032; Precinct Greenville 07A, Precinct Greenville 07B, Precinct Greenville 07C, Precinct Greenville 08A, Precinct Greenville 08B, Precinct Greenville 09: **Tract 1:** Block Group 5: Block 5024, Block 5025; **Tract 2:** Block Group 5: Block 5022, Block 5023, Block 5024, Block 5025; **Tract 3:** Block Group 1: Block 1007, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2037; Block Group 4: Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4999; **Tract 4:** Block Group 3: Block 3005, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029; Block Group 4: Block 4004, Block 4005; Precinct Greenville 10A, Precinct Greenville 10B, Precinct Greenville 11A, Precinct Greenville 11B, Precinct Greenville 12A: **Tract 6:** Block Group 2: Block 2019, Block 2020, Block 2022, Block 2023, Block 2024, Block 2025, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044; **Tract 16:** Block Group 2: Block 2035, Block 2036; Precinct Greenville 12B, Precinct Winterville Central A, Precinct Winterville Central B, Precinct Winterville East; **WAYNE:** Precinct 02: **Tract 2:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019; Block Group 2: Block 2000, Block 2001; Block Group 3; **Tract 3.01:** Block Group 1: Block 1000, Block 1001, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1051,

Block 1052, Block 1053, Block 1054, Block 1055; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3010, Block 3011, Block 3012; Precinct 06, Precinct 07, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 21, Precinct 22, Precinct 23, Precinct 25; **Tract 8:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3050; **Tract 9:** Block Group 6: Block 6010; Block Group 7: Block 7023, Block 7024, Block 7025, Block 7026, Block 7027, Block 7028, Block 7029, Block 7032, Block 7033, Block 7034, Block 7035, Block 7036, Block 7037, Block 7038, Block 7039, Block 7040, Block 7042, Block 7043, Block 7044; Precinct 26: **Tract 6.01:** Block Group 3: Block 3005, Block 3006, Block 3007, Block 3010, Block 3011, Block 3012; **Tract 6.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1014, Block 1015, Block 1016, Block 1017; **Tract 9:** Block Group 5: Block 5016, Block 5017, Block 5024, Block 5025, Block 5026, Block 5027, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040; Block Group 7: Block 7000, Block 7001, Block 7002, Block 7003, Block 7004, Block 7007, Block 7008, Block 7009, Block 7010, Block 7011, Block 7012, Block 7013, Block 7014, Block 7015, Block 7016, Block 7017, Block 7018, Block 7019, Block 7020, Block 7021, Block 7022, Block 7041; Precinct 27, Precinct 28, Precinct 29, Precinct 30.

- 6th (1) **JONES, ONSLOW.**
- 7th (1) **FRANKLIN, GRANVILLE, VANCE, WARREN.**
- 8th (1) **BRUNSWICK, COLUMBUS, PENDER.**
- 9th (1) **NEW HANOVER.**
- 10th (1) **DUPLIN, LENOIR, SAMPSON.**
- 11th (1) **NASH, WILSON.**
- 12th (1) **JOHNSTON, WAYNE:** Precinct 01, Precinct 02: **Tract 2:** Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1027; **Tract 3.01:** Block Group 4: Block 4000, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009; Precinct 03, Precinct 04, Precinct 05, Precinct 08, Precinct 09, Precinct 16, Precinct 24, Precinct 25: **Tract 8:** Block Group 2: Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018; **Tract 9:** Block Group 3: Block 3010; Block Group 6: Block 6001, Block 6002, Block 6003, Block 6005, Block 6007, Block 6008, Block 6009, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6017, Block 6998, Block 6999; Block Group 7: Block 7030, Block 7031; **Tract 10:** Block Group 1: Block 1026; Precinct 26: **Tract 9:** Block Group 4: Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4021, Block 4022, Block 4023; Block Group 5: Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5028, Block 5029, Block 5041, Block 5042, Block 5995, Block 5996; Block Group 7: Block 7005, Block 7006.
- 13th (1) **HOKE, ROBESON.**
- 14th (1) **WAKE:** Precinct 01-12: **Tract 527.01:** Block Group 2: Block 2028, Block 2029, Block 2030, Block 2031, Block 2036, Block 2037, Block 2038; Precinct 01-18: **Tract 527.01:** Block Group 1: Block 1013, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034; Precinct 01-19, Precinct 01-20: **Tract 507:** Block Group 1, Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011; Block Group 4: Block 4000, Block 4001,

Block 4002, Block 4003, Block 4004, Block 4005; **Tract 521.02**: Block Group 1: Block 1009; Precinct 01-21: **Tract 521.01**: Block Group 2: Block 2033, Block 2035, Block 2036, Block 2037, Block 2038, Block 2042, Block 2043; **Tract 522.02**: Block Group 1: Block 1027, Block 1028, Block 1029, Block 1039, Block 1040, Block 1041, Block 1050, Block 1052, Block 1053, Block 1056, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1069, Block 1080; Precinct 01-22, Precinct 01-26: **Tract 507**: Block Group 3: Block 3012, Block 3013; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013; Block Group 5: Block 5004, Block 5005, Block 5006, Block 5007, Block 5008; **Tract 508**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010; Block Group 2: Block 2000, Block 2001, Block 2002; Block Group 3; **Tract 509**: Block Group 1: Block 1019; Block Group 2: Block 2000, Block 2001, Block 2009, Block 2010; **Tract 521.01**: Block Group 2: Block 2000; Precinct 01-28, Precinct 01-34, Precinct 01-35: **Tract 508**: Block Group 1: Block 1011, Block 1012; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; **Tract 509**: Block Group 2: Block 2002, Block 2003, Block 2006, Block 2007, Block 2008, Block 2011, Block 2012; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3019, Block 3020, Block 3021; **Tract 521.01**: Block Group 1, Block Group 2: Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2039, Block 2040, Block 2041, Block 2044, Block 2045; **Tract 522.01**: Block Group 1: Block 1021; **Tract 522.02**: Block Group 1: Block 1000; Precinct 01-38, Precinct 01-40, Precinct 01-46, Precinct 01-50, Precinct 09-01, Precinct 09-02, Precinct 09-03, Precinct 10-01, Precinct 10-02, Precinct 10-03, Precinct 10-04, Precinct 13-01, Precinct 13-03, Precinct 13-05: **Tract 540.10**: Block Group 1: Block 1057, Block 1060, Block 1061, Block 1062, Block 1063, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1997, Block 1998, Block 1999; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2025, Block 2026, Block 2027, Block 2028; Precinct 13-06: **Tract 540.10**: Block Group 1: Block 1000, Block 1058, Block 1059; Precinct 13-07, Precinct 16-01: **Tract 528.03**: Block Group 2: Block 2033, Block 2035; **Tract 528.04**: Block Group 1: Block 1000, Block 1001, Block 1002; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2033, Block 2034, Block 2035,

Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048; Precinct 16-02, Precinct 16-08, Precinct 17-01, Precinct 17-02, Precinct 17-03, Precinct 17-04, Precinct 17-05, Precinct 17-06, Precinct 17-07, Precinct 17-08, Precinct 17-09, Precinct 17-10, Precinct 17-11, Precinct 19-01, Precinct 19-02: **Tract 542.01**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5142, Block 5143; **Tract 542.02**: Block Group 2: Block 2013, Block 2014; Precinct 19-04, Precinct 19-07: **Tract 542.01**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4999; **Tract 542.02**: Block Group 2: Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2030, Block 2996; Precinct 19-08.

15th (1) **WAKE**: Precinct 01-11, Precinct 01-15, Precinct 01-17, Precinct 01-18: **Tract 526.02**: Block Group 2: Block 2009; **Tract 527.01**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1017, Block 1018, Block 1019; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2999; Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1000, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023; Precinct 01-30, Precinct 01-36, Precinct 01-37, Precinct 01-39, Precinct 01-42, Precinct 01-43, Precinct 01-44, Precinct 01-45, Precinct 01-47, Precinct 01-51, Precinct 02-01, Precinct 02-02, Precinct 02-03, Precinct 02-04, Precinct 02-05, Precinct 02-06, Precinct 07-02, Precinct 07-03, Precinct 07-04, Precinct 07-05, Precinct 07-06, Precinct 07-07, Precinct 07-09, Precinct 07-11, Precinct 07-12, Precinct 07-13, Precinct 08-01, Precinct 08-02, Precinct 08-03, Precinct 08-04, Precinct 08-05, Precinct 08-06, Precinct 08-07, Precinct 08-08, Precinct 08-09, Precinct 13-02, Precinct 13-04, Precinct 13-05: **Tract 540.10**: Block Group 1: Block 1046, Block 1047, Block 1050, Block 1052, Block 1053, Block 1056, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084; Precinct 13-06: **Tract 540.10**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1031, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045,

Block 1048, Block 1049, Block 1051, Block 1054, Block 1055; Precinct 14-01, Precinct 14-02, Precinct 19-02: **Tract 542.01**: Block Group 1, Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5113, Block 5114, Block 5115, Block 5116, Block 5117, Block 5118, Block 5119, Block 5120, Block 5121, Block 5122, Block 5123, Block 5124, Block 5125, Block 5132, Block 5133, Block 5134, Block 5135, Block 5136, Block 5137, Block 5138, Block 5139, Block 5140, Block 5141; Precinct 19-03, Precinct 19-05, Precinct 19-06, Precinct 19-07: **Tract 540.10**: Block Group 2: Block 2000, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067; Block Group 4: Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023.

16th (1) **WAKE**: Precinct 01-01, Precinct 01-02, Precinct 01-03, Precinct 01-04, Precinct 01-05, Precinct 01-06, Precinct 01-07, Precinct 01-09, Precinct 01-10, Precinct 01-12: **Tract 517**: Block Group 1: Block 1008; **Tract 518**: Block Group 1: Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1020, Block 1021, Block 1022, Block 1023; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005; Block Group 3; **Tract 527.01**: Block Group 2: Block 2039; Precinct 01-13, Precinct 01-14, Precinct 01-16, Precinct 01-20: **Tract 501**: Block Group 1: Block 1052, Block 1053, Block 1054, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102; **Tract 507**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003; Precinct 01-21: **Tract 522.02**: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block

1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1042, Block 1043, Block 1044, Block 1045, Block 1051, Block 1997, Block 1998, Block 1999; Block Group 2, Block Group 3; Precinct 01-23, Precinct 01-25, Precinct 01-26: **Tract 501**: Block Group 1: Block 1090, Block 1091, Block 1092, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117; **Tract 509**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1015, Block 1016, Block 1017, Block 1018, Block 1020, Block 1021; Precinct 01-27, Precinct 01-29: **Tract 515.01**: Block Group 1: Block 1008; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2017, Block 2018, Block 2019; **Tract 515.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010; Precinct 01-31, Precinct 01-32, Precinct 01-33, Precinct 01-35: **Tract 508**: Block Group 2: Block 2011, Block 2012, Block 2013; **Tract 509**: Block Group 1: Block 1022, Block 1023, Block 1024, Block 1025; Block Group 2: Block 2004, Block 2005, Block 2013; Block Group 3: Block 3004, Block 3005, Block 3006, Block 3016, Block 3017, Block 3018; **Tract 522.01**: Block Group 1: Block 1000, Block 1001, Block 1018, Block 1019, Block 1020; **Tract 522.02**: Block Group 1: Block 1001, Block 1002; Precinct 01-41, Precinct 01-48, Precinct 01-49, Precinct 04-01, Precinct 04-02, Precinct 04-03, Precinct 04-04: **Tract 535.07**: Block Group 2: Block 2001, Block 2002; Block Group 3: Block 3007, Block 3008, Block 3009; Precinct 04-05, Precinct 04-08, Precinct 04-09, Precinct 04-11, Precinct 04-12, Precinct 04-15, Precinct 04-17, Precinct 04-18, Precinct 04-20, Precinct 04-21, Precinct 05-01, Precinct 05-02, Precinct 05-03, Precinct 07-01, Precinct 07-10, Precinct 11-01, Precinct 11-02, Precinct 18-01: **Tract 523.01**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1021, Block 1022, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041; **Tract 523.02**: Block Group 2: Block 2003, Block 2004, Block 2005, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2999; Precinct 18-06: **Tract 523.01**: Block Group 1: Block 1003, Block 1005, Block 1006, Block 1017, Block 1018, Block

1019, Block 1020, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 524.04**: Block Group 1: Block 1043, Block 1996, Block 1997, Block 1998, Block 1999; **Tract 530.01**: Block Group 2: Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027; **Tract 530.02**: Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1057, Block 1058, Block 1994, Block 1998, Block 1999; Precinct 18-08: **Tract 530.01**: Block Group 2: Block 2000, Block 2001, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2031, Block 2032, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043; Precinct 20-02: **Tract 534.03**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2015, Block 2016, Block 2017, Block 2018; **Tract 536**: Block Group 2: Block 2119, Block 2120, Block 2121, Block 2122, Block 2123, Block 2128, Block 2129, Block 2130, Block 2131, Block 2132, Block 2133, Block 2134, Block 2135, Block 2136, Block 2137, Block 2138, Block 2139, Block 2140, Block 2141, Block 2142, Block 2143, Block 2144, Block 2145, Block 2146, Block 2147, Block 2148, Block 2149, Block 2150, Block 2151, Block 2161, Block 2162, Block 2164, Block 2165, Block 2166, Block 2167, Block 2202, Block 2221, Block 2222, Block 2223, Block 2224, Block 2225, Block 2226, Block 2227, Block 2228, Block 2229, Block 2230, Block 2231, Block 2232, Block 2233.

17th (1) **WAKE**: Precinct 03-00, Precinct 04-04: **Tract 535.08**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; Precinct 04-06, Precinct 04-07, Precinct 04-10, Precinct 04-13, Precinct 04-14, Precinct 04-16, Precinct 04-19, Precinct 06-01, Precinct 06-02, Precinct 06-03, Precinct 12-01, Precinct 12-02, Precinct 12-03, Precinct 12-04, Precinct 12-05, Precinct 12-06, Precinct 12-07, Precinct 15-01, Precinct 15-02, Precinct 15-03, Precinct 15-04, Precinct 16-01: **Tract 528.05**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018,

Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1061; Precinct 16-03, Precinct 16-04, Precinct 16-05, Precinct 16-06, Precinct 16-07, Precinct 16-09, Precinct 18-01: **Tract 530.02:** Block Group 2: Block 2019, Block 2020, Block 2021; Precinct 18-02, Precinct 18-03, Precinct 18-04, Precinct 18-05, Precinct 18-06: **Tract 530.02:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1044, Block 1045, Block 1046, Block 1049, Block 1050, Block 1993; Precinct 18-07, Precinct 18-08: **Tract 530.01:** Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; Block Group 2: Block 2028, Block 2029, Block 2030, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2044, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2080, Block 2081, Block 2082, Block 2083, Block 2084, Block 2085, Block 2086, Block 2087, Block 2088, Block 2089, Block 2090, Block 2091, Block 2164, Block 2165; Precinct 20-01, Precinct 20-02: **Tract 534.03:** Block Group 2: Block 2013, Block 2014, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2054, Block 2055, Block 2056, Block 2057; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011; Precinct 20-03, Precinct 20-04, Precinct 20-05, Precinct 20-06, Precinct 20-07, Precinct 20-08, Precinct 20-09, Precinct 20-10.

