

JOURNAL
OF THE
SENATE
OF THE
2013 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA

FIRST SESSION

2013

VOLUME 1

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**OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
2013 GENERAL ASSEMBLY
FIRST SESSION 2013**

SENATE LEADERSHIP

DANIEL J. FOREST, President Raleigh
 PHILIP E. BERGER, President *Pro Tempore* Eden
 LOUIS M. PATE, JR., Deputy President *Pro Tempore* Mount Olive

DISTRICT	NAME OF SENATOR	RESIDENCE
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2	NORMAN W. SANDERSON (R).....	Arapahoe
3	S. CLARK JENKINS (D).....	Tarboro
4	EDWARD WALTER JONES* (D).....	Enfield
4	ANGELA R. BRYANT+ (D).....	Rocky Mount
5	DONALD G. DAVIS (D).....	Snow Hill
6	HARRY BROWN (R).....	Jacksonville
7	LOUIS M. PATE, JR. (R).....	Mount Olive
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10	BRENT JACKSON (R).....	Autryville
11	E. S. "BUCK" NEWTON III (R).....	Wilson
12	RONALD J. RABIN (R).....	Spring Lake
13	MICHAEL P. WALTERS (D).....	Fairmont
14	DANIEL T. BLUE, JR. (D).....	Raleigh
15	K. NEAL HUNT (R).....	Raleigh
16	JOSHUA H. STEIN (D).....	Raleigh
17	TAMARA BARRINGER (R).....	Cary
18	J. CHADWICK BAREFOOT (R).....	Wake Forest
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20	FLOYD B. McKISSICK, JR. (D).....	Durham
21	ROBERT B. CLARK III (D).....	Raeford
22	J. MICHAEL WOODARD (D).....	Durham
23	ELEANOR KINNAIRD** (D).....	Chapel Hill
23	VALERIE P. FOUSHEE++ (D).....	Chapel Hill

24	RICHARD W. GUNN (R)	Burlington
25	EUGENE B. McLAURIN (D)	Rockingham
26	PHILIP E. BERGER (R).....	Eden
27	TRUDY WADE (R).....	Greensboro
28	GLADYS A. ROBINSON (D).....	Pleasant Garden
29	JERRY W. TILLMAN (R).....	Archdale
30	SHIRLEY B. RANDLEMAN (R).....	Wilkesboro
31	PETER S. BRUNSTETTER (R) ***	Lewisville
32	EARLINE W. PARMON (D)	Winston-Salem
33	STAN BINGHAM (R).....	Denton
34	ANDREW C. BROCK (R).....	Mocksville
35	W. THOMAS TUCKER (R).....	Waxhaw
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37	DANIEL G. CLODFELTER (D).....	Charlotte
38	JOEL D. M. FORD (D).....	Charlotte
39	ROBERT A. RUCHO (R).....	Matthews
40	MALCOLM GRAHAM (D)	Charlotte
41	JEFFERY P. TARTE (R).....	Cornelius
42	AUSTIN M. ALLRAN (R)	Hickory
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47	RALPH E. HISE, JR. (R).....	Spruce Pine
48	THOMAS M. APODACA (R).....	Hendersonville
49	MARTIN L. NESBITT, JR. (D)	Asheville
50	JAMES W. DAVIS (R).....	Franklin

SENATE OFFICERS

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

*Deceased December 14, 2012

+Appointed January 7, 2013

**Resigned August 19, 2013

++Appointed September 3, 2013

***Resigned December 15, 2013

SENATE JOURNAL

2013 SESSION

FIRST DAY

Senate Chamber
Wednesday, January 9, 2013

In accordance with law, as set forth in the Constitution of the State of North Carolina and G.S. 120-11.1, the Senate of the General Assembly of North Carolina assembles this day at the hour of 9:00 a.m. in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Dan Forest, Lieutenant Governor and President of the Senate, calls the Senate to order.

The President extends courtesies of the floor to the families and guests of the Senators-elect, expressing gratitude for their presence at this ceremony.

The President extends courtesies of the floor to Ben King from Interpreting Works, LLC, in Franklinton, North Carolina, who is serving the Senate as Interpreter of the Day.

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

The President extends courtesies of the gallery to his family, recognizing his wife, Alice Forest, his children, Jake, Haley, Max, and Olivia, and his mother, The Honorable Sue Myrick, former U.S. Representative for North Carolina's 9th Congressional District.

The President extends courtesies of the gallery to The Honorable Pat McCrory, Governor of North Carolina.

The President extends courtesies of the floor to Senior Associate Justice Mark D. Martin of the North Carolina Supreme Court, Associate Justice Bob Evans of the North Carolina Supreme Court, and Justice Barbara Jackson of the North Carolina Supreme Court.

The President extends courtesies of the floor to Macon Newby, wife of The Honorable Paul M. Newby, Associate Justice of the Supreme Court of North Carolina.

The President recognizes the Sergeant-at-Arms of the 2011 Session, Philip King, who announces the presence of The Honorable Paul M. Newby, Associate Justice of the Supreme Court of North Carolina, at the doors of the Senate Chamber. The President directs the Sergeant-at-Arms to open the doors of the chamber and to escort The Honorable Paul M. Newby to his seat.

The President recognizes the Sergeant-at-Arms who announces the presence of Ms. Kathryn Atkinson of Raleigh, North Carolina, at the doors of the Senate Chamber. The President directs the Sergeant-at-Arms to open the doors of the chamber and to escort Ms. Atkinson to her seat.

The President introduces The Reverend Peter Milner, Senate Chaplain for the 2013 Session of the General Assembly, who offers prayer as follows:

“Let us pray. Almighty God, Heavenly Father, you are our light and our salvation. Lord, you have been our dwelling place from generation to generation. Nothing can be hidden from your sight. You have placed each of us here today in your sovereign will. You have placed these senators here in a position to serve the people that have elected them. May they serve them with humility. As we come before you today, Lord, on this holy ground, we come with fear, with anxiety, and even with gladness. As we travel together this course of history, may we be reminded of what the great hymn writers said, ‘Ye fearful saints, fresh courage take, the clouds ye so much dread are big with mercy and shall break in blessings on your head. Judge not the Lord by feeble sense, but trust Him for His grace. Behind a frowning providence, He hides a smiling face. Lord, your purposes will ripen fast, unfolding every hour. The bud may have a bitter taste, but sweet will be the flower. Blind unbelief is sure to err and scan his work in vain, but God is His own interpreter, and He will make it plain.’* We ask all these things in the name of Christ Jesus—through Him and in Him, in His blessed name. Amen.”

*Adapted from “God Moves in Mysterious Ways,” by William Cowper

The Chair grants leaves of absence for today’s session to Senator Clodfelter¹ and Senator-elect Wade.²

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms to open the doors of the chamber for the Presentation of the Colors by the John Motley Morehead High School Army Junior ROTC, from Eden, North Carolina.

PLEDGE OF ALLEGIANCE

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

NATIONAL ANTHEM

The President recognizes Ms. Kathryn Atkinson from Raleigh, North Carolina, who sings “The Star-Spangled Banner.”

¹ Senator Clodfelter was administered the Oath of Office on January 2, 2013.

² Senator Wade was administered the Oath of Office on January 15, 2013.

CALL OF THE ROLL/ELECTION CERTIFICATION

The Chair directs the Reading Clerk of the 2011 Session, Lee Settle, to call the roll by Senatorial District pursuant to the certification of election received from the Secretary of State, Elaine F. Marshall:

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 27th day of November, A.D., 2012 and Thursday, the 13th day of December, A.D. 2012, in accordance with Chapter 163 of the General Statutes of North Carolina, at which time the Board did open, canvass and judicially determine the returns of votes cast in the election held on Tuesday, November 6, 2012, and certified to me the persons duly elected as members of the Senate from the various Senate Districts comprising of more than one county, and all others have been certified to me in the abstracts by the State Board of Elections as having the highest number of votes cast in the election for the Senate from districts composed of one county only, for the General Assembly of 2013 to wit:

DISTRICT	NAME
First District	Bill Cook
Second District	Norman Sanderson
Third District	Clark Jenkins
Fourth District	Ed Jones
Fifth District	Don Davis
Sixth District	Harry Brown
Seventh District	Louis M. Pate, Jr.
Eighth District	Bill Rabon
Ninth District	Thom Goolsby
Tenth District	Brent Jackson
Eleventh District	Buck Newton
Twelfth District	Ronald Rabin
Thirteenth District	Michael Walters
Fourteenth District	Dan Blue
Fifteenth District	Neal Hunt
Sixteenth District	Josh Stein
Seventeenth District	Tamara Barringer
Eighteenth District	Chad Barefoot
Nineteenth District	Wesley Meredith
Twentieth District	Floyd B. McKissick, Jr.
Twenty-first District	Robert B. Clark, III
Twenty-second District	Mike Woodard
Twenty-third District	Ellie Kinnaird
Twenty-fourth District	Rick Gunn
Twenty-fifth District	Gene McLaurin
Twenty-sixth District	Philip E. (Phil) Berger

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Twenty-seventh District	Trudy Wade
Twenty-eighth District	Gladys A. Robinson
Twenty-ninth District	Jerry W. Tillman
Thirtieth District	Shirley Randleman
Thirty-first District	Peter Samuel (Pete) Brunstetter
Thirty-second District	Earline W. Parmon
Thirty-third District	Stan Bingham
Thirty-fourth District	Andrew C. Brock
Thirty-fifth District	Tommy Tucker
Thirty-sixth District	Fletcher L. Hartsell, Jr.
Thirty-seventh District	Daniel (Dan) Clodfelter
Thirty-eighth District	Joel Ford
Thirty-ninth District	Robert (Bob) Rucho
Fortieth District	Malcolm Graham
Forty-first District	Jeff Tarte
Forty-second District	Austin Allran
Forty-third District	Kathy Harrington
Forty-fourth District	David Curtis
Forty-fifth District	Dan Soucek
Forty-sixth District	Warren Daniel
Forty-seventh District	Ralph Hise
Forty-eighth District	Tom Apodaca
Forty-ninth District	Martin L. Nesbitt
Fiftieth District	Jim Davis

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

DONE IN OFFICE at Raleigh, this 13th day of December, 2012.

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

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

PROCLAMATION FROM THE GOVERNOR

The President instructs the Reading Clerk to read the Proclamation from the Governor appointing Angela R. Bryant as follows:

THE APPOINTMENT OF ANGELA R. BRYANT

2013-2014

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

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A PROCLAMATION

WHEREAS, The Honorable Ed Jones, elected Senator from the Fourth Senatorial District 2013-2014 General Assembly, has passed away; and

WHEREAS, the provisions of General Statute § 163-11 require that the vacancy created by the passing of The Honorable Ed Jones be filled by appointment of the person recommended by the Fourth State Senate District Executive Committee of the Democratic Party; and

WHEREAS, the Fourth State Senate District Executive Committee of the Democratic Party has notified me of its recommendation of Angela R. Bryant of Nash County, North Carolina, to fill the unexpired term;

I do, by these presents, appoint

ANGELA R. BRYANT

as a member of the

NORTH CAROLINA SENATE

2013-2014 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 seventh day of January in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

S/ Pat McCrory
Governor

ATTEST:
S/ Elaine F. Marshall
Secretary of State

The President recognizes the Sergeant-at-Arms, who announces that The Honorable Angela R. Bryant waits at the door to enter the chamber and take her seat as a member-elect of the Senate. The President announces Senator-elect Don Davis, Senator-elect Jenkins, Senator-elect Newton, and Senator-elect Kinnaird as the committee to escort Senator-elect Bryant.

Senator-elect Bryant is escorted to seat number 49.

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OATH OF OFFICE

The President of the Senate recognizes The Honorable Paul M. Newby who administers the following Oath of Office, to which those present respond and subscribe:

“I do solemnly swear or affirm that I will support the Constitution and laws of the United States, and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof, and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge the duties of my office as a member of the Senate of the 2013 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

ORGANIZATION OF THE SENATE

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

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

“Members, guests, it’s another great day in the North Carolina Senate. It’s a day we look forward to every two years. Many of us have been here more years than we’d like to think, they add up. Senator Allran was here in 1870 and then 1898—or the second Lincoln administration maybe—we can’t get it straight. That being said, we made history two years ago, we made history this year, and it is my pleasure today to nominate the man who led us over the last two years. I think any of us that served with him over the last two years, and those of us that have served with him prior to the last two years, will tell you that he follows in the great tradition that we’ve seen in this Senate of President *Pro Tempore*, with compassion and caring for the great State of North Carolina. And I think with the actions we’ve seen the last two years that we can expect even more the next two years. So it is my honor and pleasure today to nominate Phil Berger to the next term as President *Pro Tempore* of the North Carolina Senate. Thank you, Mr. President.”

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

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“Senator Apodaca, I couldn’t have said it any better. I think Senator Berger has done a great job leading us the last two years, and it sure is a great pleasure for me to get to do this a second time as well. I rise to second the nomination of Senator Phil Berger to be President *Pro Tempore* of the 2013 North Carolina Senate. I further move that the nominations be closed and that Senator Berger’s nomination be accepted by acclamation.”

The President recognizes Senator Nesbitt who offers the following remarks:

“I rise on behalf of the Democrats who have served with Senator Berger and to thank him for the courtesy that he has extended to us over the two years that he’s been the President *Pro Tempore* of the Senate and to echo the remarks of the two who have spoken and to urge the Democrats to support the motion.”

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

The President declares Senator Philip E. Berger duly elected President *Pro Tempore* and appoints Senator Rucho, Senator Brunstetter, Senator Harrington, Senator Nesbitt, and Senator Stein to escort the President *Pro Tempore*-elect to the well of the Senate. Senator Rucho presents Senator Philip E. Berger to the President. The President directs the Sergeant-at-Arms to escort Senator Berger’s son, Kevin, his granddaughter, Emily, and his grandson, Jackson, to the well of the Senate, where they join Senator Berger as he receives the prescribed Oath of Office. The Honorable Paul M. Newby administers the prescribed Oath of Office.

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

“Thank you for that warm welcome and the trust that you, my colleagues, have placed in me. It is a true honor and a responsibility that I do not take lightly. Governor McCrory, we appreciate you being here with us today. Lt. Governor Dan Forest, we appreciate your presiding and your presiding over the upcoming session. Justice Paul Newby and members of the Judiciary, we appreciate your participation and your help in this ceremony. The members of the Junior Army ROTC Color Guard from John Motley Morehead High School, from Eden, North Carolina, my hometown, I appreciate their participation in the service. My wife, Pat, my son, Kevin, my grandchildren, Jackson and Emily, and my daughter-in-law, Amber, I thank you for being here and for your support over the years. All of us understand the importance of our families and the support we have from our families in order to enable us to be able to serve in public office. So I thank you, and I know all of our colleagues thank their family members as well.

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Today we renew the fight for reform that started two years ago when the voters sent a new General Assembly to Raleigh to change the way our government operates. For too many years, North Carolina tried to tax and spend its way to prosperity. For too many years, North Carolina lost jobs, lost businesses, failed to educate many of our children and struggled to compete. Our leaders had lost their way, and our state lost its place as the leader of the South and the envy of the nation. We vowed two years ago in this chamber to begin fixing those problems, and we've made great progress in just a short period of time. Today that work continues.

Senators, as we make tough decisions, I want us to be thinking about the families out there struggling to make ends meet, sitting around their kitchen tables, balancing their check books, saving for retirement or for a college education for their children. Think of them as we craft bills and cast votes. Ask yourself, 'How can we help them create a better life? How can we work together to help small businesses become more successful? How can we work together to help working families take home more in their paychecks?' Ask yourself, 'How can we help their children get a better education regardless of the political consequences?' Ask yourself how we, as a body, can come together to help our towns and communities compete in order to create jobs and grow our economy.

The voters have placed in our hands enormous trust and responsibility. We have the opportunity to set sweeping policy, to change the direction of North Carolina and to make a real and lasting difference. To my Republican colleagues: we must show our constituents, this state, and this country that there is a real difference between a Washington Republican and a North Carolina Republican. North Carolina Republicans deliver. We kept our word, and we act on the promises we've made. We made that clear last session. We cut taxes, unleashing private enterprise to grow our economy and create new jobs. We cut government red tape and bureaucracy. We began the long process of retooling our public education system to make it more focused on delivering positive results for our children.

Those were great achievements, but they were only the beginning. These next two years, Republicans and Democrats must set the bar even higher. With Governor McCrory, his administration, and leaders in every branch of government, we will reform our old and outdated tax code. Today, our tax system slows economic growth, kills jobs, and hurts businesses. It's one of the single greatest roadblocks to our recovery, and we will not stop until it's improved. We will continue making government more efficient and more responsive. Taxes on working families are still way too high. Regulations on our job creators are still way too cumbersome, and we have an obligation to change that.

We will never back down from the effort to reform our public schools. No child in North Carolina should be forced to attend a failing school, and while we are committed to rewarding and recognizing our best teachers, no teacher should be guaranteed a job if they fail in their responsibility to educate our children. Every month, every week, every day that we accept mediocrity, another child slips through the cracks. We will move on this critical issue, and we will move quickly.

Most of you know me. I grew up in a working class home; my dad worked with his hands. Throughout my life, I've had to work hard, as many of you have. I worked multiple jobs while raising a family to work through college and through law school. My wife, Pat, and I both understand what it takes to make ends meet. We've seen firsthand how hard work and determination makes anything possible.

Education reform. Tax reform. Regulatory reform. They are lofty goals, but if we work hard, we can change our state. We can make it more competitive, more successful, and help the families of North Carolina. I know many North Carolinians have lost hope. They feel stuck. They wonder if they'll ever get ahead. Each and every day that we walk into this chamber, remember: we have an obligation to those in our state who are working hard and doing their best to provide for their families.

Now is the time that we, as leaders, roll up our sleeves and get to work. We will not waste this great opportunity. Will there be tough battles? You bet. Will we have to make decisions that take us outside of our comfort zone? Yes, but it is the right thing for us to do, and no matter how difficult or daunting the task, we must keep our eyes on what's best for the people of this great state. I want to thank you for the trust that you have reposed in me. I want to thank you for the opportunity to serve you and for the opportunity to serve the people of the State of North Carolina. May God bless this body and the people of our great state. Thank you."

ADOPTION OF RULES

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

By Senators Apodaca (Primary Sponsor); Blue, Wade, Randleman, Hise, Meredith, Brock, Rabon and Jackson:

S.R. 1, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2013 GENERAL ASSEMBLY, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is placed before the Senate for immediate consideration.

Upon motion of Senator Apodaca, the Senate Resolution is adopted (47-0).

The text of the resolution is as follows:

S.R. 1 A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE REGULAR SESSION OF THE 2013 GENERAL ASSEMBLY.

Be it resolved by the Senate:

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

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**PERMANENT RULES OF
THE REGULAR SESSIONS OF THE SENATE
2013 GENERAL ASSEMBLY OF NORTH CAROLINA**

- I. Order of Business, Rules 1-7
- II. Conduct of Debate, Rules 8-17
- III. Motions, Rules 18-24
- IV. Voting, Rules 25-30
- V. Committees, Rules 31-37.2
- VI. Handling Bills, Rules 38-59.2
- VII. Legislative Officers and Employees, Rules 60-65
- VIII. General Rules, Rules 66-77.

I. ORDER OF BUSINESS

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

RULE 1.1. Emergencies. – In the event of a disaster, natural or otherwise, that precludes the General Assembly from meeting in the Legislative Building, the members will be notified by the President Pro Tempore where and when the Senate will convene.

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

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

RULE 4. Convening and presiding in absence of President. – In the absence of the President, the President Pro Tempore or a Senator designated by the President Pro Tempore shall convene or reconvene the Senate and preside, and during such time shall be vested with all powers of the President of the Senate except that of casting a vote in case of a tie when the President Pro Tempore or the designated Presiding Officer has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Senate shall be called to order by a member designated by the President Pro Tempore, or if no member is designated, by the Deputy President Pro Tempore of the Senate. If no member has been designated and the Deputy President Pro Tempore is also absent, the Senate shall be called to order by the Chair of the Committee on Rules and Operations of the Senate who shall designate some member to act as Presiding Officer.

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

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

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

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

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

II. CONDUCT OF DEBATE

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

RULE 9. (reserved for future use).

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

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the Committee on Rules and Operation of the Senate.

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

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

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

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

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

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

(1) A request that the member speaking yield for a question;

(2) A point of order; or

(3) A parliamentary inquiry.

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

RULE 13. (Reserved for future use).

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

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

RULE 15. Questions of personal privilege; explanation of vote.

– (a) Upon recognition by the Presiding Officer for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes, and may use some or all of that time to explain to the Senate a “Senatorial Statement of Personal Privilege”. Upon motion supported by a majority present and voting, that statement may be spread upon the Journal. Neither personal privilege nor a Senatorial Statement of Personal Privilege may be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate, nor shall such opportunities be used to solicit support or sponsors for any bill. The format of Senatorial Statement of Personal Privilege shall be prescribed by the Chairman of the Committee on Rules and Operation of the Senate, but in any case shall speak only in the voice of the Senator submitting it. The Presiding Officer shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule, subject to an appeal to the Chairman of the Committee on Rules and Operation of the Senate whose decision may be appealed to the Senate by any Senator, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate present and voting is necessary to sustain any appeal from the ruling of the Chairman of the Committee on Rules and Operation of the Senate.

(b) Any Senator may explain that Senator’s vote on any bill that day by obtaining permission of the Presiding Officer after the final vote is taken. No more than three minutes shall be consumed in such explanation.

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

RULE 16. (Reserved for future use).

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

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

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

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

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

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

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anywhere in the Senate Chamber or in any Senate office.

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

(h) Reading of newspapers, magazines, periodicals, or books shall not be permitted while the Senate is in session. This rule does not prohibit the use of electronic devices, the use of quotations during debate or for personal privilege.

(i) The operation of:

- a. Vocal wireless communication devices, or
- b. Any other electronic devices whose sound cannot be muted,

are prohibited on the floor or in the gallery while the Senate is in session.

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

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

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

III. MOTIONS

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

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

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

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

RULE 21. Motions to postpone to certain day and to commit. –

The respective motions to postpone to a certain day, to resolve into the Committee of the Whole Senate, or to commit to a standing or select committee shall preclude debate on the main question.

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

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

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

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

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

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

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

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

IV. VOTING

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

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

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

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

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

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

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

- (f) One copy of the machine printout of the vote record shall

be filed in the Office of the Principal Clerk, and one copy shall be filed in the Legislative Library where it shall be open to public inspection.

(g) When the Presiding Officer ascertains that the electronic voting system is inoperative before a vote is taken or while a vote is being taken on the electronic system, the Presiding Officer shall announce that fact to the Senate, and any partial electronic system voting record shall be voided. In such a case, if the Constitution of North Carolina or the Rules of the Senate require a call of the ayes and noes, the Clerk shall call the roll of the Senate, and the ayes and noes shall be taken manually and shall be recorded on the Journal. All other votes shall be taken as prescribed in Senate Rule 26. If, after a vote is taken on the electronic system, it is discovered that a malfunction caused an error in the electronic system printout, the Presiding Officer shall direct the Reading Clerk and the Principal Clerk to verify and correct the printout record and so advise the Senate.

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

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

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

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

(b) The ayes and the noes may be called for on any question before the vote is taken. If a Senator desires the ayes and noes recorded on the Journal on a question, that Senator shall address the Presiding Officer and obtain recognition and say, “Upon that question I call for the ayes and noes.” Whereupon the Presiding Officer shall say, “Is the call sustained?” If one-fifth of the remaining Senators present then stand, the vote shall be taken on the electronic voting system if it is operative, and the ayes and noes shall be recorded on the Journal. If the electronic voting system is inoperative, the roll of the Senate shall be called and the ayes and noes taken manually and recorded on

the Journal. If fewer than one-fifth of the Senators present stand to sustain the call, the Presiding Officer shall announce, "An insufficient number up," and a vote by electronic voting or by voice, whichever is appropriate under the Rules of the Senate, shall be taken.

RULE 27. (Reserved for future use).

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

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

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

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

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

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

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

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

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

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

(e) The Senator so excused shall not debate the bill or any amendment to the bill, vote on the bill, offer or vote on any amendment to the bill, or offer or vote on any motion concerning the bill at that reading, any subsequent reading, or any subsequent consideration of the bill.

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

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

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

RULE 30. (Reserved for future use).

V. COMMITTEES

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

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

Agriculture/Environment/Natural Resources

Appropriations/Base Budget

Appropriations on Department of Transportation

Appropriations on Education/Higher Education

Appropriations on General Government and Information

Technology

Appropriations on Health and Human Services

Appropriations on Justice and Public Safety

Appropriations on Natural and Economic Resources

Commerce

Committee of the Whole Senate

Education/Higher Education

Finance

Health Care

Insurance

Judiciary I

Judiciary II

State and Local Government

Pensions & Retirement and Aging

Program Evaluation

Rules and Operations of the Senate

Transportation

Ways & Means

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

(b) The chair of the committee shall notify or cause to be notified the sponsor of each bill which is set for hearing or consideration before

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the committee as to the date, time, and place of that meeting.

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

RULE 34. Membership of committees; quorum. – (a) Membership on standing committees shall consist of no fewer than five Senators, including the chairs and vice-chairs and ranking minority members.

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

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

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

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

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

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

RULE 37. Committee of the Whole Senate. – Notwithstanding the provisions of Rules 33, 34, and 35, the Senate may resolve into the Committee of the Whole Senate by motion. When such a motion is seconded, the President shall put the question without debate: "Shall the Senate resolve itself into the Committee of the Whole Senate for consideration of _____?", stating the matter or matters identified by the Chair of the Committee on Rules and Operations of the Senate to be considered. Only the President Pro Tempore, the Deputy President Pro Tempore, or the Chair of the Committee on Rules and Operations of the Senate may move to resolve into the Committee of the Whole Senate. The Committee of the Whole Senate shall convene in the Senate

Chambers and shall utilize electronic voting. Unless otherwise stated, the Rules and Operations of the Senate apply to the Committee of the Whole Senate and the Principal Clerk of the Senate shall be the Committee Assistant, but shall not record committee activity on the Journal. The Chair shall be the President Pro Tempore of the Senate or his designee.

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

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

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

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

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

VI. HANDLING BILLS

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

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

(b) Whenever a bill is filed, it shall be submitted to the Principal Clerk in the form of a Senate e-jacket.

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

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

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

RULE 40. Introduction of bills. – (a) Every bill filed for introduction shall contain on the Senate e-jacket the title of the document and

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the name of the Senator or Senators sponsoring it. No more than three Senators may be listed as primary sponsors. The Senate e-jacket shall be delivered by the primary sponsor of the document, or by that member's legislative assistant, with the prescribed authorization form signed by the primary sponsor and by that member's legislative assistant, to the Office of the Senate Principal Clerk, who shall receive them during regular session according to the following schedule:

Monday until 30 minutes after adjournment; and

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

All bills shall be numbered by the Office of the Principal Clerk when filed and shall be considered introduced when presented to the Senate on the next following legislative day for the first reading. When a bill is presented with more than one primary sponsor, the Chair of the Committee on Rules and Operations of the Senate shall designate, as bill manager, one of the primary sponsors. Senators may only cosponsor legislation electronically.

(a1) Any Senator who wishes to cosponsor a bill or resolution which has been filed may do so no later than one hour following the adjournment of the session during which such bill or resolution was first read and referred, but only electronically under procedures approved by the Principal Clerk.

(b) All memorializing, celebration, commendation, and commemoration resolutions shall be excluded from introduction and consideration in the Senate. Notwithstanding this, a member may file a Senate memorializing, celebration, commendation, or commemoration simple resolution after presenting the draft to the Chairman of the Committee on Rules and Operations of the Senate and receiving the approval of that Chairman, except that the Chairman may refer the request to the full committee for approval. The approval of the Chairman or committee shall be indicated on the Senate e-jacket.

(b1) Simple resolutions conforming to subsection (b) of this section and any Senate or House joint resolutions shall be read for the first time during the Senate's next daily session occurring on a Tuesday. Upon such first reading such resolution shall be placed at the end of that day's calendar for consideration and decision without debate. The foregoing requirement of Tuesday consideration shall not apply to second reading of (i) resolutions specifically contemplated by the North Carolina Constitution or statute or (ii) resolutions that pertain to the internal functioning of either or both houses of the General Assembly. This subsection does not apply to third reading of any joint resolution.

(b2) Notwithstanding subsections (b) and (b1) of this section any resolution memorializing, celebrating, commending, or commemorating a deceased person who served previously in either the Senate or the House of Representatives shall be introduced on the next legislative day after its filing and the Chairman of the Committee on Rules and Operations of the Senate shall direct that the resolution be either (i) referred to the Committee on Rules and Operations of the Senate for further consideration or (ii) placed on the Senate's calendar for a date certain. When a resolution introduced in accordance with this

subsection is read for a second time in the Senate, debate shall be allowed and, during the course of such debate, the Presiding Officer shall order the chamber secured by the Sergeant-at-Arms so as to prevent the entry or exit of any person.

(c) No member may introduce a public bill that has no substantive provisions. No member may introduce more than one local bill that contains no substantive provisions.

RULE 40.1. Deadlines on filing for introduction of bills and resolutions. – (a) All local bills and resolutions must be filed for introduction not later than Tuesday, March 5, 2013, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Wednesday, March 13, 2013, shall be treated as if it had been filed for introduction under this rule.

(b) All public bills and resolutions, except those adjourning the General Assembly, must be filed for introduction not later than Friday, March 15, 2013, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Thursday, March 28, 2013, shall be treated as if it had been filed for introduction under this rule.

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

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

RULE 41. Crossover bill deadline. – In order to be eligible for consideration by the Senate during the 2013 or 2014 Regular Sessions of the 2013 General Assembly, all House bills other than (i) those required to be referred to the Committee on Finance or the Committee on Appropriations/Base Budget by Rule 42, (ii) those establishing districts for Congress or State or local entities, or (iii) adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than Thursday, May 16, 2013, provided that a message from the House received by the next legislative day stating that a bill has passed its third reading and is being engrossed shall comply with the requirements of this rule and provided that the House accepts Senate bills ordered engrossed on the next legislative day.

RULE 41.1. (Reserved for future use).

RULE 42. Reference of appropriation and finance bills. – (a) All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Appropriations/Base Budget and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations/Base Budget Committee before proper action may be taken by the Senate.

(b) All bills introduced in the Senate providing for bond issues, imposing or raising fees or other revenues payable to the State, its

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agencies, its licensing boards, or any of its subdivisions, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Committee on Finance before proper action may be taken by the Senate.

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

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

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

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

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

(e) The sponsor of a bill, resolution, or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing the objections. These objections shall be appended to the fiscal note attached to the bill, resolution, or amendment and to the copies of the fiscal note available to the membership.