18th (1) **CHATHAM, DURHAM:** Precinct 03: **Tract 4.01:** Block Group 3: Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 4.02:** Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1043, Block 1048; **Tract 5:** Block Group 1: Block 1003; Precinct 04: **Tract 4.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017; Block Group 2: Block 2003, Block 2004,

Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Block Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023; **Tract 4.02**: Block Group 1: Block 1013, Block 1014; Precinct 05: **Tract 5**: Block Group 1: Block 1004, Block 1005; **Tract 15.01**, **Tract 15.02**; Precinct 06: **Tract 6**: Block Group 2: Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2026, Block 2027, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043; Precinct 16, Precinct 27, Precinct 35, Precinct 36, Precinct 38, Precinct 39, Precinct 43, Precinct 48, Precinct 50, Precinct 51, Precinct 53, Precinct 54; **LEE**.

19th (1) **BLADEN, CUMBERLAND**: Precinct Alderman, Precinct Arran Hills, Precinct Beaver Dam & Cedar Creek, Precinct Black River, Precinct Brentwood, Precinct Cross Creek 01, Precinct Cross Creek 02, Precinct Cross Creek 08, Precinct Cross Creek 10, Precinct Cross Creek 11, Precinct Cross Creek 12, Precinct Cross Creek 14: **Tract 7**: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004; Precinct Cross Creek 15, Precinct Cross Creek 18, Precinct Cross Creek 20, Precinct Cross Creek 29, Precinct Cross Creek 30, Precinct Cross Creek 31, Precinct Cross Creek 34, Precinct Cumberland 1, Hope Mills 1, & Stoney Point, Precinct Cumberland 2, Precinct Cumberland 3, Precinct Eastover, Precinct Hope Mills 2, Precinct Hope Mills 3, Precinct Judson-Vander, Precinct Linden, Precinct Pearces Mill 2, Precinct Pearces Mill 3, Precinct Pearces Mill 4, Precinct Sherwood, Precinct Stedman, Precinct Wade.

20th (1) **DURHAM**: Precinct 01, Precinct 02, Precinct 03: **Tract 4.01**: Block Group 3: Block 3001, Block 3002, Block 3003; **Tract 4.02**: Block Group 1: Block 1001, Block 1002, Block 1025, Block 1026, Block 1029, Block 1030, Block 1041, Block 1042, Block 1044, Block 1045, Block 1046, Block 1047; **Tract 5**: Block Group 1: Block 1001, Block 1002; Precinct 04: **Tract 4.01**: Block Group 1: Block 1010, Block 1018, Block 1019, Block 1020, Block 1023, Block 1024; Block Group 2: Block 2001; Precinct 05: **Tract 5**: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1017, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025; **Tract 6**: Block Group 2: Block 2000, Block 2001, Block 2002; Precinct 06: **Tract 5**: Block

Group 3: Block 3006, Block 3007; **Tract 6:** Block Group 2: Block 2003, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2022, Block 2023, Block 2024, Block 2025, Block 2028, Block 2029; Precinct 07, Precinct 08, Precinct 09, Precinct 10, Precinct 11, Precinct 12, Precinct 13, Precinct 14, Precinct 15, Precinct 17, Precinct 18, Precinct 19, Precinct 20, Precinct 21, Precinct 22, Precinct 23, Precinct 24, Precinct 25, Precinct 26, Precinct 28, Precinct 29, Precinct 30, Precinct 31, Precinct 32, Precinct 33, Precinct 34, Precinct 37, Precinct 40, Precinct 41, Precinct 42, Precinct 44, Precinct 45, Precinct 46, Precinct 47, Precinct 49, Precinct 52.

- 21st (1) **CUMBERLAND:** Precinct Auman, Precinct Cliffdale West, Precinct Cross Creek 03, Precinct Cross Creek 04, Precinct Cross Creek 05, Precinct Cross Creek 06, Precinct Cross Creek 07, Precinct Cross Creek 09, Precinct Cross Creek 13, Precinct Cross Creek 14; **Tract 9:** Block Group 2: Block 2012; Block Group 3, Block Group 6: Block 6004, Block 6005, Block 6006, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013; **Tract 20:** Block Group 1: Block 1000, Block 1018; **Tract 21:** Block Group 2, Block Group 5; Precinct Cross Creek 16, Precinct Cross Creek 17, Precinct Cross Creek 19, Precinct Cross Creek 21, Precinct Cross Creek 22, Precinct Cross Creek 23, Precinct Cross Creek 24, Precinct Cross Creek 25, Precinct Cross Creek 26, Precinct Cross Creek 27, Precinct Cross Creek 28, Precinct Cross Creek 32, Precinct Cross Creek 33, Precinct Lake Rim, Precinct Long Hill, Precinct Manchester, Precinct Montibello, Precinct Morganton Rd 2, Precinct Spring Lake, Precinct Westarea.
- 22nd (1) **HARNETT, MOORE.**
- 23rd (1) **ORANGE, PERSON.**
- 24th (1) **ALAMANCE, CASWELL.**
- 25th (1) **ANSON, RICHMOND, SCOTLAND, STANLY.**
- 26th (1) **GUILFORD:** Precinct Center Grove North, Precinct Clay North 1, Precinct Clay North 2, Precinct Clay South, Precinct Deep River North, Precinct Fentress 2, Precinct Friendship 3, Precinct Friendship 4, Precinct Friendship 5, Precinct GB 06; **Tract 154:** Block Group 6: Block 6006; Precinct GB 39; **Tract 161.01:** Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct GB 40A; **Tract 160.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029,

Block 2030, Block 2031, Block 2032, Block 2033, Block 2034; Block Group 3: Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; **Tract 161.01**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1999; Precinct GB 41, Precinct GB 64; **Tract 160.04**: Block Group 4: Block 4063, Block 4064, Block 4065, Block 4066, Block 4068, Block 4069, Block 4071; **Tract 162.01**: Block Group 2: Block 2043, Block 2058, Block 2059, Block 2060, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2069, Block 2070, Block 2077, Block 2078; **Tract 162.02**: Block Group 1: Block 1002, Block 1003; Precinct Gibsonville, Precinct Greene, Precinct Jefferson 1; **Tract 128.03**: Block Group 1: Block 1025, Block 1026, Block 1027, Block 1031; **Tract 153**: Block Group 1: Block 1004, Block 1005, Block 1013, Block 1014, Block 1025, Block 1026, Block 1027, Block 1028, Block 1056, Block 1057, Block 1058; Block Group 2; **Tract 154**: Block Group 5: Block 5027, Block 5028, Block 5029, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5048, Block 5049; Block Group 6: Block 6000, Block 6001, Block 6002, Block 6003, Block 6004, Block 6005, Block 6007, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6018, Block 6019; Precinct Jefferson 2; **Tract 128.03**: Block Group 1: Block 1024, Block 1028, Block 1029, Block 1030, Block 1032; **Tract 153**: Block Group 3: Block 3006, Block 3007, Block 3008, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035; Precinct Jefferson 4, Precinct Madison North, Precinct Madison South, Precinct Monroe 3, Precinct Oak Ridge 1, Precinct Oak Ridge 2, Precinct Rock Creek 1, Precinct Rock Creek 2, Precinct Stokesdale, Precinct Summerfield 1, Precinct Summerfield 2, Precinct Summerfield 3, Precinct Summerfield 4, Precinct Washington North, Precinct Washington South; **ROCKINGHAM**.

27th (1) **GUILFORD**: Precinct Center Grove 1, Precinct Center Grove 2, Precinct Center Grove 3, Precinct GB 01, Precinct GB 02, Precinct GB 07, Precinct GB 08, Precinct GB 09, Precinct GB 10, Precinct GB 11, Precinct GB 12, Precinct GB 13, Precinct GB 14, Precinct GB 15, Precinct GB 16, Precinct GB 17, Precinct GB 18, Precinct GB 19, Precinct GB 20, Precinct GB 21, Precinct GB 22, Precinct GB 23, Precinct GB 24, Precinct GB 25, Precinct GB 26, Precinct GB 27, Precinct GB 28, Precinct GB 29, Precinct GB 30, Precinct GB 31, Precinct GB 32, Precinct GB 33, Precinct GB 34, Precinct GB 35, Precinct GB 36, Precinct GB 37, Precinct GB 38, Precinct

GB 39: **Tract 125.06**: Block Group 1: Block 1065, Block 1067; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3007; Precinct GB 40A: **Tract 160.02**: Block Group 2: Block 2004, Block 2005; Precinct GB 40B, Precinct GB 42, Precinct GB 43, Precinct GB 44, Precinct GB 45, Precinct GB 47, Precinct GB 48, Precinct GB 49, Precinct GB 50, Precinct GB 51, Precinct GB 52: **Tract 126.04**: Block Group 1: Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3017; Precinct GB 54, Precinct GB 55, Precinct GB 56, Precinct GB 57, Precinct GB 58, Precinct GB 59, Precinct GB 60, Precinct GB 61, Precinct GB 62, Precinct GB 63, Precinct GB 64: **Tract 160.04**: Block Group 4: Block 4038, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4067; Block Group 5: Block 5000, Block 5001, Block 5002, Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016; Precinct Monroe 1, Precinct Monroe 2.

28th (1) **GUILFORD**: Precinct Deep River South: **Tract 162.02**: Block Group 1: Block 1032, Block 1033, Block 1034, Block 1035, Block 1044, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1055, Block 1056, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1134, Block 1135, Block 1136, Block 1137, Block 1141, Block 1142, Block 1143, Block 1144, Block 1145, Block 1146; Precinct Fentress 1, Precinct Friendship 1, Precinct Friendship 2, Precinct GB 03, Precinct GB 04, Precinct GB 05, Precinct GB 06: **Tract 127.05**: Block Group 2: Block 2000, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022; **Tract 127.06**: Block Group 2: Block 2000, Block 2001, Block 2004, Block 2005, Block 2006, Block 2007, Block 2011, Block 2013; **Tract 127.07**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006; **Tract 128.03**: Block Group 1: Block 1001, Block 1003, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1999; **Tract 154**: Block Group 6: Block 6008; Precinct GB 46, Precinct GB 52: **Tract 113**: Block Group 2: Block 2015, Block

2016, Block 2019, Block 2020, Block 2021; **Tract 114**: Block Group 5: Block 5006, Block 5007, Block 5008; **Tract 126.04**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1011, Block 1012, Block 1013, Block 1026, Block 1027; Precinct GB 53, Precinct GB 64; **Tract 162.02**: Block Group 1: Block 1000, Block 1001, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1133, Block 1147, Block 1148; **Tract 164.03**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1010, Block 1011, Block 1012, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1029; **Tract 165.03**: Block Group 1: Block 1000, Block 1001, Block 1010; Precinct GB 65, Precinct GB 66, Precinct GB 67, Precinct GB 68, Precinct GB 69, Precinct GB 70, Precinct GB 71, Precinct GB 72, Precinct GB 73, Precinct GB 74, Precinct GB 75, Precinct HP, Precinct HP 01, Precinct HP 02, Precinct HP 03, Precinct HP 04, Precinct HP 05, Precinct HP 06, Precinct HP 07, Precinct HP 08, Precinct HP 09, Precinct HP 10, Precinct HP 11, Precinct HP 12, Precinct HP 17, Precinct HP 18, Precinct HP 19A, Precinct HP 19B, Precinct HP 20A, Precinct HP 20B, Precinct HP 26, Precinct HP 27, Precinct Jamestown 1, Precinct Jamestown 2, Precinct Jamestown 3, Precinct Jamestown 4, Precinct Jamestown 5, Precinct Jefferson 1; **Tract 127.06**: Block Group 2: Block 2002, Block 2003; **Tract 128.03**: Block Group 1: Block 1000, Block 1002, Block 1004, Block 1011, Block 1017, Block 1033, Block 1034, Block 1080; Precinct Jefferson 2; **Tract 111.02**: Block Group 2: Block 2000; **Tract 127.07**: Block Group 1: Block 1000, Block 1001; **Tract 128.03**: Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1042, Block 1049, Block 1051, Block 1055, Block 1066, Block 1067, Block 1069, Block 1070, Block 1074, Block 1075, Block 1076, Block 1077; Block Group 2: Block 2000, Block 2001, Block 2007, Block 2012, Block 2013, Block 2038; **Tract 153**: Block Group 3: Block 3036; Precinct Jefferson 3, Precinct Pleasant Garden 1, Precinct Pleasant Garden 2, Precinct Sumner 1, Precinct Sumner 2, Precinct Sumner 3, Precinct Sumner 4.

29th (1) **MONTGOMERY, RANDOLPH.**

30th (1) **ALLEGHANY, STOKES, SURRY, YADKIN.**

31st (1) **FORSYTH**: Precinct 011, Precinct 012, Precinct 013; **Tract 33.07**: Block Group 1: Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1033, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042,

Block 1043, Block 1044, Block 1045, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1999; **Tract 33.08**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1022, Block 1023, Block 1024, Block 1025, Block 1047; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2024, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2999; Precinct 014, Precinct 015, Precinct 021, Precinct 031, Precinct 032; **Tract 28.05**: Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1025, Block 1026, Block 1027, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1100; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3052, Block 3053, Block 3057, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3064, Block 3065, Block 3066, Block 3069, Block 3070, Block 3071, Block 3072, Block 3073, Block 3074, Block 3075, Block 3076, Block 3077, Block 3078, Block 3079, Block 3080, Block 3995, Block 3996, Block 3997, Block 3998, Block 3999; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4017, Block 4018; Precinct 033: **Tract 28.07**: Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1013, Block 1014, Block 1015, Block 1016, Block

1017, Block 1018, Block 1019, Block 1020, Block 1021; **Tract 29.01**: Block Group 2: Block 2005, Block 2006, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2022, Block 2023, Block 2024, Block 2029, Block 2030, Block 2031, Block 2033; Precinct 034, Precinct 043; **Tract 33.03**: Block Group 3: Block 3034, Block 3035, Block 3036, Block 3037; **Tract 34.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035; Block Group 2: Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2021, Block 2023, Block 2024, Block 2025, Block 2026, Block 2029, Block 2030, Block 2031, Block 2035; Precinct 051, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 065, Precinct 066, Precinct 067, Precinct 068, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 091, Precinct 092, Precinct 101; **Tract 28.01**: Block Group 3: Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3061, Block 3062, Block 3063; **Tract 28.04**: Block Group 1: Block 1018, Block 1019, Block 1020, Block 1021, Block 1022; Block Group 3: Block 3025, Block 3026, Block 3027, Block 3028; **Tract 28.05**: Block Group 3: Block 3063; Block Group 4: Block 4013, Block 4014, Block 4015, Block 4016, Block 4019; Precinct 111, Precinct 112, Precinct 123; **Tract 39.04**: Block Group 1: Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037; Block Group 2: Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029; Precinct 131, Precinct 132, Precinct 133, Precinct 507; **Tract 33.03**: Block Group 2: Block 2000, Block 2057, Block 2058, Block 2059; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3028, Block 3029; Precinct 701, Precinct 702, Precinct 703, Precinct 704; **Tract 10**: Block Group 3: Block 3009; **Tract 21**: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011; Block Group 3: Block 3000, Block 3001, Block 3004, Block 3005, Block

3006, Block 3007, Block 3008, Block 3009, Block 3010; **Tract 22:** Block Group 4: Block 4014, Block 4015, Block 4018, Block 4019; Precinct 705: **Tract 21:** Block Group 2, Block Group 3: Block 3002, Block 3003; **Tract 22:** Block Group 5: Block 5026, Block 5027, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041; Precinct 706, Precinct 707: **Tract 22:** Block Group 5: Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025; **Tract 25.02:** Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2021, Block 2022, Block 2023, Block 2024, Block 2998, Block 2999; Precinct 801, Precinct 802, Precinct 803, Precinct 804, Precinct 805, Precinct 806, Precinct 807, Precinct 808: **Tract 39.04:** Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2015, Block 2016; **Tract 39.05:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009; **Tract 39.06:** Block Group 3: Block 3009, Block 3010, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018; Precinct 809, Precinct 901, Precinct 906, Precinct 907.

32nd (1)

FORSYTH: Precinct 013: **Tract 33.08:** Block Group 2: Block 2023, Block 2025, Block 2026, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2998; Precinct 032: **Tract 28.04:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014; **Tract 28.06:** Block Group 1: Block 1009, Block 1010, Block 1011, Block 1031; Precinct 033: **Tract 27.02:** Block Group 1: Block 1000, Block 1001, Block 1012; **Tract 28.05:** Block Group 2: Block 2027, Block 2028; **Tract 28.06:** Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038; Block Group 2; Precinct 042, Precinct 043: **Tract 33.03:** Block Group 3: Block 3032, Block 3033, Block 3038, Block 3039; **Tract 34.01:** Block Group 1: Block 1000, Block 1001, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1033, Block 1034, Block 1035, Block 1036, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045,

Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1056, Block 1057, Block 1058; Block Group 2;

Tract 34.02: Block Group 1: Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026; Block Group 2: Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2022, Block 2032, Block 2033, Block 2034, Block 2036, Block 2037; Precinct 081, Precinct 082, Precinct 083, Precinct 101: **Tract 28.04:** Block Group 1: Block 1016, Block 1017, Block 1999; Block Group 2: Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3011, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3029, Block 3030; Precinct 122, Precinct 123: **Tract 39.03:** Block Group 2: Block 2009, Block 2010, Block 2011, Block 2012, Block 2013; Precinct 201, Precinct 203, Precinct 204, Precinct 205, Precinct 206, Precinct 207, Precinct 301, Precinct 302, Precinct 303, Precinct 304, Precinct 305, Precinct 306, Precinct 401, Precinct 402, Precinct 403, Precinct 404, Precinct 405, Precinct 501, Precinct 502, Precinct 503, Precinct 504, Precinct 505, Precinct 506, Precinct 507: **Tract 33.03:** Block Group 2: Block 2001, Block 2002, Block 2003, Block 2006, Block 2007, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2020, Block 2021, Block 2023, Block 2024, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2060, Block 2061, Block 2062, Block 2998; Block Group 3: Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3030, Block 3031, Block 3040, Block 3041; **Tract 34.01:** Block Group 1: Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1037, Block 1038, Block 1039, Block 1040, Block 1052, Block 1053, Block 1054, Block 1055; Precinct 601, Precinct 602, Precinct 603, Precinct 604, Precinct 605, Precinct 606, Precinct 607, Precinct 704: **Tract 10:** Block Group 3: Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3010, Block 3011; Precinct

705: **Tract 38.02**: Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1997, Block 1998, Block 1999; Block Group 3: Block 3000; **Tract 38.04**: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016; Precinct 707: **Tract 38.02**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003; Precinct 708, Precinct 709, Precinct 808: **Tract 39.03**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008; Precinct 902, Precinct 903, Precinct 904, Precinct 905, Precinct 908, Precinct 909.

33rd (1) **DAVIDSON, GUILFORD**: Precinct Deep River South: **Tract 162.02**: Block Group 1: Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1075, Block 1076, Block 1079, Block 1087, Block 1088, Block 1092, Block 1093, Block 1094, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1108, Block 1115, Block 1118, Block 1119, Block 1138, Block 1139, Block 1140; **Tract 163.01**: Block Group 2: Block 2012; Precinct HP 13, Precinct HP 14, Precinct HP 15, Precinct HP 16, Precinct HP 21, Precinct HP 22, Precinct HP 23, Precinct HP 24, Precinct HP 25.

34th (1) **DAVIE, ROWAN**.

35th (1) **MECKLENBURG**: Precinct 201, Precinct 216, Precinct 218, Precinct 219, Precinct 220, Precinct 221, Precinct 234, Precinct 235, Precinct 236; **UNION**.

36th (1) **CABARRUS, IREDELL**: Precinct Coddle Creek 1, Precinct Coddle Creek 2, Precinct Coddle Creek 3, Precinct Coddle Creek 4: **Tract 613**: Block Group 1: Block 1019, Block 1066, Block 1067, Block 1068, Block 1070; **Tract 614**: Block Group 5: Block 5000, Block 5001, Block 5002, Block 5061, Block 5062, Block 5063,

Block 5064, Block 5065, Block 5073, Block 5998, Block 5999; Block Group 8: Block 8029, Block 8030, Block 8031, Block 8032, Block 8033, Block 8034, Block 8035, Block 8038, Block 8039, Block 8044, Block 8045, Block 8046, Block 8047, Block 8048, Block 8049, Block 8050, Block 8051, Block 8052, Block 8053, Block 8054, Block 8055, Block 8056, Block 8057, Block 8061; **Tract 616**: Block Group 5: Block 5007, Block 5008, Block 5010, Block 5011, Block 5013, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5025, Block 5031; Block Group 6: Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6016, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6031, Block 6032, Block 6033, Block 6034, Block 6035, Block 6036.

37th (1) **MECKLENBURG**: Precinct 001, Precinct 002, Precinct 004, Precinct 005, Precinct 006, Precinct 007, Precinct 008, Precinct 009, Precinct 010, Precinct 015, Precinct 017, Precinct 018, Precinct 020, Precinct 021, Precinct 029, Precinct 032, Precinct 033, Precinct 034, Precinct 035, Precinct 037, Precinct 038, Precinct 044, Precinct 045, Precinct 046, Precinct 047, Precinct 049, Precinct 050, Precinct 051, Precinct 061, Precinct 062, Precinct 063, Precinct 064, Precinct 066, Precinct 083, Precinct 084, Precinct 094, Precinct 095, Precinct 099, Precinct 102, Precinct 108, Precinct 109, Precinct 115, Precinct 116, Precinct 117, Precinct 123, Precinct 124, Precinct 125, Precinct 130, Precinct 203, Precinct 205.

38th (1) **MECKLENBURG**: Precinct 011, Precinct 012, Precinct 013, Precinct 016, Precinct 022, Precinct 023, Precinct 024, Precinct 025, Precinct 027; **Tract 52**: Block Group 2, Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012; Block Group 4: Block 4002, Block 4003, Block 4004, Block 4005, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4025, Block 4026, Block 4027, Block 4028, Block 4030, Block 4031, Block 4038; Precinct 031, Precinct 039, Precinct 040, Precinct 041, Precinct 052, Precinct 053, Precinct 054, Precinct 055, Precinct 056; **Tract 51**: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017; **Tract 52**: Block Group 3: Block 3004, Block 3005; Precinct 078, Precinct 079, Precinct 080, Precinct 081, Precinct 089, Precinct 098, Precinct 120, Precinct 122, Precinct 134, Precinct 138, Precinct 200, Precinct 209, Precinct 210, Precinct 211; **Tract 61.01**: Block Group 1: Block 1004, Block 1005, Block 1006, Block 1011, Block

1062, Block 1063; **Tract 61.02**: Block Group 3: Block 3002, Block 3003, Block 3004, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3030, Block 3040; Precinct 222, Precinct 223, Precinct 224, Precinct 225; **Tract 58.06**: Block Group 1: Block 1012, Block 1013, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1037, Block 1038, Block 1039; Precinct 228, Precinct 229, Precinct 230, Precinct 243, Precinct 77, Precinct 97.

39th (1) **MECKLENBURG**: Precinct 019, Precinct 036, Precinct 048, Precinct 057, Precinct 058, Precinct 059, Precinct 065, Precinct 067, Precinct 068, Precinct 069, Precinct 070, Precinct 071, Precinct 072, Precinct 073, Precinct 074, Precinct 075, Precinct 076, Precinct 085, Precinct 086, Precinct 087, Precinct 088, Precinct 090, Precinct 091, Precinct 092, Precinct 093, Precinct 096, Precinct 100, Precinct 101, Precinct 103, Precinct 106, Precinct 110, Precinct 111, Precinct 112, Precinct 113, Precinct 114, Precinct 118, Precinct 119, Precinct 121, Precinct 129, Precinct 131, Precinct 136, Precinct 137, Precinct 139, Precinct 140, Precinct 144, Precinct 215, Precinct 217, Precinct 225; **Tract 58.06**: Block Group 1: Block 1034, Block 1035, Block 1036, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1070, Block 1076, Block 1078, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092; Block Group 2; **Tract 58.07**: Block Group 1: Block 1011, Block 1012, Block 1013, Block 1014; Precinct 226, Precinct 227, Precinct 231, Precinct 232, Precinct 233.

40th (1) **MECKLENBURG**: Precinct 003, Precinct 014, Precinct 026, Precinct 027; **Tract 52**: Block Group 1: Block 1000, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013; **Tract 53.01**: Block Group 1: Block 1000, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1015, Block 1016, Block 1017, Block 1019, Block 1020, Block 1021, Block 1022, Block 1036, Block 1037; Precinct 028, Precinct 030, Precinct 042, Precinct 043, Precinct 056; **Tract 50**: Block Group 2: Block 2000, Block 2001, Block 2005; **Tract 51**: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004,

Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030; **Tract 52**: Block Group 1: Block 1001; **Tract 53.01**: Block Group 1: Block 1001, Block 1002, Block 1013, Block 1014, Block 1018; Precinct 060, Precinct 082, Precinct 104, Precinct 105, Precinct 107, Precinct 126, Precinct 127, Precinct 128, Precinct 132, Precinct 133, Precinct 135, Precinct 141, Precinct 142, Precinct 143, Precinct 145, Precinct 202, Precinct 204, Precinct 206, Precinct 207, Precinct 208, Precinct 211; **Tract 55.03**: Block Group 1: Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066; **Tract 61.02**: Block Group 3: Block 3000, Block 3001, Block 3005, Block 3006, Block 3007, Block 3026, Block 3027, Block 3028, Block 3029, Block 3031, Block 3032; Precinct 212, Precinct 213, Precinct 214, Precinct 237, Precinct 238, Precinct 239, Precinct 240, Precinct 241, Precinct 242.

41st (1) **GASTON**: Precinct Alexis, Precinct Lucia, Precinct Mt Holly 1, Precinct Mt Holly 2, Precinct Stanley 1, Precinct Stanley 2; **IREDELL**: Precinct Barringer, Precinct Bethany, Precinct Chambersburg, Precinct Coddle Creek 4; **Tract 612**: Block Group 9: Block 9031, Block 9032, Block 9033, Block 9034, Block 9035, Block 9036, Block 9051, Block 9053; **Tract 613**: Block Group 1: Block 1017, Block 1018, Block 1051, Block 1052, Block 1055, Block 1056, Block 1057, Block 1058, Block 1061, Block 1063, Block 1064, Block 1065, Block 1078; **Tract 614**: Block Group 3: Block 3001; Block Group 5: Block 5003, Block 5004, Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5025, Block 5026, Block 5030, Block 5032, Block 5033, Block 5042, Block 5046, Block 5047, Block 5048, Block 5059, Block 5060, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5072, Block 5076, Block 5077, Block 5078, Block 5081, Block 5082, Block 5083; Precinct Cool Springs, Precinct Davidson 1, Precinct Davidson 2, Precinct Fallstown, Precinct Statesville 1, Precinct Statesville 2, Precinct Statesville 3, Precinct Statesville 4, Precinct Statesville 5, Precinct Statesville 6; **LINCOLN**.

42nd (1) **CATAWBA, IREDELL**: Precinct Concord, Precinct Eagle Mills, Precinct New Hope, Precinct Olin, Precinct Sharpesburg, Precinct Shiloh, Precinct Turnersburg, Precinct Union Grove.

- 43rd (1) **GASTON:** Precinct Armstrong, Precinct Ashbrook, Precinct Belmont 1, Precinct Belmont 2, Precinct Belmont 3, Precinct Bessemer City 1, Precinct Bessemer City 2, Precinct Catawba Heights, Precinct Cherryville 1, Precinct Cherryville 2, Precinct Cherryville 3, Precinct Cramerton, Precinct Crowders Mountain, Precinct Dallas 1, Precinct Dallas 2, Precinct Flint Grove, Precinct Forest Heights, Precinct Gardner Park, Precinct Gaston Day, Precinct Grier, Precinct Health Center, Precinct High Shoals, Precinct Highland, Precinct Landers Chapel, Precinct Lowell, Precinct Mcadenville, Precinct Myrtle, Precinct New Hope, Precinct Pleasant Ridge, Precinct Ranlo, Precinct Robinson 1, Precinct Robinson 2, Precinct Sherwood, Precinct South Gastonia, Precinct Southpoint, Precinct Tryon, Precinct Union, Precinct Victory, Precinct Wood Hill, Precinct York Chester.
- 44th (1) **BURKE, CALDWELL.**
- 45th (1) **ALEXANDER, ASHE, WATAUGA, WILKES.**
- 46th (1) **CLEVELAND, RUTHERFORD.**
- 47th (1) **AVERY, HAYWOOD:** Precinct Allens Creek, Precinct Beaverdam 1, Precinct Beaverdam 2, Precinct Beaverdam 3, Precinct Beaverdam 4, Precinct Beaverdam 5/6, Precinct Beaverdam 7, Precinct Big Creek, Precinct Clyde North, Precinct Clyde South, Precinct Crabtree, Precinct Fines Creek 1, Precinct Fines Creek 2, Precinct Hazelwood, Precinct Iron Duff, Precinct Ivy Hill, Precinct Jonathan Creek, Precinct Lake Junaluska, Precinct Saunook, Precinct Waynesville Center, Precinct Waynesville East, Precinct Waynesville South 1, Precinct Waynesville South 2, Precinct Waynesville West, Precinct White Oak; **MADISON, MCDOWELL, MITCHELL, YANCEY.**
- 48th (1) **BUNCOMBE:** Precinct Asheville 18, Precinct Asheville 19, Precinct Asheville 24; **Tract 12:** Block Group 5: Block 5001, Block 5002, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5024, Block 5025, Block 5029, Block 5030, Block 5033, Block 5034, Block 5992, Block 5993, Block 5994, Block 5995; **Tract 23.02:** Block Group 3: Block 3014, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3028, Block 3029, Block 3030, Block 3031, Block 3043, Block 3044, Block 3045, Block 3046, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3057, Block 3060, Block 3062, Block 3992, Block 3993, Block 3994; Precinct Asheville 29, Precinct Averys Creek, Precinct Biltmore, Precinct Broad River, Precinct Fairview 1, Precinct Fairview 2, Precinct Limestone 1, Precinct Limestone 2, Precinct

Limestone 3, Precinct Limestone 4, Precinct Lower Hominy 1, Precinct Lower Hominy 3, Precinct Upper Hominy 1 & 3;
HENDERSON, POLK.