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

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

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

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

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

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

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

(e) When any committee reports a measure to which an actuarial note is attached at the time of committee consideration, with any amendment of such nature as would substantially affect the cost to or the revenues of any system, the chair of the committee reporting the measure shall obtain from the Fiscal Research Division and the administrator of the affected system an actuarial note of the fiscal and actuarial effect of the proposed amendment. The actuarial note shall be attached to the jacket of the measure. A Chair of the Appropriations/Base Budget Committee, or of the Finance Committee, or of the Committee on Rules and Operations of the Senate, upon the floor of the Senate, may request that an actuarial note be attached to a bill, resolution, or an amendment which affects the costs to or the revenues of a system described in this rule and which is in the possession of the Senate, when

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

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

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

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

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

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

reasons why no dollar estimate can be given. No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared. However, technical and mechanical defects may be noted.

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

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

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

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

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

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

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

provided, that for a provision to be in order under this subsection, it must be recommended to the General Assembly in a written report adopted by the Appropriations/Base Budget Committee before or at the same time the bill is

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reported, or, if such provision is contained in a floor amendment, the sponsor of the amendment must present to the Principal Clerk at or before the time the amendment is offered an explanation of the amendment for distribution to each member of the Senate.

RULE 42.5. Appropriations/Base Budget Committee meetings. – The Appropriations/Base Budget Cochairs may in their exclusive discretion direct that the Appropriations/Base Budget Committee or its subcommittees or both may consider the budget and the budget plan including all appropriations in separate meetings from the House of Representatives and may do all things separately from the House of Representatives.

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

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

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

RULE 45. Reports of committees. – Every Senator presenting a report of a committee shall endorse the report with the name of the committee. The report of the committee shall show that a quorum of the committee was present and a majority of those present voted in favor of the report. Every report of the committee upon a bill or resolution shall stand upon the general orders with the bill or resolution. No committee shall report a bill or resolution without prejudice.

RULE 45.1. Action on amendment or committee substitute. – If any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute shall be considered adopted upon the reading of the committee report and shall be engrossed. Unless a committee substitute of a bill or resolution being considered by a committee is distributed to members of that committee no later than the day prior to the committee meeting, the committee substitute shall be carried over to the next day unless a majority of the members of that committee present and voting vote to take

up the measure at that time. The bill or resolution, as amended, or its adopted committee substitute shall be placed on the calendar for the next legislative day or re-referred if the bill or resolution was serially referred. The committee substitute's original bill or resolution shall lie on the table.

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

RULE 46. Unfavorable report by committee. – All bills reported unfavorably by the committee to which they were referred shall lie upon the table but may be taken from the table and placed upon the calendar by a two-thirds vote of the membership of the Senate present and voting.

RULE 47. Recall of bill from committee and discharge petition; re-calendar or referral of a bill to committee. – (a) Notwithstanding anything to the contrary, only the President Pro Tempore, the Chair of the Committee on Rules and Operations of the Senate, or the chair of a committee to which a bill or other matter is assigned may, with the consent of a majority of the membership of the Senate present and voting, recall the measure from its assigned committee to be referred to another committee or the floor. Only the President Pro Tempore or the Chair of the Committee on Rules and Operation of the Senate may, with the consent of a majority present and voting, re-calendar a bill or resolution appearing on the calendar or refer or re-refer it to committee.

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

(c) This rule shall not be temporarily suspended.

RULE 48. Calendar; order to be followed. – The Presiding Officer and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered in accordance with Rule 47. The published calendar shall include all bills reported favorably from committees, or placed on the calendar on motion, and shall include the bill number and short title of each bill on the calendar.

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RULE 49. (Reserved for future use).

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

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

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

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

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

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

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

RULE 55. **Amending titles of bills.** – When a bill is materially modified or the scope of its application extended or decreased, or if the county or counties to which it applies is changed, the title of the bill shall be changed by

the committee having it in charge or by the Principal Clerk, so as to indicate the full purport of the bill as amended and the county or counties to which it applies.

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

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

(b) The Chair of the Committee on Rules and Operations of the Senate, (or in that Chair's absence the President Pro Tempore) may, or upon motion supported by a majority of the Senate present and voting shall, refer the bill to an appropriate committee for consideration of the amendment or committee substitute.

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

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

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

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

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

RULE 57. Conference committee. – The President Pro Tempore of the Senate, or in the President Pro Tempore's absence, the Deputy President

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Pro Tempore, upon motion, shall appoint a conference committee when the Senate fails to concur in amendments or committee substitutes put by the House to a bill originating in the Senate, or when the House of Representatives fails to concur in amendments or committee substitutes put by the Senate to a bill originating in the House. Senate conferees shall include the primary sponsor of the bill. In considering the bill committed to the conferees, only such matters as are germane to the bill shall be considered by the conferees, and the conference report shall deal only with such matters. The matters referred to the conference committee by the conference committee chairs shall go to and be considered by the conferees appointed by the Senate and the House of Representatives. While the bill is in conference committee, the Senate's position shall be determined by a majority of the Senate conferees. Upon agreement by the Senate and House of Representatives, a conference report shall be drafted reflecting the matters considered and agreed upon by the conferees. The conference report shall not be amended. A conference report in order under this Rule when reported to the Senate shall be calendared for consideration of the question of adoption on any date specified by the Chairman of the Committee on Rules and Operations of the Senate, or in the absence of the Chairman, by the President Pro Tempore. In the absence of any such specification it shall be calendared for the next legislative day.

RULE 57.1. Germaneness of amendment or committee substitute. – (a) All floor amendments shall be germane to the subject matter of the measure under consideration. The question of germaneness of the proposed floor amendment is in order at any time the measure is before the body prior to final action on its adoption.

(b) In committee, the germaneness of amendments or committee substitutes shall be determined by the chairman of the committee in which such amendments or committee substitutes are offered.

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

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

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

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

(b) Upon a veto message's being read in the Senate, the Chair of the Committee on Rules and Operations of the Senate shall either refer the

bill and the Governor's objections and veto message to committee or place the bill on the calendar for a day certain.

VII. LEGISLATIVE OFFICERS AND EMPLOYEES

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

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

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

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

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

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

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

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

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

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Director of Senate Legislative Assistants as the Committee on Rules and Operations of the Senate shall adopt.

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

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

RULE 65. Deputy President Pro Tempore. – The Senate shall elect a Deputy President Pro Tempore. Upon a vacancy in the office of President Pro Tempore, the Senate shall elect one of its members to succeed to that office.

VIII. GENERAL RULES

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

RULE 67. Admission to the floor of the Senate. – No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the Presiding Officer shall be admitted to the floor of the Senate either during its session or be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session. Notwithstanding any other provision of these rules, no registered lobbyist shall: (i) be admitted to the floor of the Senate or Senate Chamber while the Senate is in session, (ii) be admitted to or remain on the floor of the Senate within 15 minutes prior to the Senate's scheduled daily session, or (iii) except when a committee is meeting on the floor, be admitted to the floor of the Senate for the 15 minutes after adjournment of the Senate. When the Senate is not in daily session, the President Pro Tempore shall determine the privileges of the floor.

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

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

RULE 68. Privileges of the floor. – No group or individual other

than members of the Senate may make remarks upon the floor of the Senate.

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

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

RULE 71. Placing material in Senators' offices. – Any person other than a member of the Senate or an employee of the General Assembly desiring to place articles of any kind in the offices of the members of the Senate shall make written application to and obtain written approval from the Principal Clerk. No items may be placed on members' desks except as permitted under Rule 17.

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

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

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

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

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

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

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RULE 77. Alterations, suspension, or rescission of rules. – (a)

These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a three-fifths vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of the intent to introduce the resolution on the legislative day preceding its introduction.

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

SECTION 2. This resolution is effective upon adoption.

ELECTION OF AN OFFICER ESTABLISHED BY SENATE RULES

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

“I rise to nominate Senator Louis Pate to serve as the Deputy President *Pro Tempore*. Louis Pate first served as a member of the General Assembly, representing the State House Eleventh District, from 1995 to 1996 and again from 2003 to 2008. His district included constituents in Wayne County. He was elected to the Senate in 2010, representing the Fifth District. He now represents the Seventh District which includes Wayne, Pitt, and Lenoir Counties. Senator Pate is a retired merchant, mayor, and city council member of Mount Olive, North Carolina. He served twenty years in the Air-Force and retired as a Major in 1982. In Vietnam he navigated B-52’s and later F-111’s. He is a father of three and a grandfather of nine. He is joined by his wife and other family members today. He was a strong member of our freshmen caucus in 2010, and we are honored and privileged to serve with such a great gentleman. With that, I formally nominate Senator Louis Pate to serve as our Deputy President *Pro Tempore*.”

The President recognizes Senator Tillman who seconds the nomination and adds the following remarks:

“I rise to second the nomination of Senator Louis Pate to serve as the Deputy President *Pro Tempore*. I further move that nominations be closed and that Senator Pate’s nomination be accepted by acclamation.”

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

The President declares Senator Pate elected Deputy President *Pro Tempore* and appoints Senator Bingham, Senator Cook, Senator Rabon, and Senator

Tucker to escort the Deputy President *Pro Tempore*-elect to the well of the Senate. Senator Bingham presents Senator Pate to the President. The President directs the Sergeant-at-Arms to escort Mrs. Joyce Pate to the well of the Senate where she joins Senator Pate as he receives the prescribed Oath of Office. The Honorable Paul M. Newby administers the prescribed Oath of Office.

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

“Thank you, Mr. President, thank you, Mr. President *Pro Tempore*, and thank you all folks for being here today. Thank you for your vote. I will do the very best I can for this office and to support you, and I most appreciate the support you have given me. Mr. Justice, I certainly appreciate you coming down and giving the Oath of Office today. This is a very humbling moment for me, and I appreciate it so much and will do the best I can for this Senate, individually and as a body, to support the laws of the Constitution of the United States and also our state, North Carolina. Thank you very much.”

ELECTION OF STATUTORY OFFICERS

Pursuant to G.S. 120-37, the President declares the floor open to receive nominations for the Office of Principal Clerk.

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

“Today, I rise to nominate our Principal Clerk, Sarah Clapp. Sarah Clapp, as we all know, has done an outstanding job over the last couple of years. She is conscientious. I think she is friendly and helpful to any member, or any person, that needs help. She frets, she worries—she probably hasn’t slept in a week—and she has done a magnificent job. So it is with no hesitation at all that I stand today to nominate Sarah Clapp, our Principal Clerk for the 2013 Session of the North Carolina Senate.”

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

“I rise to second the nomination of Sarah Clapp to serve as Principal Clerk of the 2013 North Carolina Senate. I further move that the nominations be closed and that Sarah Clapp’s nomination as Principal Clerk be accepted by acclamation.”

The motion by Senator Hunt that the nominations be closed and that Sarah Lang Clapp be elected Principal Clerk of the 2013 Senate by acclamation prevails. The President declares Sarah Lang Clapp duly elected and instructs the Sergeant-at-Arms to escort the Principal Clerk-elect to the well of the Senate.

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The Honorable Paul M. Newby administers the prescribed Oath of Office, and the President directs the Principal Clerk to assume her seat.

Pursuant to G.S. 120-37, the President declares the floor open to receive nominations for the Office of Reading Clerk. The President recognizes Senator Tillman who offers the following nomination and remarks:

“It is with great pleasure that I nominate Lee Settle to again serve as our Reading Clerk. As you may know, Lee had a long and successful career before he came aboard here in 2011. I’m honored that he has again agreed to be a part of our Senate family, and with that I formally nominate Lee Settle to serve as Reading Clerk for the 2013 North Carolina Senate.”

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

“I am honored to second the nomination of Lee Settle to serve as Reading Clerk in the 2013 North Carolina Senate. I further move that these nominations be closed and that Mr. Settle’s nomination be accepted by acclamation.”

The motion offered by Senator Gunn that the nominations be closed and that Lee Settle be elected Reading Clerk of the 2013 Senate by acclamation prevails. The President declares Lee Settle duly elected and instructs the Sergeant-at-Arms to escort the Reading Clerk-elect to the well of the Senate. The President directs the Sergeant-at-Arms to escort Mrs. Alberta Settle to the well of the Senate where she joins Mr. Settle as he receives the prescribed Oath of Office. The Honorable Paul M. Newby administers the prescribed Oath of Office, and the President directs the Reading Clerk to assume his seat.

Pursuant to G.S. 120-37, the President declares the floor open to receive nominations for the Office of Sergeant-at-Arms. The President recognizes Senator Rabon who offers the following nomination and remarks:

“It’s a great pleasure that I rise to nominate again our own Phil King to serve as Sergeant-at-Arms for this session. As you know, Mr. King served in the United States Navy as a Captain. He was also formerly a S.E.A.L. and a member of the Federal Bureau of Investigation before coming to us. As you all know also, Mr. King served us in 2011 and 2012, and I would suggest that he serve us again in the upcoming session. With that, Mr. President, I formally nominate Phil King to serve as Sergeant-at-Arms of the 2013 North Carolina Senate.”

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

“I am honored to second the nomination of Philip King to serve us again as our Sergeant-at-Arms. I also move that nominations be closed and that Mr. King’s nomination be accepted by acclamation.”

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The motion of Senator Goolsby that the nominations be closed and that Philip King be elected Sergeant-at-Arms of the 2013 Senate by acclamation prevails. The President declares Philip King duly elected and directs the Sergeant-at-Arms-elect to enter the well of the Senate. The Honorable Paul M. Newby administers the prescribed Oath of Office, and the President directs the Sergeant-at-Arms to assume his seat.

RECOGNITION OF PARTY OFFICERS

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096
January 8, 2013

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

Dear President Forest:

This is to advise you that the Senate Republican Caucus met on November 27, 2012, with 33 members present and nominated the following officers for the 2013 Session of the General Assembly:

President Pro Tempore – Senator Philip Berger
Deputy President Pro Tempore – Senator Louis Pate
Senate Majority Leader – Senator Harry Brown
Senate Majority Whip – Senator Jerry Tillman
Caucus Secretary – Senator Fletcher Hartsell
Joint Caucus Leader – Senator Andrew Brock

Principal Clerk – Ms. Sarah Lang Clapp
Sergeant-at-Arms – Mr. Philip King
Reading Clerk – Mr. Lee Settle

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

cc: The Honorable Philip Berger
Ms. Sarah Lang Clapp

January 9, 2013

North Carolina General Assembly

Senate Chamber
State Legislative Building
Raleigh 27601-1096
January 9, 2013

The Honorable Dan Forest
Legislative Building
Raleigh, NC 27601-1096

Dear Lt. Governor Forest:

The Senate Democratic Caucus met on December 20, 2012 and elected the following officers for the 2013-2014 Legislative Term:

Senator Martin Nesbitt (Buncombe), Minority Leader
Senator Josh Stein (Wake), Minority Whip
Senator Dan Blue (Wake), Caucus Co-Chair
Senator Dan Clodfelter (Mecklenburg), Caucus Co-Chair
Senator Ellie Kinnaird (Orange), Caucus Secretary
Senator Gladys Robinson (Guilford), Deputy Minority Leader
Senator Floyd McKissick (Durham), Deputy Minority Leader
Senator Clark Jenkins (Edgecombe), Deputy Minority Leader

Respectfully,
S/Ellie Kinnaird
Senate Democratic Caucus Secretary

RECONSIDERATION

Having voted with the majority, Senator Apodaca offers a motion that the vote by which Senator Philip E. Berger was elected President *Pro Tempore* of the Senate be reconsidered, and he further moves that the motion to reconsider do lie upon the table, seconded by Senator Brunstetter, which motion prevails (48-0).

INTRODUCTION OF A RESOLUTION

Upon motion of Senator Apodaca, the rules are suspended, and a Joint 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. 2, A JOINT RESOLUTION ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN, AS PROVIDED BY LAW.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed before the Senate for immediate consideration.

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CALENDAR

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

S.J.R. 2, A JOINT RESOLUTION ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN, AS PROVIDED BY LAW, 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 sent to the House of Representatives by special message.

REMARKS BY THE LIEUTENANT GOVERNOR

The Honorable Dan Forest, Lieutenant Governor and President of the Senate, offers the following remarks:

“As we begin the 2013 Session, we celebrate the fiftieth anniversary of this legislative building, which was opened in 1963. This building is a modern architecture masterpiece designed by world renowned architect Edward Durrell Stone. It stands among the great works of architecture in America today. To understand the importance that our forefathers placed on the design of this building, the building's architect also designed the Kennedy Center in Washington, D.C., Radio City Music Hall, and the Museum of Modern Art in New York City, as well as the Standard Oil Building in Chicago, which still stands as one of the tallest buildings in the world today.

While it may take some time to find your way around, and some of you may have a great view of a concrete block wall in your small office, as an architect, I have a great appreciation for the design of this building, and especially because of the context that it was designed within, and I hope you will learn to discover that same appreciation over time. To understand good design, you must place yourself in the context of time, place, and culture during its creation. Let's take a look back at 1963.

1963 witnessed the assassination of President John F. Kennedy, yet America was still hanging on the words of the President, ‘Ask not what your country can do for you, but what you can do for your country.’ We find ourselves as leaders of our great state asking similar questions, ‘What can we do for our state to get the economy back on track and our people back to work, to transform education, and to ensure energy independence? What is our role as leaders of our state, and what kind of future will we design for our children and grandchildren?’

In 1963, George Wallace became the governor of Alabama proclaiming, ‘Segregation now, segregation tomorrow, and segregation forever.’ In that same year, Martin Luther King, Jr. gave his ‘I have a dream’ speech from the steps of the Lincoln Memorial in Washington, D.C. That famous speech helped lay the groundwork for a civil rights movement that would free America from its sordid past of a segregationist ideology. What are your dreams, and how will you, like Dr. King, devote your lives to transforming the future of North Carolina? In

January 9, 2013

1963, American scientists were racing the clock against world competition to fulfill the dream of placing a man on the moon. Technology was not on their side. Computers the size of a bedroom had the computing power of only a small calculator, yet they designed a plan to achieve the seemingly impossible.

What obstacles stand in your way to achieving the impossible, and how are you going to create a plan to overcome? Today, do we dream the impossible dream: the dream of every working age North Carolinian who wants a job being gainfully employed, the dream of being the best place to live, work, and play in the country, the dream of being number one in education in the world, the dream of building a low cost energy economy and being energy independent right here in our state? These are not impossible dreams if we design and build the right foundation.

In 1963, unemployment was 5.5%, yet President Kennedy unveiled sweeping tax reforms to improve the economy. Today, unemployment in North Carolina is 9.1%, among the highest in the nation. In 1963, gas cost twenty-nine cents per gallon; today, we pay more than that in taxes for gas in North Carolina. Many of our families are struggling just to make ends meet. We have the responsibility to get the burden of taxation and regulations off the backs of our families and small businesses and put people back to work. It is time for sweeping reforms that will simplify the tax code and jump start the economy. We have the opportunity, and we will have the courage to take advantage of it.

In 1963, the first purpose-built ocean drillers were launched in the Gulf of Mexico for deep water off-shore oil drilling. Thanks to the efforts of many of you, fifty years later we have an Energy Jobs Act in North Carolina that will allow us to explore our energy options both on shore and off and design an energy plan suitable for the 21st Century. It is time to get busy exploring and producing natural gas and oil to make North Carolina the first energy independent state in the U.S. We have the resources, and we will have the courage to use them.

In 1963, the concept of Cloud Computing was invented at MIT. It was called Timesharing. For the first time in modern history, we have the opportunity to take advantage of Cloud Computing to transform the world of education through virtual learning. We have the opportunity for the first time in history to customize education curriculum to each student in North Carolina through the online classroom. It is time to break down the barriers of education through school choice and open the world of learning to all students: black, white, Hispanic, rich, poor, and middle-class. We have the tools, and we will have the courage to make it happen.

A significant work of architecture, like this building, is only realized and remembered because of design leadership. Architects are visionaries, planners, creative problem solvers, and consensus builders, and these are the qualities that will be demanded of you as leaders of our great state. An architect knows that a great building starts with a solid foundation, and a solid foundation starts with a well thought-out plan, and that plan starts with a vision.

The designer of this building envisioned a future where the leaders of our state could come together despite their differences, to work for the common

good. They designed a building open to the people, solely devoted to the legislative branch of government, so Senators and Representatives could work alongside each other, in close proximity, to solve the challenges of our great state.

We have many challenges that face us in North Carolina in 2013, but as designers of North Carolina's future, we will tackle these challenges with boldness and courage. We will build a strong foundation for our future and design a North Carolina that our children and grandchildren will be proud of fifty years from now, in 2063. A great trust has been placed in you by the people or our state, and I know each of you are up to the task of ensuring that trust is never breached. I look forward to working with you and getting to know you over the next two years, and you have my word that I will preside over this body with fairness and transparency. May God bless each of you with wisdom, knowledge, and courage as you lead our great state."

MESSAGE TO THE HOUSE OF REPRESENTATIVES

The President directs the Principal Clerk to send a message to the House of Representatives informing that honorable body that the Senate of the 2013 General Assembly is organized and ready to proceed with public business.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 10:32 a.m., in memory of former Senator Don East and former Senator Ed Jones, with all due respect to and consideration of their families, in accordance with S.J.R. 2, and subject to the ratification of bills, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the announcement of committee appointments, to reconvene Wednesday, January 30, at 12:00 p.m.

COMMITTEE APPOINTMENTS

Pursuant to Senate Rules 31 and 32, Senator Philip E. Berger, President *Pro Tempore*, announces the following appointments of the Committee Chairs and Committee Members for the 2013-2014 Session:

Agriculture/Environment/Natural Resources

Co-Chair: Brock

Co-Chair: Jackson

Vice Chair: Cook

Members: Allran, Barefoot, Bingham, Clodfelter, Ford, Hartsell, Kinnaird, McLaurin, Rabin, Rabon, Randleman, Tucker, Wade, Walters

Appropriations/Base Budget

Co-Chair: Brown

Co-Chair: Brunstetter

Co-Chair: Hunt

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Members: Apodaca, Blue, Brock, D. Davis, Ford, Goolsby, Harrington, Jackson, Jenkins, Nesbitt, Parmon, Pate, Rabon, Rucho, Tillman, Tucker

Appropriations on Department of Transportation

Co-Chair: Harrington

Co-Chair: Rabon

Vice Chair: Daniel

Members: Blue, D. Davis, Ford, Gunn, Meredith

Appropriations on Education/Higher Education

Co-Chair: Apodaca

Co-Chair: Soucek

Co-Chair: Tillman

Members: Barefoot, Curtis, Graham, Hartsell, Jenkins, Parmon, Rucho, Wade

Appropriations on General Government and Information Technology

Co-Chair: J. Davis

Co-Chair: Tucker

Members: Clark, Sanderson, Tarte, Woodard

Appropriations on Health and Human Services

Co-Chair: Pate

Co-Chair: Hise

Members: Allran, Barringer, McKissick, Robinson

Appropriations on Justice and Public Safety

Co-Chair: Bingham

Co-Chair: Goolsby

Co-Chair: Newton

Members: Clodfelter, Daniel, Kinnaird, Nesbitt, Randleman

Appropriations on Natural and Economic Resources

Co-Chair: Brock

Co-Chair: Jackson

Members: Bryant, Cook, McLaurin, Rabin, Tarte, Walters

Commerce

Co-Chair: Gunn

Co-Chair: Meredith

Vice Chair: Barringer

Vice Chair: Brown

Members: Apodaca, Blue, Brunstetter, Bryant, Clark, Curtis, D. Davis, J. Davis, Goolsby, Graham, Harrington, Hunt, Jenkins, McLaurin, McKissick, Nesbitt, Newton, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Woodard

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Education/Higher Education**Co-Chair:** Soucek**Co-Chair:** Tillman**Vice Chair:** Barefoot**Members:** Allran, Apodaca, Barringer, Brown, Brunstetter, Bryant, Cook, Curtis, Daniel, D. Davis, Graham, Hartsell, Jenkins, Nesbitt, Newton, Parmon, Pate, Rabin, Robinson, Rucho, Stein, Tarte, Wade, Woodard**Finance****Co-Chair:** Rabon**Co-Chair:** Rucho**Vice Chair:** Curtis**Vice Chair:** Rabin**Members:** Allran, Apodaca, Barefoot, Barringer, Blue, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Daniel, Ford, Goolsby, Harrington, Hartsell, Hise, Hunt, Jackson, McLaurin, McKissick, Meredith, Nesbitt, Newton, Robinson, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters, Woodard**Health Care****Co-Chair:** Hise**Co-Chair:** Pate**Vice Chair:** Tarte**Members:** Allran, Barefoot, Bingham, Curtis, D. Davis, J. Davis, Hartsell, Hunt, Kinnaird, McKissick, Parmon, Rabin, Randleman, Robinson, Rucho, Stein, Tucker, Wade, Woodard**Insurance****Co-Chair:** Apodaca**Co-Chair:** Meredith**Vice Chair:** Sanderson**Members:** Allran, J. Davis, Ford, Gunn, Hise, Bryant, McLaurin, Rucho, Walters**Judiciary I****Co-Chair:** Goolsby**Co-Chair:** Newton**Vice Chair:** Brunstetter**Members:** Apodaca, Barringer, Blue, Brown, Clodfelter, Harrington, Jenkins, Kinnaird, Nesbitt, Parmon, Rucho, Sanderson, Soucek, Tillman, Wade**Judiciary II****Co-Chair:** Allran**Co-Chair:** Daniel**Vice Chair:** Randleman**Members:** Bingham, Bryant, Clark, Cook, J. Davis, Graham, Hartsell, McKissick, Stein, Tucker

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Pensions & Retirement and Aging**Co-Chair:** Apodaca**Co-Chair:** Hise**Members:** Curtis, Graham, Gunn, McLaurin, Pate, Rabin, Randleman, Walters**Program Evaluation****Chair:** Hartsell**Members:** Bingham, Brock, Clark, Clodfelter, Cook, Gunn, Hunt, McKissick, Nesbitt, Randleman, Sanderson, Woodard**Rules and Operations of the Senate****Chair:** Apodaca**Vice Chair:** Brunstetter**Members:** Barefoot, Blue, Brock, Brown, Clark, Harrington, Hise, Jackson, Jenkins, Meredith, Nesbitt, Newton, Rabon, Stein**State and Local Government****Co-Chair:** J. Davis**Co-Chair:** Tucker**Vice Chair:** Wade**Members:** Barringer, Bingham, Cook, D. Davis, Goolsby, Hartsell, Jackson, Kinnaird, McLaurin, Nesbitt, Pate, Robinson, Tarte, Walters**Transportation****Co-Chair:** Daniel**Co-Chair:** Harrington**Vice Chair:** Rabon**Members:** Ford, Graham, Gunn, Hise, Hunt, McKissick, Meredith, Robinson, Soucek, Walters**Ways & Means****Chair:** Apodaca**Members:** Brock, Clodfelter**EXECUTIVE ORDERS**

Executive Orders issued by Governor Beverly Eaves Perdue from July 23, 2012 – December 21, 2012, are presented to the Senate, read, and filed in the Office of the Principal Clerk as follows:

Executive Order No. 122, State Transportation Logistics Coordinating Council.

Executive Order No. 123, North Carolina Statewide Independent Living Council.

January 9, 2013

Executive Order No. 124, Protecting Military Installations by Ensuring the Compatibility of State Action with Military Needs.

Executive Order No. 125, Establishing the Governor's Task Force on Employee Misclassification.

Executive Order No. 126, Declaration of a State of Disaster for Halifax and Northampton Counties.

Executive Order No. 127, Declaration of a State of Disaster for the Town of Murphy.

Executive Order No. 128, Expanding Opportunities for At-Risk Four-Year-Olds to Achieve Academic Success through North Carolina's Pre-Kindergarten Program.

Executive Order No. 129, Declaration of a State of Emergency by the Governor of the State of North Carolina.

Executive Order No. 130, Emergency Relief for Tropical Storm/Hurricane Sandy.

Executive Order No. 131, Declaration of a State of Emergency by the Governor of the State of North Carolina.

Executive Order No. 132, Amendment to Executive Order No. 130 Emergency Relief for Tropical Storm/Hurricane Sandy.

Executive Order No. 133, Albemarle-Pamlico National Estuary Partnership.

Executive Order No. 134, Second Amendment to Executive Order No. 130 Emergency Relief for Tropical Storm/Hurricane Sandy.

Executive Order No. 135, Disaster Declaration for Dare, Currituck, Hyde and Tyrell Counties.

Executive Order No. 136, Disaster Declaration for the City of Roanoke Rapids and the Town of Gaston.

Executive Order No. 137, Temporarily Modifying the Judicial Selection Process Established in Executive Order No. 86.

Executive Order No. 138, Rescinding or Terminating Certain Executive Orders.

January 9, 2013

Executive Order No. 139, Notice of Termination of States of Emergency Declared by Executive Order No. 129 and Executive Order No. 131.

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

Executive Order No. 1, Establishing a Procedure for the Appointment of Justices and Judges.

ENROLLED 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. 2, A JOINT RESOLUTION ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN, AS PROVIDED BY LAW. (Res. 2013-1)

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 9, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Pat McCrory on January 9, 2013, Representative Bobbie Richardson has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2013-2014 General Assembly. Representative Bobbie Richardson has been seated to fill the vacancy created by the resignation of Representative Angela Bryant from the 7th District.

Representative Richardson will occupy Seat 94 and has been appointed to the following committees: Appropriations, Appropriations Subcommittee on Natural and Economic Resources, Election Law, Insurance, Judiciary, Judiciary Subcommittee B, Regulatory Reform.

Respectfully,
S/Denise G. Weeks
Principal Clerk

January 9, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 9, 2013

Mr. President:

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

Speaker: Thom Tillis
Speaker Pro Tempore: Paul Stam
Principal Clerk: Denise G. Weeks

And pursuant to House Rule 45, the Speaker has appointed:

Sergeant-at-Arms: Clyde Cook, Jr.

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

Majority Leader: Edgar V. Starnes
Majority Whip: Mike Hager
Deputy Majority Whips: Pat McElraft
James L. Boles, Jr.
Conference Leader: Ruth Samuelson
Republican Freshman Leader: Rick Catlin
Majority Freshman Whip: Dean Arp
Minority Leader: Larry D. Hall
Deputy Minority Leader: Michael Wray
Minority Whips: Winkie Wilkins
Susan Fisher
Rosa Gill
Conference Co-chairs: Deborah Ross
Marvin Lucas

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

January 9, 2013

SECOND DAY

Senate Chamber
Wednesday, January 30, 2013

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

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

“Almighty God, you are our light and our salvation. Lord, you have been our dwelling place from generation to generation, grandmother to grandfather, great grandfather to great grandmother. As we gather here today under the shelter of this building, in the hallways of centuries of law-making, we realize, Almighty Lord, that we are actually underneath the sky of your grace. Many saints, many citizens, and many senators have gathered here, and they have prayed here for protection, for the well-being of the citizens in this state. Each of these men and women have been sent here on a mission to represent their constituents. Lest we not forget, Jesus, that even in the midst of the ceremony and sometimes even despite ourselves, you are somehow leading us. You are our guide. Lord, you are the chief cornerstone. Help us, as we pray, to be given a plumb line, to be given exactness, accuracy, and direction by your perfect cornerstone. We pray in the name of Jesus. Amen.”