49th (1) **BUNCOMBE:** Precinct Asheville 01, Precinct Asheville 02, Precinct Asheville 03, Precinct Asheville 04, Precinct Asheville 05, Precinct Asheville 06, Precinct Asheville 07, Precinct Asheville 08, Precinct Asheville 09, Precinct Asheville 10, Precinct Asheville 11, Precinct Asheville 12, Precinct Asheville 13, Precinct Asheville 14, Precinct Asheville 15, Precinct Asheville 16, Precinct Asheville 17, Precinct Asheville 20, Precinct Asheville 21, Precinct Asheville 22, Precinct Asheville 23, Precinct Asheville 24; **Tract 12:** Block Group 5: Block 5005, Block 5006, Block 5007, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5026, Block 5027, Block 5028; **Tract 13:** Block Group 2: Block 2015, Block 2016, Block 2018, Block 2023, Block 2024, Block 2025, Block 2027; **Tract 23.02:** Block Group 3: Block 3064, Block 3987; **Tract 25.02:** Block Group 4: Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030; Block Group 6: Block 6000, Block 6007, Block 6008, Block 6009, Block 6010, Block 6011, Block 6012, Block 6013, Block 6014, Block 6015, Block 6016, Block 6017, Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6026, Block 6027, Block 6028, Block 6029, Block 6030; Precinct Asheville 25, Precinct Asheville 26, Precinct Asheville 27, Precinct Asheville 28, Precinct Black Mountain 1, Precinct Black Mountain 2, Precinct Black Mountain 3, Precinct Black Mountain 4, Precinct Black Mountain 5, Precinct Flat Creek, Precinct French Broad, Precinct Hazel 1, Precinct Hazel 2, Precinct Ivy 1 & 2, Precinct Leicester 1, Precinct Leicester 2 & Sandy Mush, Precinct Lower Hominy 2, Precinct North Buncombe, Precinct Reems Creek, Precinct Reynolds, Precinct Riceville 1 & Swannanoa 2, Precinct Riceville 2 & Swannanoa 3, Precinct Swannanoa 1, Precinct Upper Hominy 2, Precinct Weaverville, Precinct West Buncombe 1, Precinct West Buncombe 2, Precinct Woodfin, Precinct Woodland Hills.

50th (1) **CHEROKEE, CLAY, GRAHAM, HAYWOOD:** Precinct Cecil, Precinct East Fork, Precinct Pigeon, Precinct Pigeon Center;
JACKSON, MACON, SWAIN, TRANSYLVANIA.

SENATE RESOLUTIONS**2012 SESSION**

Adopted July 2, 2012 (See page 489)

S.R. 957, A SENATE RESOLUTION SPECIFICALLY DISAPPROVING EXECUTIVE ORDER NO. 85, ISSUED MARCH 25, 2011, UNDER PROVISIONS OF THE NORTH CAROLINA CONSTITUTION GRANTING EITHER HOUSE OF THE GENERAL ASSEMBLY TO DO SO, AS THE GENERAL ASSEMBLY HAS ACCOMPLISHED ADMINISTRATIVE REORGANIZATIONS BY LEGISLATION.

Whereas, Section 5(10) of Article III of the North Carolina Constitution states: "Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly"; and

Whereas, on March 25, 2011, the Governor issued Executive Order No. 85, entitled "CONSOLIDATION AND REORGANIZATION OF EXECUTIVE BRANCH AGENCIES TO IMPROVE THE EFFICIENCY OF STATE GOVERNMENT," which recited that it was issued under Section 5(10) of Article III of the North Carolina Constitution; and

Whereas, the General Assembly has carefully considered the Executive Order; and

Whereas, by the following legislation among others, the General Assembly has dealt with the issues raised in the Executive Order: (i) S.L. 2011-145, "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"; and (ii) S.L. 2011-401, "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"; and

Whereas, a resolution of disapproval is necessary as unless it is adopted Executive Order No. 85 may become effective under its terms upon sine die adjournment of the 2011 Regular Session of the General Assembly; Now, therefore,

Be it resolved by the Senate:

SECTION 1. Executive Order No. 85, adopted March 25, 2011, is specifically disapproved under the authority given the Senate by Section 5(10) of Article III of the North Carolina Constitution.

SECTION 2. The Enrolling Clerk shall cause this resolution to be published in the Appendices to the Session Laws for the 2011 Regular Session of the General Assembly.

SECTION 3. This resolution is effective upon adoption.

Adopted July 2, 2012 (See page 529)

S.R. 959, A SENATE RESOLUTION EXPRESSING SUPPORT FOR THE DESIGNATION OF AN ANNUAL WELCOME HOME VIETNAM VETERANS DAY.

Whereas, the Vietnam War was fought in the Republic of Vietnam (South Vietnam) from 1961 to 1975 and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam; and

Whereas, the United States Armed Forces became involved in Vietnam because the United States government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

Whereas, members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961; and

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and August 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408) on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam; and

Whereas, in 1965 United States Armed Forces ground combat units arrived in Vietnam; and

Whereas, by the end of 1965 there were 80,000 United States troops in Vietnam and by 1969 a peak of approximately 543,000 troops was reached; and

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners of war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam; and

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capital of South Vietnam, effectively placing South Vietnam under communist control; and

Whereas, more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 were wounded; and

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in Washington, D.C. to commemorate the lives of those members of the United States Armed Forces who died or were declared missing in action in Vietnam; and

Whereas, the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans; and

Whereas, members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by four presidential administrations of the United States; and

Whereas, the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas, the United States Senate agreed to a resolution without amendment and with a preamble by unanimous consent designating March 30, 2011, as "Welcome Home Vietnam Veterans Day"; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The North Carolina Senate honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace; expresses its support for the establishment of March 30 of each year as "Welcome Home Vietnam Veterans Day"; encourages State agencies and local governments to support "Welcome Home Vietnam Veterans Day"; and encourages the people of this State to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that (i) provide the appreciation Vietnam War veterans deserve but did not receive upon returning home from the war; (ii) demonstrate the resolve that never again shall the nation disregard and denigrate a generation of veterans; (iii) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home; (iv) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and (v) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

SECTION 2. This resolution is effective upon adoption.

**EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA**

In compliance with G.S. 147-16.1, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued during the 2012 Legislative Session.

Executive Order	Title	Date of Issuance
113	Further Extend Unemployment Benefits to Protect the Safety, Health, and Welfare of North Carolina's Long-Term Unemployed	January 11, 2012
114	Proclamation of a State of Disaster for Burke and Rutherford Counties	January 18, 2012
115	Proclamation of a State of Disaster for Pamlico and Tyrrell Counties	February 22, 2012
116	Establish a Moratorium on the Collection of New Tolls for the North Carolina Ferry System	February 29, 2012
117	Proclamation of a State of Disaster for Cherokee County	March 30, 2012
118	High Standards for Shale Gas Development in North Carolina	May 21, 2012
119	Extending the Governor's Gang Task Force	June 14, 2012
120	Emergency Relief for Tropical Storm Debby	June 25, 2012
121	Emergency Relief for States Impacted by Severe Weather	July 2, 2012

SENATE COMMITTEE ASSIGNMENTS

COMMITTEE STANDING MEETING TIME/ROOM

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Tues at 11:00 a.m./Thurs at 9:00 a.m. (544 LOB)

Co-Chairman	Senator East
Co-Chairman	Senator Jackson
Co-Chairman	Senator Rouzer
Vice Chairman	Senator Blake
Members	Senators Allran, Atwater, Bingham, Brock, Brown, Clodfelter, Daniel, Hartsell, Jenkins, Kinnaird, Preston, Rabon, Tillman, Tucker, Walters, Westmoreland, White

APPROPRIATIONS/BASE BUDGET

Tues/Wed/Thurs at 8:30 a.m. (643 LOB)

Co-Chairman	Senator Brunstetter
Co-Chairman	Senator Hunt
Co-Chairman	Senator Stevens
Vice Chairman	Senator Apodaca
Vice Chairman	Senator Garrou
Members	Senators Blake, Blue, Brock, Brown, Dannelly, East, Graham, Harrington, Hartsell, Jackson, Jones, Kinnaird, Nesbitt, Pate, Rouzer, Rucho, Tillman, Tucker, Walters

APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION

Tues/Wed/Thurs at 8:30 a.m. (1027 LB)

Co-Chairman	Senator Harrington
Co-Chairman	Senator Rabon
Vice Chairman	Senator Gunn
Members	Senators Jenkins, Meredith, Vaughan

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION

Tues/Wed/Thurs at 8:30 a.m. (421 LOB)

Co-Chairman	Senator Apodaca
Co-Chairman	Senator Preston
Co-Chairman	Senator Tillman
Members	Senators Dannelly, Garrou, Rucho, Soucek

**APPROPRIATIONS ON GENERAL GOVERNMENT AND INFOR.
TECH.****Tues/Wed/Thurs at 8:30 a.m. (1124 LB)**

Co-Chairman	Senator Davis
Co-Chairman	Senator Tucker
Members	Senators Blue, Carney, Graham

APPROPRIATIONS ON HEALTH AND HUMAN SERVICES**Tues/Wed/Thurs at 8:30 a.m. (422 LOB)**

Co-Chairman	Senator Bingham
Co-Chairman	Senator Brock
Co-Chairman	Senator Hise
Co-Chairman	Senator Pate
Members	Senators Allran, D. Berger, Hartsell, Mansfield, Purcell, Rabon

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY**Tues/Wed/Thurs at 8:30 a.m. (415 LOB)**

Co-Chairman	Senator Brown
Co-Chairman	Senator Goolsby
Vice Chairman	Senator Jones
Vice Chairman	Senator Soucek
Members	Senators Clodfelter, East, Newton

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES**Tues/Wed/Thurs at 8:30 a.m. (423 LOB)**

Co-Chairman	Senator East
Co-Chairman	Senator Jackson
Co-Chairman	Senator Rouzer
Vice Chairman	Senator Blake
Members	Senators Atwater, Daniel, Kinnaird, Walters, Westmoreland

COMMERCE**Tues/Thurs at 11:00 a.m. (1027 LB)**

Chairman	Senator Brown
Vice Chairman	Senator Apodaca
Vice Chairman	Senator Blake
Vice Chairman	Senator Gunn
Vice Chairman	Senator Meredith
Members	Senators D. Berger, Blue, Brunstetter, Clodfelter, Davis, Garrou, Goolsby, Graham, Harrington, Hise, Hunt, Jackson, McKissick, Nesbitt, Newton, Purcell, Robinson, Rucho, Soucek, Stein, Stevens, Vaughan, Westmoreland, White

EDUCATION/HIGHER EDUCATION**Wed at 10:00 a.m. (544 LOB)**

Co-Chairman	Senator Preston
Co-Chairman	Senator Soucek
Co-Chairman	Senator Tillman
Vice Chairman	Senator Apodaca
Members	Senators Allran, Brock, Brown, Carney, Dannelly, Daniel, Garrou, Goolsby, Graham, Hise, McKissick, Nesbitt, Newton, Pate, Purcell, Robinson, Rucho, Stein, Stevens, Tucker, White

FINANCE**Tues/Wed at 1:00 p.m. (544 LOB)**

Co-Chairman	Senator Hartsell
Co-Chairman	Senator Rucho
Vice Chairman	Senator Apodaca
Vice Chairman	Senator Blake
Vice Chairman	Senator Harrington
Vice Chairman	Senator Rabon
Members	Senators Allran, Atwater, Brock, Brown, Brunstetter, Carney, Clodfelter, Dannelly, Daniel, Garrou, Goolsby, Hunt, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Purcell, Robinson, Rouzer, Stein, Stevens, Tillman, Walters, Westmoreland, White

HEALTH CARE**Wed at 11:00 a.m. (544 LOB)**

Co-Chairman	Senator Bingham
Co-Chairman	Senator Blake
Co-Chairman	Senator Pate
Members	Senators Allran, Atwater, D. Berger, Carney, Davis, Kinnaird, Mansfield, Meredith, Purcell, Rabon, Robinson, Rouzer, Rucho, Tucker

INSURANCE**Wed at 10:00 a.m. (1027 LB)**

Co-Chairman	Senator Apodaca
Co-Chairman	Senator Meredith
Vice Chairman	Senator Gunn
Vice Chairman	Senator Hise
Members	Senators Atwater, D. Berger, Davis, East, Garrou, Jackson, McKissick, Newton, Rouzer, Rucho, Vaughan, Walters, White

JUDICIARY I**Tues/Thurs at 10:00 a.m. (1027 LB)**

Chairman	Senator Brunstetter
Vice Chairman	Senator Goolsby
Members	Senators Apodaca, Brock, Brown, Clodfelter, Harrington, Jenkins, Mansfield, Nesbitt, Pate, Rouzer, Rucho, Soucek, Stein, Stevens, Tillman, Walters

JUDICIARY II**Tues/Thurs at 10:00 a.m. (1124 LB)**

Co-Chairman	Senator Allran
Co-Chairman	Senator Daniel
Co-Chairman	Senator Newton
Members	Senators D. Berger, Bingham, Blake, Blue, Carney, Dannelly, Davis, East, Hartsell, Jones, McKissick, Tucker, Vaughan, Westmoreland

MENTAL HEALTH & YOUTH SERVICES**Wed at 12:00 NOON (414 LOB)**

Chairman	Senator Hartsell
Vice Chairman	Senator Allran
Vice Chairman	Senator Tucker
Members	Senators Bingham, Carney, Davis, Daniel, Jackson, Jones, Kinnaird, Nesbitt, Purcell, Robinson

PENSIONS & RETIREMENT AND AGING**Upon Call of the Chairman**

Co-Chairman	Senator Apodaca
Co-Chairman	Senator Meredith
Members	Senators Atwater, Brock, Dannelly, Davis, Garrou, Harrington, Hise, Jenkins, Pate, Preston, Rucho, Stevens, Walters

PROGRAM EVALUATION**Tues at 12:00 NOON (421 LOB)**

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

REDISTRICTING**Upon Call of the Chairman**

Chairman	Senator Rucho
Vice Chairman	Senator Brock
Vice Chairman	Senator Brown
Members	Senators Apodaca, Brunstetter, Graham, Harrington, Hise, Hunt, Jones, McKissick, Nesbitt, Soucek, Walters

RULES AND OPERATIONS OF THE SENATE**Upon Call of the Chairman**

Chairman	Senator Apodaca
Vice Chairman	Senator Brunstetter
Vice Chairman	Senator Jackson
Members	Senators Blue, Brock, Brown, Garrou, Harrington, Hartsell, Kinnaird, Mansfield, Meredith, Nesbitt, Newton, Preston, Rabon, Stein

STATE AND LOCAL GOVERNMENT

Tues at 12:00 NOON (1124 LB)

Co-Chairman	Senator Davis
Co-Chairman	Senator Walters
Vice Chairman	Senator Tucker
Members	Senators Bingham, Blake, Carney, East, Goolsby, Hartsell, Harrington, Jackson, Jones, Kinnaird, Nesbitt, Pate, Robinson, Stevens, White

TRANSPORTATION

Wed at 11:00 a.m. (1027 LB)

Co-Chairman	Senator Rabon
Vice Chairman	Senator Gunn
Vice Chairman	Senator Hise
Vice Chairman	Senator Harrington
Vice Chairman	Senator Carney
Members	Senators Daniel, East, Graham, Hunt, Jackson, Jenkins, McKissick, Robinson, Soucek, Stevens, Tillman, Vaughan, White

WAYS & MEANS

Upon Call of the Chairman

Chairman	Senator Apodaca
Vice Chairman	Senator Brock
Members	Senators Dannelly, Clodfelter

SELECT COMMITTEE

SELECT COMMITTEE ON UNC BOARD OF GOVERNORS

Upon Call of the Chairman

Co-Chairman	Senator Apodaca
Co-Chairman	Senator Stevens
Members	Senators Dannelly, Garrou, Preston, Rouzer, Soucek, Tillman, Walters

SENATE STAFF**OFFICE OF THE PRESIDENT**

Lieutenant Governor	Walter H. Dalton
Chief of Staff	Kimberly N. Reynolds
Executive Assistant	Barbara B. O'Sullivan
Communications Director	Thomas Walsh
General Counsel	Atiya Boddie
Scheduler	Jason Pate
Constituent Services	Michael Kelly
Administrative Assistant	Jamie Almond
Security	Trooper Brian Lane Trooper Kevin Horne

OFFICE OF THE PRESIDENT *PRO TEMPORE*

President <i>Pro Tempore</i>	Philip E. Berger
Chief of Staff	Jim Blaine
General Counsel	Tracy Kimbrell
Deputy Chief of Staff, Communications/Operations	Amy Auth
Deputy Chief of Staff, Policy	Cody Hand
Legislative Assistant	Barbara Eldridge
Legislative Assistant	Peggy Halifax
Executive Assistant/Scheduler	Will Tomlinson
Boards and Commissions Advisor	Darrell Malcolm
Policy Advisor/Committee Liaison	Skylar Adams
Senior Policy Advisor, Health and Human Resources	Kristi Huff
Senior Policy Advisor, Environmental and Regulatory	Jeff Warren
Senior Policy Advisor, Education	Erica Shrader
Press Secretary	Brandon Greife
Constituent Liaison	Sara Riggins

OFFICE OF THE DEPUTY PRESIDENT *PRO TEMPORE*

Deputy President <i>Pro Tempore</i>	Harris Blake
Administrative Assistant	Anna Kidd

OFFICE OF THE SENATE MAJORITY LEADER

Majority Leader	Harry Brown
Administrative Assistant	Susanne Gunter
Legislative Assistant	Darryl Black
Commerce and Finance Committee Assistant	DeAnne Mangum

OFFICE OF THE SENATE MINORITY LEADER

Minority Leader	Martin L. Nesbitt, Jr.
Research Assistant	Beth Braswell
Legislative Assistant	Jan Lee
Legislative Assistant	Evelyn Costello

OFFICE OF THE PRINCIPAL CLERK

Principal Clerk	Sarah Clapp
Administrative Clerks	Paul Curry
	Leigh Gipple
Assistants	Adam Austin
	Sharon Evans
	Charlotte Johnston
	Shirley Parker
	Bing Ruiten
	Mary Elizabeth Smith
	Peggy Telfair
	Alissa Whatley
Page Coordinator	Michael Perdue

OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Phil King
Assistants	
Jim Blackburn	Charles Marsalis
Donna Blake	Anderson Meadows
Jon P. Fitchett	Robert B. Myrick
William A. Fritscher	Ernie Sherrell
Charles R. Harper	Ronald Spann
Glenn G. Harrison	Steve Wilson
Stanley Johnson	Leslie Wright
Ken Kirby	Robert Young

OFFICE OF LEGISLATIVE ASSISTANTS

Director	Joyce Hodge
Administrative Assistant	Sherry Pearson

READING CLERK

Lee Settle

SENATE LEGISLATIVE STAFF

Irma Avent-Hurst	Senator Jones
Devon Armstrong-Barnes	Senator McKissick
Gail Bishop	Senator Garrou
Janet Black	Senator Brock
Aaron Brown	Senator Vaughan

Phyllis Cameron	Senator Robinson
Shelly Carver	Senator Hise
Suzanne Castleberry	Senator Preston
Judy Chriscoe	Senator Bingham
Genie Clark	Senator Brunstetter
John Clark	Senator Soucek
Kaye Culberson	Senator Davis
Cindy Davis	Senator Jackson
Kathy Davis	Senator Hunt
Melissa Dombalis	Senator Rabon
Jena Edelman	Senator Jenkins
Judy Edwards	Senator Rouzer
Blythe Elliott	Senator Newton
Marissa Ferrell	Senator Newton
Candace Finley	Senator Stein
Mona Fitzgerald	Senator Carney
Carolyn Gooden	Senator Apodaca
Misty Greene	Senator Westmoreland
Gayle Gunn	Senator Gunn
Yvonne Hall	Senator Tillman
Amber Harris	Senator Graham
Ted Harrison	Senator Clodfelter
Becky Hedspeth	Senator Purcell
Nicole McGuinness-Hines	Senator Apodaca
Dee Hodge	Senator Dannelly
Robb Jansen	Senator Rabon
Karen Johns	Senator Gunn
Gerry Johnson	Senator Hartsell
Maria Kinnaird	Senator Bingham
Lori Kroll*	Senator Brunstetter
Joseph Kyzer	Senator Goolsby
Brenda Lee	Senator White
Michael Lewis	Senator Brunstetter
Rosita Littlejohn	Senator McKissick
Helen Long	Senator Rucho
Debbie Lown	Senator Meredith
Mary Marchman	Senator Stevens
Bonnie McNeil	Senator Blue
Anna Meadows	Senator Doug Berger
Sarah Neunzig	Senator Rouzer
Edna Pearce	Senator Pate
Andy Perrigo	Senator Daniel
Jackie Ray	Senator Mansfield
Carol Resar	Senator Atwater
Paul Rucho	Senator Rucho
Mark Shiver	Senators Preston and Tillman
Vickie Spears	Senator Walters
Joey Stansbury	Senator Tucker
Lynn Tennant	Senator Westmoreland

Andrew Tripp*	Senator Apodaca
Kolt Ulm	Senator Harrington
Steven Webb	Senator East
Carole Walker	Senator Allran
Brent Woodcox*	Senator Rucho
Kathie Young	Senator Kinnaird

*Legal Counsel

SENATE ASSISTANTS (SUBSTITUTES)

Dot Barber	Sarah Murphy
Lorraine Blake	Barbara Perryman
Mary Cannon	Barbara Phillips
Mary Demolli	Marian Phillips
Patsy Ethridge	Ann Stancil
Evelyn Hartsell	Edna Sykes
Melissa Lennon	Lucille Thompson
Anne Misenheimer	

SENATE INTERNS 2012 SESSION

William Barnes	Senator Harrington
Elise Bouchard	Senator Bingham
Chase Brame	Senator Phil Berger
Dana Brinkley	Senator Kinnaird
Ross Bromberger	Senator Jackson
Natalie Caviness	Senator Gunn
Shemika Chavis-Hodge	Senator Dannelly
Corey Clapper	Senator Hunt
Joshua Coffey	Senator Soucek
William J. Curry	Senator Tucker
Meredith Darlington	Senator Mansfield
Amanda Dixon	Senator Hise
Alejandro Espita	Senator Kinnaird
Adam Everett	Senator Rabon
Andre Fanto	Senator Goolsby
Gerri Fields	Senator Jones
Joshua Frye	Senator East
Jonathan Greer	Senator Allran
John Harris	Senator Stevens
Michael James	Senator Stevens
Ian Jeffries	Senator Phil Berger
Frank Jennings	Senator Apodaca
Jeb Kelly	Senator Tillman
W. Parker King	Senator Newton
Katie Lail	Senator Davis
Will Lindsey	Senator Phil Berger
Bruce McGouan	Senator Meredith
Graison H. McKissick	Senator McKissick
Paul Mengert	Senator Vaughan

Katie Mills	Senator Brown
Javier Pico	Senator Phil Berger
Cynthia Plante	Senator Doug Berger
Philip Sgro	Senator Vaughan
James Stevens	Senator Newton
Kay Tembo	Senator Robinson
Joseph Thelen	Senator Brunstetter
Virginia Thomas	Senator Kinnaird
Parker Troutman	Senator Hunt
Matthew Tucker	Senator Meredith
Rob Williamson	Senator Daniel
Candace Wright	Senator Phil Berger

SENATE CHAPLAIN

The Reverend Peter Milner

**SENATE PAGES
2012 SESSION**

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Kevin Alfaro, Raleigh
Miana Alvarado, Salemburg
Sarah Ammons, Fayetteville
Alex Anderson, Burlington
Jay Armstrong, Salemburg
Jared Ballen, Durham
Zach Barefoot, Lewisville
Staci Batts, Rocky Mount
Courtney Beals, State Road
Braxton Becoats, Durham
Adam Bell, Salemburg
Devin Bessor, Salemburg
Morgan Best, Mount Olive
Emma Blackwell, Roanoke Rapids
Catherine Blalock, Asheville
Sarah Blau, Raleigh
Meghan Breden, Wilkesboro
Max Britt, Winston-Salem
Allanti Broadnax, Salemburg
Kris Brown, Lincolnton
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Emily Browning, Raleigh
Mark Burnett, Raleigh
Devin Burse, Raleigh
Chandler Byrd, Wake Forest
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Kelsey Cagle, Belmont
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Abigail Griffith, Minneapolis
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Bellamy Harden, Raleigh
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Darbi Harriman, Wade
Rebecca Harris, Charlotte
Jaelyn Harvey, Fayetteville
Bryson Hester, Wake Forest
Melinda Hobbs, Gaston
Ashley Hodges, Raleigh
Katie Honaker, Raleigh
Elliott Honeycutt III, Raleigh
Jackson Hooks, Wilson
Peyson Hunt III, Wilmington
Matthew Inabnit, Burlington

Ruth Jackson, Harrisburg
Zeke Janicello, Burlington
Kelli Johnson, Cary
Hannah Jones, Fayetteville
Erin Jones, Raleigh
Alex Jones, Fletcher
Madison Jones, Raleigh
Tyreke Jordan, Salemburg
Jake Kaylor, Raleigh
Elaine Kearney, Pinehurst
Charles Keen, Jr., Raleigh
Martin Kendrick, Jr., Sanford
Miriam King, Pinehurst
Nik Krenitsky, Chapel Hill
Victoria Kroll, Holly Springs
Maria Kunath, Apex
Addikus Lackey, Salemburg
Stephanie Lamm, Cary
Christina Lee, Four Oaks
Janie Leland, Tarboro
Lilly LeQuire, Maiden
Damonique Levy, Autryville
Evan Lindsey, Raleigh
Mallory Lowe, Trinity
Jared Lowe, Gastonia
Savanna Lupton, Cedar Island
Patrick Lydon, Winston-Salem
Shirley Marshall, Cary
McKinnon Martin, Rutherfordton
Jeffrey Masar, Pinehurst
Rob McCarthy, Greenville
Spencer McClung, Hookerton
Brock McKinney, Arden
Davis McKinney, Spruce Pine
Chase McLamb, Garner
Rachel McManimen, Harrisburg
McKayla McNeill, Lake Waccamaw
Aly Moser, Raleigh
Grant Murphy-Herndon, Durham
Peter Ojo, Fayetteville
Constance Owl, Murphy
Taylor Parrish, Angier
Alayna Pearson, Kings Mountain
David Perdue, Salemburg
Ryan Phillips, Pinehurst
Truman Phipps, Faison
Jennifer Quick, Warrenton
Andrew Reid, New Bern
Gregory Riddle, Salemburg
David Rosario, Black Mountain
Cameron Ruffin, Raleigh
Lexus Sanders, Cary
Caleb Sanders, Morganton
Joey Sasso, Jr., Mooresville
Devon Schulman, Salemburg
John Scott, Greensboro
Emily Shea, Princeton, NJ
Andy Shiver, Knightdale
Freeman Slaughter, Greensboro
Alyssa Smith, Morganton
George Smith, Four Oaks
Brittany Spaulding, Salemburg
Cam Staton, New Bern
Sofie Stein-Montalvo, Raleigh
Sam Stephenson, Wrightsville Beach
Hunter Stilwell, Salemburg
Ben Stockdale, Tryon
David Stone, Monroe
Hendricks Stowe, Winston-Salem
Clark Streets, Pittsboro
Lauren Strickland, Ellenboro
Rachel Styers, Raleigh
Sallie Sylvester, Richlands
Ward Sylvester, Richlands
Caroline Tervo, Wilmington
Bailey Turner, Charlotte
Myra Waheed, Goldsboro
Hunter Wainwright, Old Fort
Rollins Wallace, Raleigh
Stuart Welch, Winston-Salem
Victoria Wendell, Laurinburg
Richard Whelan, High Point
LaVell Williams, Clayton
Ryan Williams, Laurinburg
Jonathan Williams, Raleigh
Michael Willingham, Charlotte
Andrew Wilmoth, Salemburg
Allyson Wilson, Burlington
Mary-Holland Wilson, Cary
Yasir Wright, Salemburg

PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to boards and commissions were made during 2012 by The Honorable Walter Dalton, Lieutenant Governor and President of the Senate.

President of the Senate Appointments	Appointed	Expires
CORRECTIONS ADVISORY BOARD, STATE COMMUNITY		
G.S. 143B-1157 (b) (2)		
Mr. Zach A. Koonce III	12/01/2012	11/30/2015
Ms. Becky Wallace	12/01/2012	11/30/2014
Mr. Jarald N. Willis	12/01/2012	11/30/2015

SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA		
G.S. 164-35, G.S. 164-37 (18)		
Ms. Ilona Kusa	07/16/2012	07/15/2014

SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2012 by the Honorable Phil Berger, President *Pro Tempore*.