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

The Chair extends privileges of the floor to Pat Campbell from Morganton, North Carolina, who is serving the Senate as Nurse of the Day.

CHANGES TO 2013 SENATE COMMITTEES

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

Senator Angela Bryant is appointed to the **Agriculture/Environment/Natural Resources Committee**.

Senator Gladys Robinson and Senator Angela Bryant are appointed to the **Appropriations/Base Budget Committee**.

Senator Clark Jenkins is removed from the **Appropriations/Base Budget Committee**.

Senator Martin Nesbitt is appointed to the **Appropriations/Health and Human Services Committee**.

January 30, 2013

Senator Martin Nesbitt is removed from the **Appropriations/Justice and Public Safety Committee**.

Senator Gladys Robinson is appointed to the **Commerce Committee**.

Senator Clark Jenkins is appointed to the **Finance Committee**.

Senator Gladys Robinson is removed from the **Finance Committee**.

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

Senator Angela Bryant is removed from the **Insurance Committee**.

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

Senator Ellie Kinnaird is removed from the **Judiciary I Committee**.

Senator Ellie Kinnaird is appointed to the **Judiciary II Committee**.

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

Senator Gladys Robinson is removed from the **State & Local Government Committee**.

ESTABLISHMENT OF A COMMITTEE

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

Chair: Senator Apodaca

Members: Senator Blue, Senator Brown, Senator Soucek, Senator Tillman, and Senator Walters.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 12:13 p.m., in honor of the memory of Senator Jean Preston and her service to the children of this state, subject to the receipt of messages from the House of Representatives, the receipt of messages from the Governor, the introduction of bills and resolutions, the referral and re-referral of bills and resolutions, and the announcement of committee appointments, to reconvene Thursday, January 31, at 9:00 a.m.

EXECUTIVE ORDER

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

January 30, 2013

Executive Order No. 2, Declaration of a State of Emergency by the Governor of the State of North Carolina.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

January 22, 2013

Ms. Sarah Lang
Principal Clerk
North Carolina Senate
Legislative Building
Raleigh, NC 27603-5925

Dear Ms. Lang:

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

This shall serve as my official designation of Room 1038 within the Department of Administration Building as the "Office of the Governor's Affairs Office" under the provision of Section 1.

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

-Fred Steen
-Morgan Beam
-Nicole Hines

Fred Steen will serve as the official liaison and will lobby on behalf of this office. Fred's office will be located in room 1038 of the Administration building and his phone number is (919) 733-5811.

Sincerely,
S/Governor Pat McCrory

cc: President *Pro Tempore* Berger

January 30, 2013

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**
January 30, 2013

PAT McCRORY
GOVERNOR

Ms. Sarah Lang
Principal Clerk of the Senate
North Carolina Senate
16 W. Jones Street, Room 2020
Raleigh, NC 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §115c-10, I hereby appoint Rebecca H. Taylor, Gregory M. Alcorn, and William W. Cobey Jr. to eight-year terms on the North Carolina State Board of Education and submit their names for confirmation by the North Carolina General Assembly. Their terms shall begin upon confirmation and will expire as listed below.

- Rebecca H. Taylor through 3/31/2019, 1st Educational District Representative
- Gregory M. Alcorn through 3/31/2019, 7th Educational District Representative
- William W. Cobey Jr. through 3/31/2019, At-Large seat

Enclosed is biographical information on these appointees. Please feel free to call my staff if you need additional information.

With best regards,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Rules and Operations of the Senate Committee**.

January 30, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 30, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Pat McCrory on January 29, 2013, Josh Dobson has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2013-14 General Assembly. Representative Dobson has been seated to fill the vacancy created by the resignation of Representative Mitch Gillespie from the 85th District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 30, 2013

Mr. President:

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

Democratic Freshman Leader: Duane Hall

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

January 30, 2013

THIRD DAY

Senate Chamber
Thursday, January 31, 2013

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

Without objection, the prayer is postponed until after recess.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, January 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 Kimberly Harper from Winterville, North Carolina, who is serving the Senate as Nurse of the Day.

The Senate recesses at 9:03 a.m., subject to the introduction of bills and resolutions, the receipt of messages from the House of Representatives, the receipt of messages from the Governor, the referral and re-referral of bills, and the receipt of committee reports, to reconvene at 12:00 p.m.

RECESS**INTRODUCTION OF BILLS AND RESOLUTIONS**

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

By Senators Apodaca (Primary Sponsor); Curtis, J. Davis and Hise:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO DIRECT, AND APPROPRIATE FUNDS FOR, THE CONSTRUCTION OF A WESTERN CRIME LABORATORY FACILITY AT THE WESTERN JUSTICE ACADEMY IN EDNEYVILLE, TO APPROPRIATE FUNDS TO PROVIDE STAFFING FOR THE LABORATORY, AND TO AMEND THE LAWS REGARDING THE ADMISSIBILITY OF LABORATORY REPORTS AFTER NOTICE AND DEMAND.

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

By Senators Apodaca, Brown, Rucho (Primary Sponsors); Allran, Barefoot, Bingham, Brock, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Soucek, Tillman, Tucker and Wade:

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S.B. 4, A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION.

Referred to the **Insurance Committee**.

By Senators Rucho (Primary Sponsor); Tillman and Hartsell:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.

Referred to the **Finance Committee**.

By Senators Rucho, Rabon, Brock (Primary Sponsors); Apodaca, Bingham, Brown, Brunstetter, Goolsby, Hise, Hunt, Meredith, Pate, Randleman, Tillman and Wade:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK.

Referred to the **Finance Committee**.

By Senators Randleman, Berger, Apodaca (Primary Sponsors); Allran, Barefoot, Barringer, Bingham, Brock, Brown, Brunstetter, Bryant, Clodfelter, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McLaurin, Meredith, Pate, Rabon, Rucho, Sanderson, Soucek, Stein, Tillman, Tucker, Wade and Walters:

S.J.R. 7, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DON W. EAST, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Meredith (Primary Sponsor); Clark and Jenkins:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS PURSUANT TO G.S. 20-219.2.

Referred to the **Finance Committee**.

By Senators Meredith (Primary Sponsor) and Clark:

S.B. 9, A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS

RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

Referred to the **Commerce Committee**.

By Senators Apodaca, Hunt, Rabon (Primary Sponsors); Brock, Brown, Cook, Daniel, J. Davis, Goolsby, Meredith, Pate and Randleman:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE BOARDS AND COMMISSIONS.

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

By Senators Gunn (Primary Sponsor); Daniel, D. Davis, Hise, Jenkins, Meredith and Tucker:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW."

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

By Senators Tillman (Primary Sponsor) and Apodaca:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO AUTHORIZE THE GOVERNOR TO APPOINT THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

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

By Senator Tillman:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO CONVERT THE SALES TAX ON CERTAIN SALES OF PROPANE GAS INTO AN EXCISE TAX.

Referred to the **Finance Committee**.

By Senators Tillman, Brown, Soucek (Primary Sponsors); Brock, Brunstetter, Clark, Cook, Daniel, Goolsby, Hise, Hunt, Rabon and Randleman:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON CAREER AND TECHNICAL EDUCATION.

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

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By Senators Apodaca, Brown (Primary Sponsors); Allran, Barefoot, Berger, Bingham, Brock, Brunstetter, Bryant, Clodfelter, Cook, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McLaurin, Meredith, Pate, Randleman, Rucho, Sanderson, Soucek, Stein, Tillman, Tucker, Wade and Walters:

S.J.R. 15, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Bingham (Primary Sponsor) and Jenkins:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL REVOKE A PERSON'S DRIVERS LICENSE FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217.

Referred to the **Judiciary II Committee**.

By Senator Bingham:

S.B. 17, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONCEALED HANDGUN PERMITS OBTAINED BY NONRESIDENTS OF THE STATE ISSUING THE PERMIT ARE NOT VALID IN NORTH CAROLINA.

Referred to the **Judiciary II Committee**.

By Senators Bingham (Primary Sponsor); Cook, Jenkins and McLaurin:

S.B. 18, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES.

Referred to the **Finance Committee**.

By Senators Bingham (Primary Sponsor); Clark and Jenkins:

S.B. 19, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES AND CITIES TO REQUIRE BIDDERS ON PUBLIC BUILDING CONTRACTS TO DEMONSTRATE THAT THEY HAVE MADE GOOD FAITH EFFORTS TO RECRUIT PARTICIPATION BY LOCAL BUSINESSES IN THE CONTRACTS.

Referred to the **Commerce Committee**.

By Senators Bingham, Allran (Primary Sponsors) and Randleman:

S.B. 20, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED

OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE, DISPENSE, OR DISTRIBUTE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE.

Referred to the **Judiciary II Committee**.

By Senators Bingham (Primary Sponsor); Brock, Brown, Clark, Cook, Daniel and Jenkins:

S.B. 21, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO CHURCH BUSES.

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

By Senator Bingham:

S.B. 22, A BILL TO BE ENTITLED AN ACT RELATING TO THE 33RD SENATORIAL DISTRICT.

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

By Senators Bingham (Primary Sponsor); Clark, D. Davis, Jenkins, Tucker and Woodard:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REQUIRE COMMUNITY COLLEGES TO ADOPT WRITTEN POLICIES PROHIBITING THE USE OF TOBACCO PRODUCTS IN BUILDINGS AND FACILITIES, ON COMMUNITY COLLEGE CAMPUSES, AT COMMUNITY COLLEGE-SPONSORED EVENTS, AND IN OR ON OTHER COMMUNITY COLLEGE PROPERTY.

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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Insurance Committee**:

S.B. 4, A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35022, is adopted and engrossed.

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

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

“Almighty God, thank you for a new day. Thank you for new opportunities. Your mercy is fresh every morning. Now, at midday, we look to you for strength for the duration of the day. Strengthen us in our weakness, be the wind behind our backs, and give us sound minds to ‘do justice and love mercy and walk humbly with our God.’* Speak over our lives, speak over this chamber, and harden not our hearts. Deepen our commitment to serve the less fortunate, deepen our commitment to work together for the good of this great state. May we step out on faith today, may we get out of the boat, so that we can walk on the water. We make our prayer in the name of the one that did walk on water: Jesus Christ. Amen.”

*Excerpt from Micah 6:8, NIV

ADDITIONAL SPONSOR

Upon motion of Senator Apodaca, without objection, the rules are suspended and Senator Don Davis is added as an additional primary sponsor of previously introduced legislation:

S.J.R. 15, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 12:11 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the House of Representatives, the receipt of messages from the Governor, and the referral and re-referral of bills and resolutions, to reconvene Monday, February 4, at 7:00 p.m.

FOURTH DAY

Senate Chamber
Monday, February 4, 2013

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

Prayer is offered by Eagle Scout John Hipp from Raleigh, North Carolina, as follows:

“Dear Lord, I would like to pray tonight for this General Assembly. I would like to thank you for all of the leaders that are here tonight and for all that they do for our state. I want to pray for all of our leaders here, for you to protect them, and for you to bestow your incredible wisdom upon them to help them make the decisions that are right in your eyes. I would like to pray for the great State of North Carolina that it might be a beacon, an example of truth throughout the nation. I also thank you for the wonderful organization of the Boy Scouts of America. I pray for the members of the Boy Scouts and thank you for all that they have done for young men like me. I thank you for the gift of eternal life through your Son Jesus Christ, and for His death on the cross. We love you and praise you. In Jesus’ name we pray. Amen.”

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms to open the doors of the chamber for the Presentation of the Colors by the Honor Guard of the Boy Scouts of North Carolina. The Honor Guard is comprised of Scouts from across North Carolina, representing Cub Scouts, Boy Scouts, Explorers, Venture Crews, and Sea Scouts.

PLEDGE OF ALLEGIANCE

Led by Eagle Scout John Hipp from Raleigh, North Carolina, 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 tonight to Senator Hartsell.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, January 31, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Cheryl Logan from Hickory, North Carolina, who is serving the Senate as Nurse of the Day.

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CALENDAR

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

S.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, upon second reading.

The Committee Substitute bill passes its second reading (31-17).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Tuesday, February 5, upon third reading.

SENATE PAGES

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

Alex Brown, Cary; Haley Cagle, Clayton; Nicole Defreitas, State Road; Robert Fleming, Elon; Daniel Folger, Elon; Tori Jackson, Denver; Emma Labovitz, Salisbury; Mark Moser, Wilmington; and Ross Strickland, Salemburg.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 8:26 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, February 5, at 9:00 a.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Brown (Primary Sponsor) and Jackson:

S.B. 24, A BILL TO BE ENTITLED AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO CERTAIN NEW SANITARY LANDFILLS.

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

By Senators Brown (Primary Sponsor); Apodaca, Barefoot, Brock, Clark, Cook, Daniel, D. Davis, Goolsby, Jackson, Jenkins, McLaurin, Rabon, Randleman, Sanderson, Tucker and Walters:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE

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MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES.

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

By Senators Bingham, Brock (Primary Sponsors); Clark, Daniel, Kinnaird and Rabon:

S.J.R. 26, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DONALD WILLIAM BINGHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Bingham (Primary Sponsor); Brock, Cook, Daniel, J. Davis, Jenkins, Newton, Randleman, Sanderson and Tillman:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CERTIFIED BY THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND DESIGNATED BY A LOCAL BOARD OF EDUCATION OR BOARD OF DIRECTORS OF A CHARTER SCHOOL MAY POSSESS AND CARRY FIREARMS ON EDUCATIONAL PROPERTY TO PROVIDE ADDITIONAL PROTECTION TO THOSE ATTENDING AND WORKING IN PUBLIC SCHOOLS.

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

By Senators Bingham (Primary Sponsor); Apodaca, Barefoot, Brock, Cook, Daniel, J. Davis, Harrington, Hise, Jackson, Jenkins, Newton, Rabin, Randleman, Sanderson and Wade:

S.B. 28, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND PISTOL PURCHASE PERMITS.

Referred to the **Judiciary II Committee**.

By Senators Hartsell (Primary Sponsor) and Randleman:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO (1) STRENGTHEN OVERSIGHT, ANNUAL REPORTING, AND STRATEGIC PLANNING BY THE NORTH CAROLINA RAILROAD COMPANY, (2) REQUIRE A ONE-TIME CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, (3) REQUIRE AN ANNUAL CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, AND (4) REQUIRE THE TRANSFER OF LOW-INCOME NON-CORRIDOR PROPERTIES FROM THE NORTH CAROLINA RAILROAD COMPANY TO THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

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

By Senators Hartsell (Primary Sponsor); Clark, Randleman and Walters:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor); Daniel and Randleman:

S.B. 31, A BILL TO BE ENTITLED AN ACT MODIFYING THE ALLOCATION OF THE PROCEEDS FROM THE GROSS PREMIUM TAX ON INSURANCE COMPANIES UNDER G.S. 105-228.5 TO INCLUDE DEDICATED FUNDING FOR THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND AND THE WORKERS' COMPENSATION FUND FOR THE BENEFIT OF VOLUNTEER SAFETY WORKERS.

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

By Senators Hartsell (Primary Sponsor) and Goolsby:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES.

Referred to the **Program Evaluation Committee**.

By Senator Hartsell:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **Judiciary II Committee**.

By Senators Hartsell (Primary Sponsor); Brock, Jackson, Rabin, Randleman and Sanderson:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE BOARDS AND COMMISSIONS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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

By Senators Bryant, D. Davis, Jenkins (Primary Sponsors); Allran, Brock, Brown, Clark, Daniel, Goolsby, Harrington, Hartsell, Jackson, Kinnaird, McLaurin, Newton, Rabon, Randleman, Robinson, Sanderson, Tucker and Walters:

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S.J.R. 35, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD "ED" WALTER JONES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Hartsell (Primary Sponsor) and Goolsby:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 37, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE STRUCTURE, ORGANIZATION, AND OPERATION OF THE VARIOUS INDEPENDENT OCCUPATIONAL LICENSING BOARDS AND TO CONSIDER THE FEASIBILITY OF CREATING A SINGLE STATE AGENCY TO OVERSEE THE ADMINISTRATION OF THE BOARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

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

By Senators Jackson (Primary Sponsor); Brock and Walters:

S.B. 38, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

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

By Senators Tillman, Goolsby (Primary Sponsors); Brock, Daniel, Hunt, Jackson, Newton, Randleman, Sanderson, Tucker and Wade:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS.

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

By Senators Jenkins (Primary Sponsor) and D. Davis:

S.R. 40, A SENATE RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF CONWAY.

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

By Senators Daniel, Hunt, Soucek (Primary Sponsors); Allran, Brock, Brown, Clark, D. Davis, J. Davis, Goolsby, Jackson, McLaurin, Newton, Rabin, Rabon, Randleman, Robinson, Sanderson, Tucker and Woodard:

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S.R. 41, A SENATE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA.

The Resolution is placed on the calendar of Tuesday, February 5.

By Senators Daniel, Tillman, Tucker (Primary Sponsors); Brock, Goolsby, Newton and Sanderson:

S.B. 42, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 5, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO GROUP HOMES SERVING RESIDENTS WHO LOSE ELIGIBILITY FOR MEDICAID-COVERED PERSONAL CARE SERVICES.

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

H.J.R. 20, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION.

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

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

FIFTH DAY

Senate Chamber
Tuesday, February 5, 2013

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

Without objection, the prayer is postponed until after recess.

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Senator Gunn announces that the Senate Journal of Monday, February 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 9:02 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, the referral and re-referral of bills and resolutions, and the receipt of messages from the Governor, to reconvene at 3:00 p.m.

RECESS

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Brown (Primary Sponsor); Brock, Daniel, J. Davis and Rabon:

S.B. 43, A BILL TO BE ENTITLED AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS' COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

Referred to the **Commerce Committee**.

By Senators Brown (Primary Sponsor); Brock and Daniel:

S.B. 44, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

Referred to the **Commerce Committee**.

By Senator Randleman:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED.

Referred to the **Judiciary I Committee**.

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By Senators Apodaca (Primary Sponsor); Curtis, J. Davis and Rabon:

S.R. 46, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Select Committee on UNC Board of Governors**.

By Senators Apodaca (Primary Sponsor); Brock, Daniel and J. Davis:

S.J.R. 47, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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

By Senator Apodaca:

S.B. 48, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY TO STANDARDIZE THE CEILING ON FIRE DISTRICT TAXES IN HENDERSON COUNTY.

Referred to the **Finance Committee**.

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. 47, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, with a favorable report.

S.B. 10, A BILL TO BE ENTITLED AN ACT TO ELIMINATE OBSOLETE BOARDS AND COMMISSIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15046, which changes the title to read **S.B. 10** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, is adopted and engrossed.

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

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

“Almighty God, you say to us in Scripture, ‘Do not be anxious about your life, what you will eat or what you will drink, nor about your body nor what you will put on.’* That is great news, Lord, great news. So we lift up people in our community that are sick in body, mind, and spirit, those that have fallen, those that are struggling with illness even right now. Be with the members here, now, as they deliberate. Give them wisdom and prudence and self-control. Give them sound minds and pure reason, reminding each of them that the height of reason is to recognize reason’s limits. Thank you, Lord, that you provide a space such as this to have political conversation and debate. It gives us such great hope that you have gathered us together, that you speak to us, and that we listen, we vote, and that these ordinary means of grace will move us forward as a state. Thank you for being our provider, thank you for this day, and we ask you again to bless this time together. For Christ’s sake, Amen.”

*Excerpt from Matthew 6:25, ESV

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

The Chair extends privileges of the floor to Debra Ezzell from Wilmington, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE’S INTENT NOT TO OPERATE A STATE-RUN OR “PARTNERSHIP” HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT’S OPTIONAL MEDICAID EXPANSION, upon third reading.

The Committee Substitute bill passes its third reading (32-17) and is ordered sent to the House of Representatives.

S.R. 41, A SENATE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA, for adoption.

Upon motion of Senator Daniel, the Senate Resolution is adopted (49-0).

ADDITIONAL SPONSORS

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

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S.B. 27, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PERSONS CERTIFIED BY THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION AND DESIGNATED BY A LOCAL BOARD OF EDUCATION OR BOARD OF DIRECTORS OF A CHARTER SCHOOL MAY POSSESS AND CARRY FIREARMS ON EDUCATIONAL PROPERTY TO PROVIDE ADDITIONAL PROTECTION TO THOSE ATTENDING AND WORKING IN PUBLIC SCHOOLS.

Senator Berger and Senator Graham request to be added as sponsors of previously introduced legislation:

S.J.R. 35, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD "ED" WALTER JONES, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Berger, seconded by Senator Brock, the Senate adjourns at 3:23 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, February 6, at 10:00 a.m.

SIXTH DAY

Senate Chamber
Wednesday, February 6, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Without objection, the prayer is postponed until after recess.

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

The Senate recesses at 10:03 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, the referral and re-referral of bills and resolutions, and the receipt of messages from the Governor, to reconvene at 2:00 p.m.

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RECESS**INTRODUCTION OF BILLS**

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

By Senator Bingham:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOMING DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO ELECT TO PARTICIPATE IN EITHER THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM OR THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.

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

By Senators Bingham (Primary Sponsor); Apodaca, Brock, Clark, Cook, Curtis, D. Davis, Hise, Pate, Robinson and Sanderson:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS.

Referred to the **Judiciary II Committee**.

By Senators Brown (Primary Sponsor) and Brock:

S.B. 51, A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

Referred to the **Commerce Committee**.

By Senator Daniel:

S.B. 52, A BILL TO BE ENTITLED AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

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

By Senator Daniel:

S.B. 53, A BILL TO BE ENTITLED AN ACT RELATING TO THE 46TH SENATORIAL DISTRICT.

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

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By Senator Graham:

S.B. 54, A BILL TO BE ENTITLED AN ACT REQUIRING THAT IN CASE OF FORECLOSURE OF A DEED OF TRUST OR MORTGAGE THE COMMISSIONER OR TRUSTEE AUTHORIZED TO SELL THE PROPERTY SHALL RECORD A NOTICE OF FORECLOSURE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS AFTER FILING THE FINAL REPORT ON THE SALE OF THE PROPERTY.

Referred to the **Judiciary II Committee**.

By Senator Tucker:

S.B. 55, A BILL TO BE ENTITLED AN ACT RELATING TO THE 35TH SENATORIAL DISTRICT.

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

By Senator Jackson:

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN.

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

By Senator Jackson:

S.B. 57, A BILL TO BE ENTITLED AN ACT RELATING TO THE 10TH SENATORIAL DISTRICT.

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

By Senators Brown (Primary Sponsor); Cook and Sanderson:

S.B. 58, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT INLETS.

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

By Senators Rabin (Primary Sponsor) and Sanderson:

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW ARMED SECURITY GUARDS WHO MEET THE SELECTION AND TRAINING REQUIREMENTS FOR STATE LAW ENFORCEMENT OFFICERS AT ALL SCHOOLS, TO PROVIDE THAT THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION SHALL DEVELOP A FIREARMS SAFETY AND TRAINING COURSE TO BE ADMINISTERED BY THE VARIOUS COUNTY SHERIFF'S OFFICES TO THE ARMED SECURITY GUARDS, TO ALLOW THE WAIVER OF CONCEALED CARRY PERMIT REQUIREMENTS FOR ARMED SECURITY GUARDS WHO MEET CERTAIN REQUIREMENTS, AND TO MAKE OTHER CONFORMING CHANGES.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK.

Referred to the **Finance Committee**.

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

The Senate recesses at 2:00 p.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, the referral and re-referral of bills and resolutions, and the receipt of messages from the Governor, to reconvene at 2:30 p.m.

RECESS

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

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

“Today, Lord, we gather to rededicate ourselves to the same promises that you initiated a short fifty years ago on this very day. We invoke your blessings upon this building, upon these leaders here today, and upon all who exercise just and rightful authority in this state. ‘Unless the Lord builds the house, those who build it labor in vain. Unless the Lord guards the city, the guards keep watch in vain. It is in vain that you rise up early and go late to rest, eating the bread of anxious toil.’* From the fountain of your infinite wisdom, Lord Jesus, endow these senators to my left and to my right with the wisdom and courage to administer all the affairs with prudence and in justice and in equity, to the end that freedom and happiness may forever abide among us. Lord, may your will be done in North Carolina in such a way that our community might become a beacon of a community, in such a way that we might become a model for all other communities around these United States. As we rededicate ourselves today to another fifty years, let us heed the words of Psalm 100, ‘And let thy graciousness, O Lord, our God, be upon us. Establish thou also the work of our hands for us. Yes, the work of our hands, establish thou it.’ Amen.”

*Psalm 127:1-2, ESV

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

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The Chair extends privileges of the floor to Stephen Badoo from Cary, 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 Soucek for the **Education/Higher Education Committee**:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON CAREER AND TECHNICAL EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15049, which changes the title to read **S.B. 14** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS, is adopted and engrossed.

CALENDAR

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

S.B. 10 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, upon second reading.

Senator Rabon offers Amendment No. 1, which is adopted (45-3).

Senator Stein offers Amendment No. 2, which fails (15-33).

Senator Bryant offers Amendment No. 3, which fails (18-30).

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

Senator McKissick offers Amendment No. 4, which fails (17-32).

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The Committee Substitute bill, as amended, passes its second reading (33-16).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the calendar of Thursday, February 7, upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, February 12.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 64, A JOINT RESOLUTION HONORING THE FIFTIETH ANNIVERSARY OF THE STATE LEGISLATIVE BUILDING.

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

CALENDAR *(continued)*

S.J.R. 47, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, upon second reading.

The Joint Resolution passes its second reading (48-1) and, without objection, is read a third time and passes its third reading (48-1) and is ordered sent to the House of Representatives.

H.J.R. 64, A JOINT RESOLUTION HONORING THE FIFTIETH ANNIVERSARY OF THE STATE LEGISLATIVE BUILDING, upon second reading.

Upon motion of Senator Apodaca, the rules are suspended and H.J.R. 64 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 enrolled.

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Upon motion of Senator Berger, seconded by Senator Meredith, the Senate adjourns at 4:00 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, February 7, at 11:30 a.m.

SEVENTH DAY

Senate Chamber
Thursday, February 7, 2013

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

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

“Gracious and steadfast God, we stand before you today, in this chamber, with a call. Lord, there are two things that we need today: inspiration and wisdom, inspiration and wisdom. Inspire us, we ask, so that we might be like Corrie Ten Boom, so that we might be like Frederick Douglas, so that we might be like Abraham Lincoln, Helen Keller, Dietrich Bonhoeffer, that we might live our lives under the bright blue sky of your praise and your grace, and that in fifty years from today we might be seen as a generation that decided to live with integrity. You are our inspiration, Lord, and may we be not ones to beat the tepid drum of insecurity, but instead listen for the drum of your righteousness. Lord, we need your wisdom. We need you to show us how to run companies, how to pave roads, how to run schools, and how to work together as a community for the good of all of our citizens. We also need your wisdom in this session today. We plead with you for the dispensation of your perfect, wise counsel. Inspire us with your Holy Spirit that we might be full of a wisdom that is from on high. Because as your child, James, said, ‘Every good and perfect gift is from above, coming down from the Father of lights with whom there is no variation or shadow due to change.’* We ask these two things in the name of Jesus, my fountain of wisdom and our inspiration. Amen.”

*James 1:17, ESV

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

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

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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 Persephone McNeill from Fayetteville, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED RESOLUTION

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

H.J.R. 64, A JOINT RESOLUTION HONORING THE FIFTIETH ANNIVERSARY OF THE STATE LEGISLATIVE BUILDING. (Res. 2013-2)

CALENDAR

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

S.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS, 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. 10 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, upon third reading, as amended.

Senator Jenkins offers Amendment No. 5, which is adopted (49-0).

Senator Apodaca offers Amendment No. 6, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (35-14) and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Berger, seconded by Senator Daniel, the Senate adjourns at 12:02 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, February 11, at 6:00 p.m.

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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 J. Davis, Bingham (Primary Sponsors); Apodaca, Brock, Hise and Tucker:

S.B. 60, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION.

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

By Senators Curtis (Primary Sponsor); Brock, Rabin and Tarte:

S.B. 61, A BILL TO BE ENTITLED AN ACT CLARIFYING THAT NUCLEAR SECURITY OFFICERS WHO MAKE ARRESTS OR EMPLOY FORCE, INCLUDING DEADLY FORCE, ARE NOT CIVILLY OR CRIMINALLY LIABLE UNDER STATE LAW.

Referred to the **Judiciary II Committee**.

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

EIGHTH DAY

Senate Chamber
Monday, February 11, 2013

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

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

"Loving God, tonight as I stand before you, and as we bow our hearts to pray, I feel most vulnerable, exposed, because I just do not know what to pray or what to ask for. For I truly have nothing to offer you, nor anything to say. We know, our Father, that at this hour, at a place where we might feel your absence, this is perhaps a time when you are drawing near. As we feel weak, we are able to draw down on your grace. In this place, at this desperate hour in state affairs, we need you. We need your strength, your guidance, and your wisdom. There are problems far greater than any wisdom of man can solve. What shall our leaders do in such an hour? May thy wisdom and thy power come upon the leadership of this Senate, to whom have been entrusted leadership. May the responsibility lie heavily on their hearts until they are ready to acknowledge

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their helplessness and turn to you. Give to them the courage and the moral integrity to confess that they don't know what to do and that they can come empty handed to you. Only then can they lead us, as a state and as a nation, beyond human wisdom to thee, who alone has the answer. Our God, may we never recover from our feeling of helplessness and our need of you. In the strong name of Jesus our Lord, we pray. Amen."

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

The Chair extends privileges of the floor to Dr. Linda O'Boyle from Elm City, North Carolina, who is serving the Senate as Nurse of the Day.

SENATE PAGES

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

Lucas Krenitsky, Chapel Hill; Razi Lane, Tyner; Logan Miller, Kannapolis; Hannah Nazzaro, Oak Island; Josiah Nazzaro, Oak Island; Ian West, Wilson; and Jessica White, Mocksville.

Upon motion of Senator Berger, seconded by Senator Brunstetter, the Senate adjourns at 6:08 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, February 12, 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 Allran:

S.B. 62, A BILL TO BE ENTITLED AN ACT RELATING TO THE 42ND SENATORIAL DISTRICT.

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

By Senators Wade (Primary Sponsor); Jackson, Rabon and Sanderson:

S.B. 63, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DEFINITION OF "RESTAURANT" UNDER THE ALCOHOL BEVERAGE CONTROL LAWS INCLUDES AN ESTABLISHMENT THAT PRIMARILY PREPARES AND SERVES DESSERTS.

Referred to the **Commerce Committee**.

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By Senators Rucho, Rabin, and Rabon (Primary Sponsors):

S.B. 64, A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012.

Referred to the **Finance Committee**.