President <i>Pro Tempore</i> Appointments	Appointed	Expires
911 BOARD		
G.S. 62A-41 (a) (3) (a), G.S. 62A-41 (a) (3) (d)		
Mr. Bobby Bottoms	01/01/2013	12/31/2016
Ms. Laura Sykora (RA)	01/01/2013	12/31/2016
ACUPUNCTURE LICENSING BOARD		
G.S. 90-453 (a)		
Mr. Andrew Kingoff (RA)	07/02/2012	06/30/2015
ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
S.L. 2012-187		
Sen. Blue	07/26/2012	01/31/2012
Sen. Brown	07/26/2012	01/31/2012
Sen. Daniel	07/26/2012	01/31/2012
Sen. Harrington	07/26/2012	01/31/2012
Sen. Hartsell (C)	07/26/2012	01/31/2012
Sen. Jackson	07/26/2012	01/31/2012
Sen. Kinnaird	07/26/2012	01/31/2012
Sen. Nesbitt	07/26/2012	01/31/2012
ADVANCEMENT OF TEACHING BOARD OF TRUSTEES, NORTH CAROLINA CENTER FOR THE		
G.S. 115C-296.6 (a) (2)		
Mr. Aaron Fleming	07/02/2012	06/30/2016
Mr. Michael Womble	07/02/2012	06/30/2016
AFRICAN-AMERICAN HERITAGE COMMISSION		
G.S. 143B-135 (b) (2)		
Mr. Charles E. Evans	10/01/2012	09/30/2015
AGING, GOVERNOR'S ADVISORY COUNCIL ON		
G.S. 143B-181		
Mrs. Elizabeth Cantrell	09/05/2012	06/30/2015
AGRICULTURAL FINANCE AUTHORITY		
G.S. 122D-4 (b) (4), G.S. 122D-4 (b) (6)		
Mr. Ed Emory (RA)	07/02/2012	06/30/2014
Mr. Gerald Warren	07/02/2012	06/30/2015
APPRAISAL BOARD, NORTH CAROLINA		
G.S. 93E-1-5 (a)		
The Honorable Fern Shubert	07/02/2012	06/30/2015

President Pro Tempore Appointments	Appointed	Expires
ARBORETUM BOARD OF DIRECTORS, NORTH CAROLINA		
G.S. 116-243 (2)		
Ms. Jennifer Sullivan	07/02/2012	06/30/2016
ATHLETIC TRAINER EXAMINERS, NORTH CAROLINA BOARD OF		
G.S. 90-524 (b) (1)		
Ms. Janah Fletcher	07/02/2012	06/30/2015
Ms. Paula Neal	07/02/2012	06/30/2015
BANKING COMMISSION, NORTH CAROLINA STATE		
G.S. 53-92 (b)		
Mr. Edward Ashby III	07/02/2012	03/31/2016
BUILDING COMMISSION, STATE		
G.S. 143-135.25 (c) (8)		
Mr. Benjamin Tuggle	07/02/2012	06/30/2015
CAPITAL FACILITIES FINANCE AGENCY BOARD OF DIRECTORS, NORTH CAROLINA		
G.S. 159D-38 (a)		
Mr. Vincent DeBenedetto	07/02/2012	03/01/2016
CHILD CARE COMMISSION		
G.S. 143B-168.4 (a)		
Ms. April Duvall	07/02/2012	06/30/2013
Ms. Elizabeth Gilleland	07/02/2012	06/30/2014
Mr. William C. Walton III	07/02/2012	06/30/2014
COMMUNITY CORRECTIONS ADVISORY BOARD, STATE		
G.S. 143B-1157 (b) (4)		
Sen. Don East	09/01/2011	08/31/2012
CONSUMER AND FAMILY ADVISORY COMMITTEE, STATE		
G.S. 122C-171 (b) (2)		
Mr. LaVern Oxendine	10/15/2012	06/30/2015
DIETETICS/NUTRITION, NORTH CAROLINA BOARD OF		
G.S. 90-354 (a) (3)		
Ms. Kathleen Sodoma (RA)	07/02/2012	06/30/2015
DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR		
G.S. 84-28.1 (a)		
Mr. Joshua Fulton	07/02/2012	06/30/2015

President Pro Tempore Appointments	Appointed	Expires
DOMESTIC VIOLENCE COMMISSION		
G.S. 143B-394.15 (c) (2)		
The Honorable Susan Bray	09/01/2012	08/31/2014
Sen. Warren Daniel	09/01/2012	08/31/2014
Ms. Marjorie Menestres	07/02/2012	08/31/2013
Mr. Alexander Nicely	09/01/2012	08/31/2014
Mr. Armor Pyrtle	09/01/2012	08/31/2014
Mr. Dudley Watts, Jr.	09/01/2012	08/31/2014
ECONOMIC DEVELOPMENT AND GLOBAL ENGAGEMENT OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.130		
Sen. Chris Carney (Advisory Member)	01/03/2012	01/30/2013
ECONOMIC DEVELOPMENT COMMISSION, WESTERN NORTH CAROLINA REGIONAL		
G.S. 158-8.1 (b) (4)		
Mr. Charles Philip Byers	07/02/2012	06/30/2013
EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN STATE COUNCIL, INTERSTATE COMMISSION ON		
G.S. 115C-407.6		
Mr. Donnie Loftis	07/02/2012	
EDUCATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.80 (1)		
Sen. Tamara Barringer	10/19/2012	01/31/2013
EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.150 (1)		
Sen. Andrew Brock	08/07/2012	01/09/2013
Sen. Harry Brown	08/07/2012	01/09/2013
Sen. Kathy Harrington	08/07/2012	01/09/2013
Sen. Brent Jackson (CC)	08/07/2012	01/09/2013
Sen. Dan Soucek	08/07/2012	01/09/2013
Sen. Stan White	08/07/2012	01/09/2013
ENVIRONMENTAL REVIEW COMMISSION		
G.S. 120-70.42		
Sen. Wes Westmoreland (Advisory Member)	01/23/2012	01/31/2013
ETHICS COMMISSION, STATE		
G.S. 138A-7 (a)		
Mr. Les Merritt, Jr. (RA)	01/01/2013	12/31/2016
EXAMINERS OF FEE-BASED PRACTICING PASTORAL COUNSELORS, NORTH CAROLINA STATE BOARD OF		
G.S. 90-385 (a) (3)		
Mr. Glenn Edward Holmes, Jr.	10/01/2012	09/30/2016

President Pro Tempore Appointments	Appointed	Expires
GOLDEN LONG-TERM ECONOMIC ADVANCEMENT FOUNDATION, INC., BOARD OF DIRECTORS		
S.L. 1999-2, Section 2(c)		
Mr. Dale C. Bone	12/01/2012	11/30/2016
GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION ON		
G.S. 120-74		
Sen. Stan Bingham	01/23/2012	01/15/2013
Sen. Harris Blake (Ex Officio Member)	01/23/2012	01/15/2013
Sen. Wes Westmoreland (Advisory Member)	01/23/2012	01/31/2013
HUMAN TRAFFICKING COMMISSION, NORTH CAROLINA		
S.L. 2012-142 sec. 15.3A.(b) (1) (b), S.L. 2012-142 sec. 15.3A.(b) (1) (c), S.L. 2012-142 sec. 15.3A.(b) (1) (a)		
The Honorable Donnie Harrison	10/24/2012	12/31/2014
Captain W.S. "Bill" Melton	10/24/2012	12/31/2014
Ms. Ives Sholar	10/24/2012	12/31/2014
INAUGURAL CEREMONIES, COMMITTEE ON		
G.S. 143-533		
Sen. Harry Brown	08/21/2012	01/15/2013
Sen. Kathy Harrington	08/21/2012	01/15/2013
Sen. Neal Hunt	08/21/2012	01/15/2013
INDIAN EDUCATION, STATE ADVISORY COUNCIL ON		
G.S. 115C-210.1, S.L. 1987-1084		
Sen. Jim Davis	01/18/2012	01/31/2013
INDIGENT DEFENSE SERVICES, COMMISSION ON		
G.S. 7A-498.4(b) (3)		
Ms. Christine Mumma	09/01/2012	08/31/2016
INTERPRETER AND TRANSLITERATOR LICENSING BOARD, NORTH CAROLINA		
G.S. 90D-5 (b) (4), G.S. 90D-5 (b) (5), G.S. 90D-5 (b) (6)		
Ms. Ashley Benton (RA)	07/02/2012	06/30/2015
Ms. Jane Dolan (RA)	07/02/2012	06/30/2015
Mr. Wayne Giese (RA)	07/02/2012	06/30/2015
INTERSTATE ADULT SUPERVISION, STATE COUNCIL FOR		
G.S. 148-65.6 (a) (4)		
Sen. Harry Brown	01/10/2012	12/31/2012
IRRIGATION CONTRACTORS' LICENSING BOARD, NORTH CAROLINA		
G.S. 89G-4 (a) (3)		
Mr. Frank Snow	10/01/2012	09/30/2015

President Pro Tempore Appointments	Appointed	Expires
JOINING OUR BUSINESSES AND SCHOOLS STUDY COMMISSION (JOBS)		
S.L. 2009-339		
Sen. Harry Brown	01/03/2012	06/30/2012
Sen. Bob Rucho	01/03/2012	06/30/2012
Sen. Dan Soucek	01/03/2012	06/30/2012
JUDICIAL COUNCIL, STATE		
G.S. 7A-409 (a) (13)		
Mr. Hugh B. Campbell III	01/01/2013	12/31/2016
Mr. Robert L. Harper	07/02/2012	12/31/2014
JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE		
G.S. 143B-216.60 (b) (1) (a)		
Sen. Louis Pate, Jr.	07/02/2012	06/30/2013
LICENSE TO GIVE TRUST FUND COMMISSION		
G.S. 20-7.5 (a) (1) (a), G.S. 20-7.5 (a) (1) (b), G.S. 20-7.5 (a) (1) (c)		
Mr. Kenneth Burkel (RA)	01/1/2012	12/31/2013
Mr. Lloyd H. Jordan, Jr. (RA)	01/1/2012	12/31/2013
Ms. Robin Surane (RA)	01/1/2012	12/31/2013
Mr. Arthur Totillo	01/1/2012	12/31/2013
LOCAL GOVERNMENT, JOINT LEGISLATIVE COMMITTEE ON		
S.L. 2011-291 Sec. 1.8(a)		
Sen. Chris Carney (Advisory Member)	01/03/2012	12/31/2012
LOCKSMITH LICENSING BOARD, NORTH CAROLINA		
G.S. 74F-5(a) (1)		
Mr. Kelly Reid Barbee	01/01/2013	12/31/2015
Mr. Philip J. Lanier	01/01/2013	12/31/2015
LOTTERY COMMISSION, NORTH CAROLINA STATE		
G.S. 18C-111		
Mr. Barry Dodson	09/30/2012	08/31/2013
Mr. Jody Tyson	09/30/2012	08/31/2017
MANUFACTURED HOUSING BOARD, NORTH CAROLINA		
G.S. 143-143.10 (a) (10)		
The Honorable Hugh Webster	10/01/2012	09/30/2015
MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, COMMISSION ON		
G.S. 143B-148 (a) (1)		
Ms. Patricia Todd	07/02/2012	06/30/2015

President Pro Tempore Appointments	Appointed	Expires
MILITARY AFFAIRS, NORTH CAROLINA		
ADVISORY COMMISSION ON		
G.S. 127C-2 (b) (2)		
Mr. Terry Henderson	01/01/2012	12/31/2014
Sen. Wesley Meredith (RA)	01/01/2012	12/31/2014
MINING AND ENERGY COMMISSION, NORTH CAROLINA		
G.S. 143B-293.2 (a) (8), G.S. 143B-293.2 (a) (9), G.S. 143B-293.2 (a) (10),		
G.S. 143B-293.2 (a) (11)		
Mr. Ivan Gilmore	07/02/2012	06/30/2014
Mr. George Howard	07/02/2012	06/30/2016
Mr. Vikram Rao	07/02/2012	06/30/2016
Mr. James Womack	07/02/2012	06/30/2015
NONGOVERNMENTAL COMPETITION, PANEL ON		
(UMSTEAD ACT UNFAIR COMPETITION PANEL)		
G.S. 66-58 (i) (3)		
Mr. Ronald Cooper, Sr.	07/02/2012	06/30/2016
Ms. Perri L. Morgan	07/02/2012	06/30/2016
NORTHEAST COMMISSION, NORTH CAROLINA'S		
G.S. 158-8.2 (b) (2)		
Mr. Richard Halbert	07/02/2012	06/30/2014
Mr. William J. Moore, Jr.	07/02/2012	06/30/2014
Mr. John M. Tayloe	07/02/2012	06/30/2014
NURSING BOARD, NORTH CAROLINA		
G.S. 90-171.21 (b)		
Ms. Margaret C. Conklin	01/01/2013	12/31/2016
ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS		
CERTIFICATION BOARD, NORTH CAROLINA		
G.S. 90A-73 (a) (5), G.S. 90A-73 (a) (6)		
Mr. William R. Davis (RA)	07/02/2012	07/01/2013
Mr. Glenn Hines (RA)	07/01/2012	07/01/2015
PARKS AND RECREATION AUTHORITY, NORTH CAROLINA		
G.S. 143B-313.2 (a)		
Mr. Westin Bordeaux	07/02/2012	07/01/2015
Ms. Cynthia K. Tart	07/02/2012	07/01/2015
PORTS AUTHORITY, NORTH CAROLINA STATE		
G.S. 136-260 (a)		
Mr. Patrick Joyce	07/02/2012	06/30/2014
PRIVATE PROTECTIVE SERVICES BOARD		
G.S. 74C-4 (b)		
Mr. Richard A. Epley	07/02/2012	06/30/2015
Mr. William MacRae	07/02/2012	06/30/2015
Mr. Eric Weaver, Sr.	07/02/2012	06/30/2015

President Pro Tempore Appointments	Appointed	Expires
PROGRAM EVALUATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-36.15 (a) (1)		
Sen. Wes Westmoreland (Advisory Member)	01/23/2012	01/31/2013
PROPRIETARY SCHOOLS, STATE BOARD OF		
G.S. 115D-89.1 (b) (3)		
Mr. Victor L. Riley	07/02/2012	12/30/2014
PUBLIC SCHOOL FORUM OF NORTH CAROLINA, BOARD OF DIRECTORS OF		
Bylaws of the Public School Forum of North Carolina		
Sen. Tom Apodaca	01/10/2012	01/01/2013
Sen. Jean Preston	01/10/2012	01/01/2013
Sen. Dan Soucek	01/1/2012	01/01/2013
Sen. Richard Stevens	01/1/2012	01/01/2013
Sen. Jerry Tillman	01/10/2012	01/01/2013
RESPIRATORY CARE BOARD, NORTH CAROLINA		
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Mr. Edward Bratzke (RA)	11/01/2012	10/31/2015
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Sen. Harry Brown	10/08/2012	01/15/2013
Sen. Thom Goolsby	10/08/2012	01/15/2013
ROANOKE ISLAND COMMISSION		
G.S. 143B-131.6 (a) (2)		
Mr. Zenas E. Fearing, Jr.	07/02/2012	06/30/2014
Mr. Edward Brent Lane	07/02/2012	06/30/2014
Ms. Heidi Leo	07/02/2012	06/30/2014
SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA		
G.S. 164-37 (13)		
Sen. Floyd McKissick	07/12/2012	06/30/2013
SUPPLEMENTAL RETIREMENT BOARD OF TRUSTEES		
G.S. 135-96 (b) (3)		
Ms. Melinda Baran	07/02/2012	06/30/2014
TEACHING FELLOWS COMMISSION, NORTH CAROLINA		
G.S. 115C-363.23 (a) (4)		
Ms. Angela Upchurch (RA)	07/02/2012	07/01/2015

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Sen. Bingham	07/24/2012	06/30/2013
Sen. Brock	07/24/2012	06/30/2013
Sen. Brunstetter	07/24/2012	06/30/2013
Sen. Hise (C)	07/24/2012	06/30/2013
Sen. Kinnaird	07/24/2012	06/30/2013
Sen. Pate	07/24/2012	06/30/2013
TRANSPORTATION OVERSIGHT COMMITTEE, JOINT LEGISLATIVE		
G.S. 120-70.50 (1)		
Sen. Chris Carney (Advisory Member)	02/13/2012	01/15/2013
WELL CONTRACTORS CERTIFICATION COMMISSION		
G.S. 143B-301.12 (a) (6)		
Mr. Daniel Ortiz	07/02/2012	06/30/2015
WILDLIFE RESOURCES COMMISSION, NORTH CAROLINA		
G.S. 143-241		
Mr. J. Garry Spence	07/02/2012	06/30/2013

(C) Chairman
(CC) Co-Chair
(RA) Re-appointment
(VC) Vice Chair

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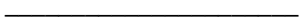
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H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
H 1105	Modify Taxation of Homeowners Associations Property (S.L. 2012-157.)	327, 343, 385, 405, 412.
H 1073	Modify UNC Health Care System Board (S.L. 2012-174.)	394, 417, 455, 469.
S 443	NC Museum of Art/Cemetery Commission Changes (S.L. 2012-120.)	265, 280, 287, 475.

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H 437	New Hanover County Commissioners Accountability Act (S.L. 2012-10.)	141, 157, 163, 183.
S 444	Nonappropriated Capital Projects (S.L. 2012-164.)	147, 166, 222, 233, 345, 374, 395.
H 964	North Carolina Longitudinal Data System (S.L. 2012-133.)	224, 241, 298, 316, 352, 477.
H 503	Parent Choice/Clarify Pre-Kindergarten (House Conf Com Appointed) (Inc. S.L. 2012-142.)	95, 111, 144.
H 1170	Pender County Alcoholic Beverage Control Law (S.L. 2012-125.)	178, 408, 417, 423, 470, 476.
H 1077	PPP Pilot Toll Project/Ferry Tolls (S.L. 2012-184.) (Inc. S.L. 2012-145.)	482, 548, 558, 595.
S 893	Privacy of Turnpike Authority Toll Data.-AB (H Transportation Com)	81, 93, 111.
S 832	Provisional Licensure Changes Medicaid.-AB (Health Care Com)	57.
H 1081	Provisional Licensure Changes Medicaid.-AB (S.L. 2012-72.)	148, 166, 189, 244, 260, 354.
S 94	PSAPs Tech Standards/Habitual Misd Larceny (S.L. 2012-132.)	325, 334, 351, 477.
S 815	Reform Workforce Development (S.L. 2012-131.)	45, 165, 192, 329, 477.
S 837	Reform Workforce Development (Rules and Operations of the Senate Com)	58.
S 926	Reform Workforce Development (Senate Held As Filed)	104.
S 928	Repeal/Streamline DPI Reporting Requirements (Rules and Operations of the Senate Com) (Inc. S.L. 2012-194.) (Inc. S.L. 2012-142.)	105, 407, 409.
S 804	Retirement Technical Changes (S.L. 2012-130.)	39, 149, 169, 329, 477.
S 707	School Violence Prevention Act (S.L. 2012-149.)	283, 301, 456, 479, 505, 513, 520, 585.
H 1096	Simplify Beverage Contract Bids (S.L. 2012-89.)	149, 155, 242, 299, 318, 352, 471.
H 334	Sports Agents/DMV Police Authority (H Commerce and Job Development Com)	414, 424.

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S 886	Strengthen Bd. of Trans. Ethics Policy (H Transportation Com)	80, 94, 110.
S 887	Strengthen Bd. of Trans. Ethics Policy (Transportation Com)	80.
S 951	Transfer Certain Correctional Facilities (S.L. 2012-177.)	121, 249, 274, 394, 464, 469.
S 862	UNCG/NCA&T Nanoscience/Nanoengineering Funds (Appropriations/Base Budget Com) (Inc. S.L. 2012-142.)	67.
H 1065	Use Moore School Buses for 2014 US Open (S.L. 2012-27.)	149, 161, 177, 191, 200, 215.
S 749	Various Motor Vehicle Law Changes (S.L. 2012-78.)	284, 301, 309, 355.
H 1071	Wake School Board Organizational Meeting (S.L. 2012-106.)	198, 317, 336, 370, 397, 473.
S 884	Wake Tech Board of Trustees (H Education Com)	79, 249, 267.
H 987	Wake Tech Board of Trustees (S.L. 2012-99.)	197, 285, 317, 335, 370, 397, 472.
H 278	Wake/Kinston Local Act (S.L. 2012-139.)	415, 423, 510, 515.
H 1018	Yadkin Valley Career Academy (S.L. 2012-48.) (Inc. S.L. 2012-142.)	225, 250, 267, 288, 291.

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Onslow.**

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Committee Assignments—

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850, 851, 854, 868, 911.

Co-Sponsor 795, 819, 820, 849, 867, 880, 881, 882, 958,
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Co-Sponsor 816, 819, 820, 824, 825, 826, 827, 828, 882,
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BRUNSWICK COUNTY—District 8—Senator Bill Rabon

S 847 GSC Technical Corrections/Other Changes

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S 945 Modify Southport Occupancy Tax

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District 49—Senator Martin L. Nesbitt, Jr.

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H 1217	Asheville/Woodfin Boundary Adjustments (S.L. 2012-119.)	284, 339, 361, 384, 405, 411, 475.
H 5	Local Deannexations (S.L. 2012-3.)	25, 33, 34, 37, 42, 92, 107.

BURKE COUNTY—District 44—Senator Warren Daniel

S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 831	Morganton Deannexation (State and Local Government Com)	49.
H 1032	Morganton Deannexation (S.L. 2012-61.)	225, 250, 263, 297, 315, 329, 352.

CABARRUS COUNTY—District 36—Senator Fletcher L. Hartsell, Jr.**CALDWELL COUNTY**—District 44—Senator Warren Daniel

S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
H 156	Lenoir Fox Trapping (Judiciary I Com)	316.

CAMDEN COUNTY—District 1—Senator Stan White

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CARTERET COUNTY—District 2—Senator Jean Preston

S 919 Carteret Commissioner Election
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 H 1181 Study Municipal Local Option Sales Tax
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CASWELL COUNTY—District 24—Senator Rick Gunn

CATAWBA COUNTY—District 42—Senator Austin M. Allran

S 847 GSC Technical Corrections/Other Changes
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 S 880 Dept. of Public Safety/Tech & Other Changes
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 S 443 NC Museum of Art/Cemetery Commission Changes
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 S 881 Transfer Evidence Warehouse to DPS
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- H 503 Parent Choice/Clarify Pre-Kindergarten
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- H 244 State Health Plan/Add Schools; Whistleblowers
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CHATHAM COUNTY—District 18—Senator Bob Atwater

- S 174 18th Senatorial District Local Act
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- S 847 GSC Technical Corrections/Other Changes
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- H 1212 Wake/Chatham Local Act
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CHEROKEE COUNTY—District 50—Senator Jim Davis

- S 847 GSC Technical Corrections/Other Changes
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- S 907 Governor's Budget
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- H 950 Modify 2011 Appropriations Act
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- H 503 Parent Choice/Clarify Pre-Kindergarten
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- S 828 Unemployment Insurance Changes
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CHOWAN COUNTY—District 4—Senator Ed Jones

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- H 1228 Honor Edenton's 300th Anniversary
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- S 382 Amend Water Supply/Water Quality Laws
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- H 925 Annexation Reform 2
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- H 1059 Asheboro Towing
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- H 462 Contingency Contracts for Audits/Assessments
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- S 42 Mech. Liens/Pvt Lien Agent
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- H 843 Modernize North Carolina Emergency Management Act
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- S 901 Ocean Isle Beach Satellite Annexations
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- S 426 Public Finance Laws/Municipal Service Districts
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- H 707 Register of Deeds/Directed Trustees/Estates
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- S 826 Revenue Laws Tech., Clarifying, & Admin Chngs
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- H 1216 Town of Wallace/Satellite Annexations
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- H 278 Wake/Kinston Local Act
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- S 880 Dept. of Public Safety/Tech & Other Changes
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- S 881 Transfer Evidence Warehouse to DPS
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- H 437 New Hanover County Commissioners Accountability Act
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- S 859 Pilot Mountain/Dobson Even-Year Elections
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- H 803 Allow Court to Assess Attorneys' Fees/50C Orders
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178, 195, 199, 315.
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CLARY, SENATOR DEBBIE A.

(Resigned 1-10-2012) **46th District—Cleveland,**
Rutherford.

CLAY COUNTY—District 50—Senator Jim Davis

S 818	Clay County Courthouse (S.L. 2012-32.)	46, 136, 156, 238, 260.
H 1086	Clay County Courthouse (State and Local Government Com)	225.
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**CLEAN WATER REVOLVING LOAN AND
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H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
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H 586	Enhance Water Supply Funding (Agriculture/Environment/Natural Resources Com)	25, 262.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.

CLEVELAND COUNTY— District 46—Senator Debbie A. Clary

(Resigned 01/10/2012)

District 46—Senator Wes Westmoreland II

(Appointed 01/23/2012)

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S 885	Cleveland and Rutherford Local Act (Rules and Operations of the Senate Com)	80.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
H 645	Motor Fuel Excise Tax Adjustment and Studies (Finance Com)	30.
S 951	Transfer Certain Correctional Facilities (S.L. 2012-177.)	121, 249, 274, 394, 464, 469.

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S 229 Amend Environmental Laws 2012 (S.L. 2012-200.)	252, 276, 281, 283, 303, 426, 459, 489, 496, 503, 554, 561, 587.
S 851 Boards & Commissions Efficiency Act of 2012 (Finance Com).....	61, 154.
H 819 Coastal Management Policies (S.L. 2012-202.)	186, 209, 257, 281, 524, 538, 590, 595.
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H 1109 Dare Coastal Area Management Act Setback Requirements/Grandfather (Rules and Operations of the Senate Com).....	218, 337, 369.
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H 950 Modify 2011 Appropriations Act
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215, 221, 229, 230,
279, 294, 305, 306,
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S 945 Modify Southport Occupancy Tax
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S 954 Municipalities Enforce Public Trust Rights
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S 807 Prohibit Certain Harvest of Menhaden
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S 810 Regulatory Reform Act of 2012
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126, 127, 326, 332, 375, 395.

S 821 Study and Amend Fisheries Laws
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273, 378, 408, 412.

H 1181 Study Municipal Local Option Sales Tax
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S 829 Study Reorganization of Fish & Wildlife Mgmt
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Resources Com) (Inc. S.L. 2012-190.).....49.

S 819 Urge Congress Adopt Domestic Energy Policy
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Resources Com)46.

H 320 Water Resources Flexibility
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386, 389, 406, 409,
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386, 389, 406, 409,
419, 421, 556, 557,
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S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.

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H 7	Community Colleges/Opt Out of Federal Loan Program (S.L. 2012-31.)	227, 228, 234, 238.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 940	In-State Tuition Rate for Veterans (Education/Higher Education Com)	119.
S 805	Isothermal Community College Federal Loan Program (Education/Higher Education Com)	39, 95, 108, 226.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 853	NCCS 50th Anniversary Special Plate (Senate Held As Filed)	62.
H 964	North Carolina Longitudinal Data System (S.L. 2012-133.)	224, 241, 298, 316, 352, 477.
S 815	Reform Workforce Development (S.L. 2012-131.)	45, 165, 192, 329, 477.
S 926	Reform Workforce Development (Senate Held As Filed)	104.
S 227	School Bus Crash Reports Name Disclosure (S.L. 2012-147.)	512, 514, 524, 585.
S 951	Transfer Certain Correctional Facilities (S.L. 2012-177.)	121, 249, 274, 394, 464, 469.
S 884	Wake Tech Board of Trustees (H Education Com)	79, 249, 267.
H 987	Wake Tech Board of Trustees (S.L. 2012-99.)	197, 285, 317, 335, 370, 397, 472.
H 1018	Yadkin Valley Career Academy (S.L. 2012-48.) (Inc. S.L. 2012-142.)	225, 250, 267, 288, 291.

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S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.
H 987	Wake Tech Board of Trustees (S.L. 2012-99.)	197, 285, 317, 335, 370, 397, 472.

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S 816	Banking Law Modernization Act (S.L. 2012-56.)	46, 50, 64, 178, 195, 199, 315.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com)	61, 154.

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H 1084	Homeowner's Associations/Planned Community Act Amends (Rules and Operations of the Senate Com)	327.
H 1105	Modify Taxation of Homeowners Associations Property (S.L. 2012-157.)	327, 343, 385, 405, 412.
H 707	Register of Deeds/Directed Trustees/Estates (S.L. 2012-18.)	124, 138, 163, 214.

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S 229	Amend Environmental Laws 2012 (S.L. 2012-200.)	252, 276, 281, 283, 303, 426, 459, 489, 496, 503, 554, 561, 587.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com)	61, 154.

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S 809	Environmental Technical Corrections 2012 (Agriculture/Environment/Natural Resources Com).....	44.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.).....	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 850	Legislative Oversight of Fish & Wildlife Mgmt (Agriculture/Environment/Natural Resources Com).....	61.
S 807	Prohibit Certain Harvest of Menhaden (Agriculture/Environment/Natural Resources Com) (Inc. S.L. 2012-190.).....	44.
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S 821	Study and Amend Fisheries Laws (S.L. 2012-190.).....	47, 185, 241, 273, 378, 408, 412.
S 868	Wildlife Licenses/Eliminate Penalty (S.L. 2012-81.).....	68, 186, 208, 287, 355.

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S 42	Mech. Liens/Pvt Lien Agent (S.L. 2012-158.).....	325, 331, 332, 340, 347, 350, 362, 389, 390, 398.
H 707	Register of Deeds/Directed Trustees/Estates (S.L. 2012-18.).....	124, 138, 163, 214.
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 Primary Sponsor 811, 812, 857, 858, 859.
 Co-Sponsor 795, 809, 819, 820, 822, 882, 910, 949, 958,
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H 1234	2012 Appointments Bill (S.L. 2012-141.)	420, 478, 487, 494, 499, 513, 524, 586.
H 555	2012 President Pro Tempore's Appointments Bill (Rules and Operations of the Senate Com)	418, 425.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com)	61, 154.
S 808	Changes to Commerce Reporting Requirements (H Commerce and Job Development Com)	44, 108, 129.
S 820	Clean Energy and Economic Security Act (S.L. 2012-143.) (Inc. S.L. 2012-142.)	46, 64, 143, 158, 232, 240, 276, 295, 310, 491, 498, 549, 586.
H 177	Clean Energy Transportation Act (S.L. 2012-186.)	65, 169, 193, 396.
S 572	County Broadband Grants (S.L. 2012-86.)	308, 321, 329, 470.
H 142	Economic Development and Finance Changes (Rules and Operations of the Senate Com) (Inc. S.L. 2012-145.)	140.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 861	High Point Furniture Market Funds (Appropriations/Base Budget Com)	67.
S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.)	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 872	Orange Grants for Broadband (Rules and Operations of the Senate Com)	69.
S 815	Reform Workforce Development (S.L. 2012-131.)	45, 165, 192, 329, 477.
S 926	Reform Workforce Development (Senate Held As Filed)	104.
S 810	Regulatory Reform Act of 2012 (S.L. 2012-187.)	40, 41, 82, 83, 87, 95, 97, 112, 113, 114, 126, 127, 326, 332, 375, 395.
S 889	RPO Area Definition (S.L. 2012-44.)	80, 94, 110, 220, 290.