By Senator Barefoot:

S.B. 65, A BILL TO BE ENTITLED AN ACT RELATING TO THE 18TH SENATORIAL DISTRICT.

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

By Senators Jackson (Primary Sponsor); Barefoot, Brock, Brown, Daniel, Hise, Kinnaird, McLaurin, Newton, Rabin, Tarte, Tucker and Woodard:

S.R. 66, A SENATE RESOLUTION HONORING THE MEMORY OF THOSE WHO HAVE CONTRIBUTED TO THE STATE'S AGRICULTURAL EDUCATION PROGRAM AND THE FUTURE FARMERS OF AMERICA (FFA) ORGANIZATION WHILE OBSERVING NATIONAL FFA WEEK AND NORTH CAROLINA AGRICULTURAL EDUCATION AND FFA DAY.

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

By Senator Brunstetter:

S.B. 67, A BILL TO BE ENTITLED AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT.

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

By Senators Brunstetter (Primary Sponsor); Rabin and Woodard:

S.B. 68, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION FROM HIGH SCHOOL.

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

By Senators Brunstetter, Apodaca, Brock (Primary Sponsors); Brown, Daniel, Jackson and Rabin:

S.B. 69, 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 Senators Tarte, Tucker, Curtis (Primary Sponsors); Apodaca, Brock, Harrington, Hise and Rabin:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD

ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE.

Referred to the **Judiciary II Committee**.

By Senators Tucker (Primary Sponsor) and Brown:

S.B. 71, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, TO PROVIDE FOR LICENSURE OF EXPERIENCED IRRIGATION CONTRACTORS WITHOUT THE REQUIREMENT OF AN EXAMINATION WHERE CERTAIN CONDITIONS ARE MET, AND TO MAKE OTHER CONFORMING CHANGES.

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

By Senator Hartsell:

S.B. 72, A BILL TO BE ENTITLED AN ACT TO AMEND UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS, TO CONTINUE THE APPLICABILITY OF THAT ARTICLE TO REMITTANCE TRANSFERS THAT ARE NOT ELECTRONIC FUND TRANSFERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary I Committee**.

By Senator Hartsell:

S.B. 73, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998.

Referred to the **Commerce Committee**.

By Senators Hartsell (Primary Sponsor) and Newton:

S.B. 74, A BILL TO BE ENTITLED AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Finance Committee**.

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By Senator Brown:

S.B. 75, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS.

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

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

NINTH DAY

Senate Chamber
Tuesday, February 12, 2013

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

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

“Heavenly Father, we are grateful to you today, for somehow you have called us as people and as a community into this great effort to see your world as a better place. We want the beauty of your life to live here, to change and to rescue and to beautify, to do all the things that make this place look a little bit more like heaven somehow. Give us tastes of it. We your people are your ‘image’ bearers. Use us, as your children created to resemble your beauty. So my prayer for this body today is that they would know that they are made in the image of God. They are first ‘image bearers.’ May that reality sink in today. You are an awesome God—an awesome artist. May your fresh beauty fall down upon these men and women who have been created in your image. In the name of Jesus we pray. Amen.”

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

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

The Chair extends privileges of the floor to Angie Bertsch from Calabash, North Carolina, who is serving the Senate as Nurse of the Day.

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WITHDRAWAL FROM COMMITTEE

S.R. 66, A SENATE RESOLUTION HONORING THE MEMORY OF THOSE WHO HAVE CONTRIBUTED TO THE STATE'S AGRICULTURAL EDUCATION PROGRAM AND THE FUTURE FARMERS OF AMERICA (FFA) ORGANIZATION WHILE OBSERVING NATIONAL FFA WEEK AND NORTH CAROLINA AGRICULTURAL EDUCATION AND FFA DAY, referred to the **Rules and Operations of the Senate Committee** on February 11.

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 before the Senate for immediate consideration, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

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

S.R. 66, A SENATE RESOLUTION HONORING THE MEMORY OF THOSE WHO HAVE CONTRIBUTED TO THE STATE'S AGRICULTURAL EDUCATION PROGRAM AND THE FUTURE FARMERS OF AMERICA (FFA) ORGANIZATION WHILE OBSERVING NATIONAL FFA WEEK AND NORTH CAROLINA AGRICULTURAL EDUCATION AND FFA DAY, for adoption.

Upon motion of Senator Jackson, the Senate Resolution is adopted (49-0).

H.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK, upon second reading.

Senator McKissick offers Amendment No. 1, which he subsequently withdraws.

Senator Nesbitt offers Amendment No. 2, which fails (17-32).

Senator Parmon offers Amendment No. 3, which fails (16-32).

Senator McLaurin offers Amendment No. 4, which fails (17-32).

Senator Woodard offers Amendment No. 5, which fails (17-32).

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 36, noes 13, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brunstetter, Clark, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade and Walters---36.

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Voting in the negative: Senators Blue, Bryant, Clodfelter, D. Davis, Ford, Graham, Kinnaird, McKissick, Nesbitt, Parmon, Robinson, Stein and Woodard--13.

The Committee Substitute bill remains on the calendar for Wednesday, February 13, upon third reading.

CHANGES TO 2013 SENATE COMMITTEES

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

Senator Tom Apodaca is appointed as Vice-Chair to the **Appropriations/Justice and Public Safety Committee**.

Senator Bill Cook is removed from the **State and Local Government Committee**.

ADDITIONAL SPONSOR

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

S.R. 66, A SENATE RESOLUTION HONORING THE MEMORY OF THOSE WHO HAVE CONTRIBUTED TO THE STATE'S AGRICULTURAL EDUCATION PROGRAM AND THE FUTURE FARMERS OF AMERICA (FFA) ORGANIZATION WHILE OBSERVING NATIONAL FFA WEEK AND NORTH CAROLINA AGRICULTURAL EDUCATION AND FFA DAY.

Upon motion of Senator Berger, seconded by Senator Daniel, the Senate adjourns at 3:19 p.m., in memory of Senator Brown's mother, Beulah R. Brown, subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, February 13, at 2:00 p.m.

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 Newton, Rucho, Brock (Primary Sponsors); Cook, J. Davis, Hise, Rabin, Sanderson and Tucker:

S.B. 76, A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A

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COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (7) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (8) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (9) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (9) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (10) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 50, A BILL TO BE ENTITLED AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75040, is adopted and engrossed.

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

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TENTH DAY

Senate Chamber
Wednesday, February 13, 2013

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

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

“Almighty and Everlasting God, you love everything that you have created, and you have created all that we see and hear and taste. Forgive us your children for assuming that we can live our lives without you. You are the vine and we are the branches. Thank you for that. Thank you for your amazing grace—how sweet the sound. May we carry the tune of your grace with us throughout our lives, the tune of when you showed us your grace. Jesus, help us to believe what you said, as your ancestors said, ‘Love the Lord with all your heart and with all your soul and with all your mind,’ and ‘Love your neighbor as yourself.’* May our worldly duties, our laws here, reflect your perfect law, and may it spread the fragrance of thy love, O Lord. It is in Christ’s name that we pray. Amen.”

*Excerpt from Matthew 22:37, 39, NIV

The Chair grants leaves of absence for today to Senator Brown and Senator Nesbitt.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Tuesday, February 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 Karen Lemmons from Asheboro, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED RESOLUTION

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

S.J.R. 47, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 2013-3)

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.R. 46, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to resolution, but favorable as to Committee Substitute resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute resolution, 35046, is adopted and engrossed.

CALENDAR

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

H.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 36, noes 12, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brunstetter, Clark, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade and Walters---36.

Voting in the negative: Senators Blue, Bryant, Clodfelter, D. Davis, Ford, Graham, Kinnaird, McKissick, Parmon, Robinson, Stein and Woodard---12.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 50 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS, upon second reading.

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

ADDITIONAL SPONSOR

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

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S.B. 42, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT.

Upon motion of Senator Berger, seconded by Senator Tillman, the Senate adjourns at 2:20 p.m., subject to the introduction of bills and resolutions, the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, February 14, at 11:00 a.m.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senator J. Davis:

S.J.R. 77, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HAYESVILLE.

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

By Senators Hartsell (Primary Sponsor); Apodaca, Clodfelter, Daniel, Graham, Gunn, Hise, Hunt and Randleman:

S.B. 78, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Program Evaluation Committee**.

By Senator Meredith:

S.B. 79, A BILL TO BE ENTITLED AN ACT RELATING TO THE 19TH SENATORIAL DISTRICT.

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

By Senators Hise and Daniel (Primary Sponsors):

S.B. 80, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES.

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

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EXECUTIVE ORDER

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

Executive Order No. 3, Disaster Declaration for the Town of Kitty Hawk.

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

ELEVENTH DAY

Senate Chamber
Thursday, February 14, 2013

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

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

“Almighty God, how deep your love for us, how vast beyond all measure, that you should give your only Son to make a wretch His treasure.’* We come to you today, Lord, we often find ourselves not able to live in this truth, and so we begin to fear the wrong things. We think we have to get ourselves together before you are going to love us. We can get stuck as people. But Lord, would you give us something we cannot produce ourselves? Would you give us your love and your grace? Help us to fear you. ‘The fear of the Lord is the beginning of wisdom.’⁺ Increase our awe, our reverence, and our delight in you. May that amazement and jaw dropped admiration and glory drive us. May it help us communicate with one another. May it help us forgive one another—across the aisle. May it drive us on this day of Valentines, and may you drive us throughout this session. In Jesus’ name we pray. Amen.”

*Adapted from “How Deep the Father’s Love for Us,” by Stuart Townend

⁺Proverbs 9:10, ESV

The Chair grants leaves of absence for today to Senator Brown, Senator Meredith, and Senator Woodard.

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

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The Chair extends privileges of the floor to Dr. Jon Ebert from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Audrey Neal from Durham, 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. 14, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS.

H.B. 4, AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK.

CALENDAR

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

S.R. 46 (Committee Substitute), A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is adopted (44-0).

ADDITIONAL SPONSOR

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

S.B. 63, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE DEFINITION OF "RESTAURANT" UNDER THE ALCOHOL BEVERAGE CONTROL LAWS INCLUDES AN ESTABLISHMENT THAT PRIMARILY PREPARES AND SERVES DESSERTS.

Upon motion of Senator Berger, seconded by Senator Newton, the Senate adjourns at 11:15 a.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the House of Representatives, the receipt of messages from the Governor, and the reading of a Senatorial Statement, to reconvene Monday, February 18, at 6:30 p.m.

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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 Rucho (Primary Sponsor); Apodaca and Curtis:

S.B. 81, A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY.

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

By Senators Newton (Primary Sponsor) and Goolsby:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE OPTION OF STRAIGHT-PARTY TICKET VOTING ON BALLOTS IN NORTH CAROLINA.

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

By Senator Bingham:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF HEALTH CARE PROVIDERS IF THE FREE CLINIC POSTS A NOTICE OF LIMITED LIABILITY.

Referred to the **Health Care Committee**.

By Senator Clodfelter:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND COUNTY GOVERNING BOARDS.

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

By Senator Daniel:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO RADIO EMERGENCY ASSOCIATED COMMUNICATIONS TEAMS (REACT).

Referred to the **Finance Committee**.

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By Senators Daniel (Primary Sponsor) and Goolsby:

S.B. 87, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE TO COMPLY WITH THE PROGRAM OR ITS RULES.

Referred to the **Judiciary II Committee**.

By Senator Tillman:

S.B. 88, A BILL TO BE ENTITLED AN ACT RELATING TO THE 29TH SENATORIAL DISTRICT.

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

By Senators Tillman (Primary Sponsor) and Jenkins:

S.B. 89, A BILL TO BE ENTITLED AN ACT TO ALLOW AND REGULATE THE BUSINESS OF PROVIDING DEFERRED PRESENTMENT SERVICES TO CERTAIN PERSONS.

Referred to the **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES.

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

H.B. 19, A BILL TO BE ENTITLED AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE.

Referred to the **Judiciary II Committee**.

H.B. 25, A BILL TO BE ENTITLED AN ACT TO AMEND THE FELONY OFFENSE OF BREAKING OR ENTERING.

Referred to the **Judiciary II Committee**.

H.J.R. 91, A HOUSE JOINT RESOLUTION HONORING THE FOUNDERS OF THE NAACP ON THE OCCASION OF THE ORGANIZATION'S ANNIVERSARY.

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

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A SENATORIAL STATEMENT

Submitted by Senator Josh Stein

Recognizing Congenital Heart Defect Awareness Week

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect-related deaths worldwide; and

WHEREAS, more than a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, every year 40,000 babies are born in the United States with congenital heart defects; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for congenital heart defects; and

WHEREAS, a disproportionately small amount of funding is available for congenital heart defect research and support; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life, to remember lost loved ones, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about congenital heart defects;

NOW, THEREFORE, February 7–14, 2013, is recognized as Congenital Heart Defect Awareness Week.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fourteenth day of February, 2013.

S/Senator Josh Stein

S/Sarah Lang
*Senate Principal Clerk***MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS

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WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, February 18.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 76, A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (7) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (8) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (9) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (9) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (10) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

February 14, 2013

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75047, which changes the title to read **S.B. 76** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (7) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (8) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, is adopted and engrossed.

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

ADDITIONAL SPONSOR

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

February 14, 2013

S.B. 89, A BILL TO BE ENTITLED AN ACT TO ALLOW AND REGULATE THE BUSINESS OF PROVIDING DEFERRED PRESENTMENT SERVICES TO CERTAIN PERSONS.

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

TWELFTH DAY

Senate Chamber
Monday, February 18, 2013

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

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

"Almighty God, would you help us now, as only you can, to be still and to know that you are God, Adonai, the Lord? Would you invest our leaders with the power of your comforting, encouraging Holy Spirit? Favor this dwelling, O Lord, with your presence. We lift up our brother, Governor McCrory, as he prepares to speak to the body. Would you give him confidence and peace as he speaks? Far from us send away all the wiles of the devil. Guard us, Lord, with your holy angels. Let them live here to keep us in peace. May your blessing remain always upon us. We ask these things in the name of Christ our Lord. Amen."

The Chair grants leaves of absence for tonight to Senator Jenkins and Senator Nesbitt.

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

The Chair extends privileges of the floor to Dr. Linda O'Boyle from Elm City, 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:

February 18, 2013

S.B. 14, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DEVELOP CAREER AND COLLEGE ENDORSEMENTS FOR HIGH SCHOOL DIPLOMAS, INCREASE ACCESS TO CAREER AND TECHNICAL EDUCATION TEACHERS IN PUBLIC SCHOOLS, AND TO WORK WITH THE STATE BOARD OF COMMUNITY COLLEGES TO INCREASE THE NUMBER OF STUDENTS ENROLLING IN CAREER AND TECHNICAL EDUCATION IN HIGH NEED EMPLOYMENT AREAS. (Became law upon approval of the Governor, February 18, 2013 - S.L. 2013-1.)

INTRODUCTION OF BILLS

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

By Senator Randleman:

S.B. 90, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO SUPPORT WILKES COMMUNITY COLLEGE MULTICAMPUS SITE.

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

By Senators Daniel, Goolsby, Kinnaird (Primary Sponsors); Bryant, Clark, D. Davis and J. Davis:

S.B. 91, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST INFORMATION FROM AN APPLICANT FOR EMPLOYMENT OR ADMISSION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED.

Referred to the **Judiciary II Committee**.

By Senator Harrington:

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT.

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

By Senator Gunn:

S.B. 93, 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 Senator Bingham:

S.B. 94, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE YADKIN VALLEY REGIONAL CAREER ACADEMY.