EDGECOMBE COUNTY—District 3—Senator Clark Jenkins

S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
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H 1234	2012 Appointments Bill (S.L. 2012-141.)	420, 478, 487, 494, 499, 513, 524, 586.
H 555	2012 President Pro Tempore's Appointments Bill (Rules and Operations of the Senate Com)	418, 425.
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S 416	Amend Death Penalty Procedures (S.L. 2012-136.)	223, 225, 264, 275, 287, 491, 498, 512, 515.
S 724	An Act to Improve Public Education (S.L. 2012-77.)	229, 233, 237, 355.
S 874	Arts Education as a Graduation Requirement (Education/Higher Education Com)	69.
S 582	Authorize Indian Gaming/Revenue (S.L. 2012-6.)	29, 33, 35, 36, 141, 156, 158, 183.
S 898	Bear Grass School Property Conveyance (State and Local Government Com)	89.
H 1049	Bladen Community College Federal Loan Program (State and Local Government Com)	225.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com)	61, 154.
S 842	Child Nutrition Program Solvency and Support (Health Care Com)	59.
H 7	Community Colleges/Opt Out of Federal Loan Program (S.L. 2012-31.)	227, 228, 234, 238.
H 837	Completion of CPR by Students Required (S.L. 2012-197.)	261, 416, 425, 523.
S 755	Education Employees Association/Equal Access Act (S.L. 2012-179.)	394, 464, 469.
S 795	Excellent Public Schools Act (H Education Com) (Inc. S.L. 2012-142.) (Inc. S.L. 2012-145.) (Inc. S.L. 2012-13.)	24, 86, 88, 93, 98, 109, 115, 116, 130.
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H 799	Licensure by Endorsement/Military/Spouses (S.L. 2012-196.)	176, 367, 417, 457, 465, 511.
S 433	Local Human Services Administration (Rules and Operations of the Senate Com).....	231, 244, 294, 330, 407, 486.
S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.)	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
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S 853	NCCS 50th Anniversary Special Plate (Senate Held As Filed)	62.
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S 444	Nonappropriated Capital Projects (S.L. 2012-164.)	147, 166, 222, 233, 345, 374, 395.
H 964	North Carolina Longitudinal Data System (S.L. 2012-133.)	224, 241, 298, 316, 352, 477.
H 503	Parent Choice/Clarify Pre-Kindergarten (House Conf Com Appointed) (Inc. S.L.2012-142.)	95, 111, 144.
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S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 908	Matching Funds Repeal (H Elections Com).....	100, 134, 159.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.

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S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 908	Matching Funds Repeal (H Elections Com).....	100, 134, 159.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.

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S 842	Child Nutrition Program Solvency and Support (Health Care Com)	59.
H 837	Completion of CPR by Students Required (S.L. 2012-197.)	261, 416, 425, 523.
S 880	Dept. of Public Safety/Tech & Other Changes (Judiciary II Com)	79, 167.
S 755	Education Employees Association/Equal Access Act (S.L. 2012-179.)	394, 464, 469.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
H 843	Modernize North Carolina Emergency Management Act (S.L. 2012-12.)	117, 125, 138, 163, 213.
S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.)	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
H 964	North Carolina Longitudinal Data System (S.L. 2012-133.)	224, 241, 298, 316, 352, 477.
S 928	Repeal/Streamline DPI Reporting Requirements (Rules and Operations of the Senate Com) (Inc. S.L. 2012-194.) (Inc. S.L. 2012-142.)	105, 407, 409.
S 707	School Violence Prevention Act (S.L. 2012-149.)	283, 301, 456, 479, 505, 513, 520, 585.
S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.

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- H 555 2012 President Pro Tempore's Appointments Bill
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- H 778 Amend Innocence Commission Laws
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- H 914 Automatic External Defibrillators in State Buildings
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- H 1108 Butner Public Safety Authority Changes
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- H 837 Completion of CPR by Students Required
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- S 880 Dept. of Public Safety/Tech & Other Changes
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- H 483 DNA Samples/Additional Felonies
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- S 929 Firemen's Retirement Fund/Board Membership
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- S 231 Incorporation/ETJ Study
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- S 909 Increase Deduction for Rescue Workers
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- S 897 Law Enforcement Officers Memorial Plate
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- H 741 Law Enforcement/Emergency Vehicle Length
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H 843	Modernize North Carolina Emergency Management Act (S.L. 2012-12.).....	117, 125, 138, 163, 213.
S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.).....	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.).....	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 443	NC Museum of Art/Cemetery Commission Changes (S.L. 2012-120.).....	265, 280, 287, 475.
S 444	Nonappropriated Capital Projects (S.L. 2012-164.).....	147, 166, 222, 233, 345, 374, 395.
S 94	PSAPs Tech Standards/Habitual Misd Larceny (S.L. 2012-132.).....	325, 334, 351, 477.
H 1226	Raleigh Fire Department's 100th Anniversary (Rules and Operations of the Senate Com).....	309.
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S 860	Sales of Motor Vehicles/Units of Government (Finance Com).....	67.
S 707	School Violence Prevention Act (S.L. 2012-149.).....	283, 301, 456, 479, 505, 513, 520, 585.
H 334	Sports Agents/DMV Police Authority (H Commerce and Job Development Com).....	414, 424.
H 968	Transfer Evidence Warehouse to Department of Public Safety (Judiciary I Com).....	179.
S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.).....	79, 164, 192, 257, 279, 287, 355.
S 798	Various Emergency Management Changes (S.L. 2012-90.).....	29, 50, 63, 225, 234, 237, 471.

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S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 815	Reform Workforce Development (S.L. 2012-131.)	45, 165, 192, 329, 477.
S 926	Reform Workforce Development (Senate Held As Filed)	104.
S 828	Unemployment Insurance Changes (S.L. 2012-134.)	48, 147, 171, 284, 301, 302, 312, 322, 339, 348, 352, 477.

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H 1234	2012 Appointments Bill (S.L. 2012-141.)	420, 478, 487, 494, 499, 513, 524, 586.
H 555	2012 President Pro Tempore's Appointments Bill (Rules and Operations of the Senate Com)	418, 425.
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S 382	Amend Water Supply/Water Quality Laws (H Rules, Calendar, and Operations of the House Com).....	393, 463, 505, 509, 543, 549, 558, 559.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com).....	61, 154.
S 820	Clean Energy and Economic Security Act (S.L. 2012-143.) (Inc. S.L. 2012-142.)	46, 64, 143, 158, 232, 240, 276, 295, 310, 491, 498, 549, 586.
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S 809	Environmental Technical Corrections 2012 (Agriculture/Environment/Natural Resources Com)	44.
S 827	Extend Tax Provisions (Finance Com).....	48.
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S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 231	Incorporation/ETJ Study (Senate Failed to Concur).....	393, 462.
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S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.)	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 444	Nonappropriated Capital Projects (S.L. 2012-164.)	147, 166, 222, 233, 345, 374, 395.
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S 829	Study Reorganization of Fish & Wildlife Mgmt (Agriculture/Environment/Natural Resources Com) (Inc. S.L. 2012-190.)	49.
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S 810	Regulatory Reform Act of 2012 (S.L. 2012-187.)	40, 41, 82, 83, 87, 95, 97, 112, 113, 114, 126, 127, 326, 332, 375, 395.

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H 555	2012 President Pro Tempore's Appointments Bill (Rules and Operations of the Senate Com)	418, 425.
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 S 808 Changes to Commerce Reporting Requirements
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 H 1015 Economic Development & Finance Changes
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H 947	Eugenics Compensation Program (Judiciary II Com)	150.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
H 1021	Justice Reinvestment Clarifications (S.L. 2012-188.)	196, 263, 300, 314, 333, 398.
S 141	Law Enforcement/Various Other Changes (S.L. 2012-168.)	481, 488, 492, 495, 496, 510.
S 850	Legislative Oversight of Fish & Wildlife Mgmt (Agriculture/Environment/Natural Resources Com)	61.
H 843	Modernize North Carolina Emergency Management Act (S.L. 2012-12.)	117, 125, 138, 163, 213.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 443	NC Museum of Art/Cemetery Commission Changes (S.L. 2012-120.)	265, 280, 287, 475.
S 727	No Dues Checkoff for School Employees (S.L. 2012-1.)	18, 29.
S 815	Reform Workforce Development (S.L. 2012-131.)	45, 165, 192, 329, 477.
S 926	Reform Workforce Development (Senate Held As Filed)	104.
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S 876	Mooreville Deannexation (S.L. 2012-137.)	78, 249, 262, 295, 313, 511, 515.

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S 880	Dept. of Public Safety/Tech & Other Changes (Judiciary II Com)	79, 167.
H 142	Economic Development and Finance Changes (Rules and Operations of the Senate Com) (Inc. S.L. 2012-145.)	140.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
H 517	Magistrates/Calendar (House Conf Com Appointed)	74, 88, 146.
S 133	Modernize Jury List Procedures (S.L. 2012-180.)	392, 462, 468.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 953	Restore Method of Determining Sr. Res. Judge (Senate Held As Filed)	121, 283.
S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.

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H 707	Register of Deeds/Directed Trustees/Estates (S.L. 2012-18.)	124, 138, 163, 214.

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H 493	Landlord Tenant Law Changes (S.L. 2012-17.)	118, 129, 162, 214.
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H 690	Amend Evidence & DNA Expunction Laws (Rules and Operations of the Senate Com)	181, 341, 372, 376, 406, 456, 487.
H 778	Amend Innocence Commission Laws (S.L. 2012-7.)	74, 88, 92, 183.
S 849	Amend Officer Salary Continuation (H Judiciary Subcommittee B)	61, 152, 171.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com)	61, 154.
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S 141	Law Enforcement/Various Other Changes (S.L. 2012-168.)	481, 488, 492, 495, 496, 510.
H 843	Modernize North Carolina Emergency Management Act (S.L. 2012-12.)	117, 125, 138, 163, 213.
S 187	Modifications/2012 Appropriations Act (S.L. 2012-145.)	455, 462, 467, 478, 564, 585, 593, 595.
H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 443	NC Museum of Art/Cemetery Commission Changes (S.L. 2012-120.)	265, 280, 287, 475.
H 660	No In Person Service Required/50C Orders (S.L. 2012-19.)	134, 160, 163, 214.

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H 334	Sports Agents/DMV Police Authority (H Commerce and Job Development Com)	414, 424.
S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.
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S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
S 897	Law Enforcement Officers Memorial Plate (Finance Com)	89.
S 896	License Plate Background (Senate Held As Filed)	89.
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H 302	Charitable Licensing Exemption Clarification (S.L. 2012-15.)	99, 111, 145, 213.
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H 494	Continuous Alcohol Monitoring Law Changes (S.L. 2012-146.)	242, 342, 480, 481, 487, 523.
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S 141	Law Enforcement/Various Other Changes (S.L. 2012-168.)	481, 488, 492, 495, 496, 510.
S 896	License Plate Background (Senate Held As Filed)	89.
H 1035	License Plate Background (Finance Com)	196.
S 853	NCCS 50th Anniversary Special Plate (Senate Held As Filed)	62.
H 989	Permanent License Plates (S.L. 2012-159.)	345, 357, 387, 397.
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S 912	Transportation Amendments (Senate Held As Filed)	103.
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S 868	Wildlife Licenses/Eliminate Penalty (S.L. 2012-81.)	68, 186, 208, 287, 355.

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S 881	Transfer Evidence Warehouse to DPS (S.L. 2012-83.)	79, 164, 192, 257, 279, 287, 355.

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386, 389, 406, 409,
419, 421, 556, 557,
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- H 843 Modernize North Carolina Emergency Management Act
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- S 141 Law Enforcement/Various Other Changes
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- S 187 Modifications/2012 Appropriations Act
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- H 950 Modify 2011 Appropriations Act
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- S 847 GSC Technical Corrections/Other Changes
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Co-Sponsor	800, 860, 867, 902, 903, 904, 939, 953, 958, 959, 960.

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H 555 2012 President Pro Tempore's Appointments Bill	
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H 637 Adoption Law Changes	
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H 235 Amend Grounds/Termination of Parental Rights	
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H 589 Divorce/Domestic Violence Protective Orders/Child Support	
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S 847 GSC Technical Corrections/Other Changes	
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S 843 Intestate Property/Child's Year's Allowance	
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H 176 Review Domestic Violence Program Participation
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MARTIN COUNTY—District 3—Senator Clark Jenkins

S 898 Bear Grass School Property Conveyance
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S 847 GSC Technical Corrections/Other Changes
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S 847 GSC Technical Corrections/Other Changes
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 386, 389, 406, 409,
 419, 421, 556, 557,
 560, 563, 593, 596.

H 945 Marion Legislative Annexation
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 379, 399, 410, 472.

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Committee Assignments—
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 District 37—Senator Daniel G. Clodfelter
 District 38—Senator Charlie Smith Dannelly
 District 39—Senator Bob Rucho
 District 40—Senator Malcolm Graham

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H 1075	Local Management Entities/Managed Care Organization Governance (Mental Health & Youth Services Com)	147, 184, 189, 240, 299, 314, 330.
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H 950	Modify 2011 Appropriations Act (S.L. 2012-142.)	122, 199, 200, 209, 215, 221, 229, 230, 279, 294, 305, 306, 493, 538, 541, 586.
S 797	Payment of 2012 Medicaid Costs/Inmate Medical Costs (S.L. 2012-2.)	28, 35, 69, 75, 76, 92.
S 832	Provisional Licensure Changes Medicaid.-AB (Health Care Com)	57.
H 1081	Provisional Licensure Changes Medicaid.-AB (S.L. 2012-72.)	148, 166, 189, 244, 260, 354.
H 14	Use R&R Funds for 2011-2012 Medicaid Costs (S.L. 2012-57.)	292, 293, 311, 315.

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S 907	Governor's Budget (Appropriations/Base Budget Com)	100.

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H 690	Amend Evidence & DNA Expunction Laws (Rules and Operations of the Senate Com).....	181, 341, 372, 376, 406, 456, 487.
S 851	Boards & Commissions Efficiency Act of 2012 (Finance Com).....	61, 154.
S 655	Dentistry Management Arrangements (S.L. 2012-195.)	393, 463, 469.

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H 614	Enact Volunteer Health Care Services Act (S.L. 2012-155.)	131, 181, 187, 216, 222, 595.
S 907	Governor's Budget (Appropriations/Base Budget Com)	100.
S 847	GSC Technical Corrections/Other Changes (S.L. 2012-194.)	60, 342, 376, 377, 386, 389, 406, 409, 419, 421, 556, 557, 560, 563, 593, 596.
H 1021	Justice Reinvestment Clarifications (S.L. 2012-188.)	196, 263, 300, 314, 333, 398.
H 843	Modernize North Carolina Emergency Management Act (S.L. 2012-12.)	117, 125, 138, 163, 213.
S 443	NC Museum of Art/Cemetery Commission Changes (S.L. 2012-120.)	265, 280, 287, 475.
S 832	Provisional Licensure Changes Medicaid.-AB (Health Care Com)	57.
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