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

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MOTION RELATIVE TO THE CALENDAR

The following change is made to tonight's calendar:

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, February 19.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 14, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 47**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker has appointed the following members of the House of Representatives to serve with a like committee of the Senate to escort the Governor Pat McCrory to the Joint Session:

Representative Howard, Chair
Representative Stam
Representative Starnes
Representative Hager
Representative Samuelson
Representative Daughtry
Representative L. Hall
Representative Wray
Representative Michaux, and
Representative Earle

Respectfully,
S/Denise G. Weeks
Principal Clerk

February 18, 2013

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION.

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

H.B. 10, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540.

Referred to the **Transportation Committee**.

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

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

H.B. 23 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS.

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

H.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE TO COMPLY WITH THE PROGRAM OR ITS RULES, AND TO MAKE OTHER CHANGES TO THE REPORTING REQUIREMENT FOR DOMESTIC VIOLENCE OFFENSES.

Referred to the **Judiciary II Committee**.

H.B. 44, A BILL TO BE ENTITLED AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

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APPOINTMENT OF AN ESCORT COMMITTEE

A message is sent to the House of Representatives notifying that honorable body of the appointment of Senator Rucho, Chair; Senator Blue, Senator Clark, Senator Graham, Senator Tillman, and Senator Harrington as the Committee to escort The Honorable Pat McCrory, Governor of North Carolina, to the Joint Session of the General Assembly on Monday, February 18.

MESSAGE TO THE HOUSE OF REPRESENTATIVES

The Lieutenant Governor orders a message sent to the House of Representatives notifying that honorable body that the Senate stands ready to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State address from The Honorable Pat McCrory, Governor of North Carolina.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 18, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S.J.R. 47**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR PAT MCCRORY, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Senator Berger offers a motion, in accordance with S.J.R. 47, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session for the purpose of receiving the State-of-the-State Address from The Honorable Pat McCrory.

Senator Berger further moves that upon dissolution of the Joint Session, the Senate will adjourn to reconvene Tuesday, February 19, at 2:00 p.m.

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

JOINT SESSION

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

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

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

The Speaker extends the courtesies of the House to the First Lady of North Carolina, Ann McCrory, and to the wife of Lieutenant Governor Dan Forest, Alice Forest, and to their children Jake, Haley, Max, and Olivia, and to all invited guests.

The Speaker relinquishes the gavel to Lieutenant Governor Dan Forest, President of the Senate, who presides.

The President of the Senate calls the Joint Session of the General Assembly to order.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, The Honorable Pat McCrory, Governor of North Carolina, at the door of the chamber. The President directs the Sergeant-at-Arms of the House of Representatives, the Sergeant-at-Arms of the Senate, and the escort committee to escort the Governor to the well of the House of Representatives. Speaker *Pro Tempore* Paul Stam is recognized and presents the Governor to the President of the Senate. The President presents His Excellency, The Honorable Pat McCrory, who delivers the State-of-the-State Address to the 2013 General Assembly.

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STATE-OF-THE-STATE ADDRESS

“About five weeks ago, when I was being sworn in as governor, and they called me ‘Your Excellency,’ both my wife and I looked behind us to see who they were talking about. What an honor this is to be here tonight in this beautiful chamber. Mr. Speaker, Lieutenant Governor, Mr. President *Pro Tem*, Governor Martin—who I think is in the audience. Please give a round of applause for Governor Martin. He’s been a mentor and a friend and a next door neighbor. Members of the court, members of the General Assembly, and I also must recognize eight very, very hard working people during the last six weeks, and even before that: people who are making tremendous sacrifice working for state government along with many of you, and that is my Cabinet. I’d like all eight members of my Cabinet and my other members of my staff to please stand up. You’re doing an outstanding job, and I’m proud to have you be a part of our team. Thank you very much. Aldona, this is the earliest I’ve seen you out of your office. I also want to give a special ‘Hello’ to former Governor Jim Holshouser. He’s back home. He had to deal with an immediate issue that came up tonight, but I just wanted to let you know, he’s healthy, he’s strong. We had a great conversation today, and, Governor Holshouser, thanks for all your wisdom and your service to this state. I really appreciate it. Also, more than anything else, I welcome the fellow citizens of North Carolina. I first came to Raleigh in 1967, as a fifth grader from Jamestown Elementary School, to tour this magnificent chamber. It seems just like yesterday. My goal as governor is to ensure that the fifth graders that we’re seeing today and yesterday and we’ll see tomorrow that are taking that same tour that I took 46 years ago will also get the same great opportunities to live, work, play, and raise a family in the greatest state in the United States of America, and that state is North Carolina. But to make that happen, we cannot accept the status quo. We cannot live off of a brand that needs updating and major revamping to not only compete with our neighbors, but to compete with the rest of the world. Tonight you will hear a sobering assessment of our state, but also some recommended actions that will get our economy and state moving again. I already know that during my short tenure here, I’ve already stepped on some toes on both the left and the right. I am not doing it to cause pain, but to get us to stand up and recognize that we must solve our serious problems now to prevent pain for future generations. That’s why we’re here tonight. But one thing I’ve learned, I learned during my fourteen years as a mayor: when you try to appease everyone, you satisfy no one. What motivates me every morning, when I’m so privileged to get up here in Raleigh as your governor, is the opportunity to be part of long term solutions. We must be here not only to represent the next generation, but also the hardworking men and women, who everyday have to get up in the morning and take responsibility for their families: the manufacturing worker completing shift work with every day demands to improve quality and productivity, knowing that if it is not achieved, the plant may move or shut down due to competition not only in the United States, but throughout the world—that’s pressure; the

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emergency room doctors and nurses and even our sheriff deputies throughout North Carolina who are sadly having to take care of mental health patients and those fighting addiction in our emergency rooms and county jails; the farmer who is constantly trying to save their crops from an approaching hurricane or tornado or storm; the hardworking teacher who cannot get funds for needed technology to help students learn; and the sixty or more people, along with me, who took time off of their jobs to wait in line for over an hour and a half to get their driver's license renewed. We are here to represent these people and all of the people of North Carolina, especially those people right now that are looking for work. That is our goal right now, to represent all of these people. We obviously have a lot of work to do together, but my team and I chose to look at these challenges, to look at these challenges as opportunities. These are opportunities for every one of us. Therefore, our administration is going to focus, focus all of their time on three key functions: our economy, our education, and the efficiency of our services. Our economy, our education, and the efficiency of our services. Let's start with efficiency. First, we are reviewing the budget numbers as we speak, and right now it looks like next year's budget provides almost no new money or new revenue. So like families across North Carolina, we must live within our budget. We must refocus our priorities and become more efficient in how we spend our limited dollars. Now, during my first five weeks, I've had to work on things that we did not anticipate, but that's the part of leadership, and many of you are working on these same issues. This is because those people in Washington required us to make some tough decisions on two massive programs affecting all of North Carolina. These Washington policies were passed with little understanding or discussion of the short term and long-term impact on our state services and on our state taxpayers. I will not outsource these tough decisions. I was elected to do what is right for the people of North Carolina. Now, after extensive reviews in this brief time that we were given, I have concluded that our government, like working families throughout our state, must first pay off its debt—pay off its credit card—which in this state's case is \$2.5 billion. Therefore, tomorrow, I will sign House Bill 4 to protect our small businesses from continued over-taxation. This will ensure our citizens' unemployment safety net is secure and financially sound for future generations. This is the reason I'm signing this bill. These are not easy decisions, but I know one thing: borrowing from Washington with no idea or plan on how to pay for it ends with this administration right now. We aren't going to do it any longer. We are not going to borrow money from Washington with no idea on how to pay it back. A recent audit showed that the past administration overspent on Medicaid by \$1.4 billion over the past three years. Georgia is able to deliver Medicaid services at a cost of \$4,000 per patient, while North Carolina's delivery cost is over \$6,000 per patient. We must fix this and strengthen our existing Medicaid system prior to putting at risk further tax dollars in a broken system. But I must ask all of you to please give my team the time and the flexibility to first stop the bleeding. Please, please, minimize the reports that you're requiring from our administration. This is just last week.

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Please minimize the reports. I know you have a lot of work to do and a lot of review, but please let my administration fix the problem and stop the bleeding now. We also need your help, and I will be requesting your help through legislation, to streamline the process at the Office of Administrative Hearings where delays—delay after delay—are adding millions of dollars to our cost as we speak today. We must change legislation which allows us to break through this very costly appeal process. Then we can all work together, with hospitals, with doctors, with insurance companies, with patients, on reforming this broken system. This is our number one priority that has been put on our lap, and we have to fix it together, and we will fix it together. In other areas of inefficiency, and frankly basic neglect of state operations during the past decade, my administration is taking immediate action. Our administration is moving IT equipment from over 30 identified, in the last five weeks, unsafe locations to ensure that the safety of our employees is protected and also the integrity of our IT systems. We've already had one fire. We don't want to have another. My budget will provide substantial funding to fix and repair state properties and our broken IT systems in North Carolina government. We will be requesting legislation to expand efforts to implement electronic tracking—tracking systems for state vehicles—an area where we currently don't have any accountability. In addition, we are 'right-sizing' vehicles where possible to reduce cost and fuel use, saving hundreds of thousands of dollars each year. We are also requesting legislation to address state personnel and productivity issues. This is a very serious issue for our Cabinet and for other people in the Council of State who have communicated this issue to me. We want to reward our talented state employees, but 'seat warmers' must be a thing of the past. I want to also say, we have to continue to attract, retain, reward and appreciate our state talent that works so hard for all of us in state government. Let's also give them a round of applause. Now let me say, tell you a few other things we're trying to fix regarding short-term and long-term operations. We recently found out that we inherited a system that has been double billing on the Triangle Expressway. Our administration has already fixed this issue. Customer accounts have been refunded, and each one of those customers that were double billed have been called and given a personal apology. Now that's the culture of state government that we must have: a culture of customer service. I'd like to thank our Secretary of Transportation for his role model leadership and delivery in this excellent customer service in a very short period of time, but, Tony, I've charged you with several other projects. First and foremost, fix DMV. While you're at it, Mr. Secretary, can you please fix the lights on the highways throughout North Carolina, and with all respect, can you start on I-85 and I-77 interchange in Charlotte, my hometown? We would appreciate that. Malcolm Graham I know appreciates that. Most people don't think of criminal justice, addiction, and mental health issues as priorities while we work to streamline government, but as a former mayor, I've seen first-hand the collateral damage to our families, our communities, and taxpayers if we continue to sweep these issues under the rug. Recently, our First Lady and I visited the Durham Rescue Mission. We were

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moved by the stories of addiction and its impact on families. After meeting many of the people at the mission—and my wife has now been there twice—Ann said it best, and I’m quoting her, ‘So many of us could sit back and say, “Why don’t these people get out of it? Why don’t they just quit doing drugs? Why don’t they just leave this battered situation?”’ She concluded by saying the following, ‘These women and men have more courage than I can fathom in this entire state.’ I want to introduce my wife, Ann, and two heroes of ours from the Durham Rescue Mission who have successfully, who have *successfully*, turned their lives around in fighting their own addiction—while fighting their own addiction battle, and also preserving their family. Please welcome our first lady, Ann McCrory, and our special guests, Mike and Rebecca Allred. May God bless you, and thank you for your hard work. Ann, your ovation was bigger than mine, and I just want to make a point of that. I am so proud of Mike and Rebecca. Their story can be repeated in every of the 100 counties in North Carolina, and we have to do everything that we can to help this terrible addiction issue throughout North Carolina. For the sake of North Carolina families, I ask you to please send me legislation which will re-establish our drug treatment courts and also increase penalties for those who set up meth labs in our communities. I will sign both of those pieces of legislation immediately. I have also instructed my head of Public Safety—because this issue of drugs and alcohol are just penetrating our families and our communities—I have instructed my Head of Public Safety to ensure that all state law enforcement officials will fight a coordinated effort against the cartel drug rings that are currently in North Carolina as we speak. We cannot ignore them, we must identify them, and we must get them out of this state now. The sheriffs will tell you this. We need to let people know about this serious issue. I also want to collaborate with our educational leaders to ensure that our schools and universities have a strategy to change the culture, to change the culture—that I’ve seen first-hand—of binge drinking and so-called recreational drug use. There must be enforcement in our schools and universities of their own policies and enforcement of our laws. In addition, we must offer help to these students who are doing harm to themselves and to their families. This is not a laughing matter; this is not something that they are just going through a time of their life. They’re causing serious harm to themselves and their families, and we must offer help, both through enforcement and through counseling. That must start now or we are going to continue to have these terrible mental health issues for generations to come. Speaking of education, this is an area that I have passion for—I had my teaching degree at Catawba College—and it’s another major focus we are moving forward on because North Carolina is known around the country as a leader in education and innovation in the classroom, but we cannot rest on our past reputation or our laurels. We must continue to reform our education system to stay ahead of the competition, not just in the United States but throughout the world. Last year, I’m sad to report that 14,000 kids dropped out of North Carolina schools. Fourteen thousand kids dropped out of our schools. Thirty percent of our children weren’t able to read at grade level. Sixty-five percent of our high school

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graduates who enter community colleges need remedial math or reading. We can all agree on the importance of improving education because our competitive future depends on it, but tonight we must begin to change the debate on education. Instead of focusing the debate only on the budget, we now must demand results. We must ensure that our schools are preparing our students for success by effectively teaching them both the knowledge—both the knowledge and the skills that will help them lead productive lives and also find jobs. The disconnect right now that I've seen between employers not able to find qualified talent, even with our high unemployment rate, and the citizens unable to get jobs must be resolved through education. Senator, I know you are working on this, and I appreciate it. Market based needs must be an important factor in education funding, curriculum, and results. That's why my administration is seeking to expand strategic partnerships between the education community and the business community. My budget will promote this philosophy in pre-K, K-12, community colleges, and our university system. I have strongly advocated for two pathways for success in our high schools: vocational and higher college education. I firmly believe in this. There are two pathways to success: both a college track and a path through vocational training. Students like to have choices. Our employers need these choices. They are both equally important to empower our students, to achieve their post-graduation high school goals. That's why today we had a wonderful event in Asheboro at Randolph Community College, in front of over 400 people. I was proud to sign into law my first bill as governor, your first bill in this legislature, Senate Bill 14. This major bipartisan legislation will help our employers find qualified candidates for jobs. It directs high schools and community colleges to share resources. It also makes it easier for experts in a private sector to get certified for teaching. Congratulations to all of you, almost every one of you, bipartisan, Democrat, Republican, everyone almost voted for this bill. You deserve applause. North Carolina needs this education reform, and you started it, and it was signed today. Congratulations. But we can and must do more to break down what I consider to be the four silos of education: pre-K, K-12, community colleges, and our great universities. It's been too long since the Education Cabinet has met. You may have not even known there was an Education Cabinet, but I will reinstate and lead these meetings to develop a joint strategic plan and process to share resources, to share teachers, to share technology that puts both students and our hardworking taxpayers first. As governor, I will also lead a collaborative effort to help our universities come together as the competition for federal dollars is getting so tough. We need to come together as universities to maximize research funding. In our Morrisville city schools, the superintendent recently issued laptops for students in grades 4-12. Three years ago, the graduation rate was below 80 percent. In the last three years, the rate shot up to 90 percent. Education is no longer just about spending money on bricks and mortar. The power to improve education and deliver real results is at our fingertips. Right now, you watch any four-year-old child learning, they're learning on technology, and they're learning quicker than any of us in this room ever learned. To increase our

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children's access to technology, I'm advocating that we ensure that the education lottery money actually be used for education. Now that's a novel thought that all you've been hearing across North Carolina, but we can change some legislation to make that happen. I'm recommending that we pursue legislation to reallocate a portion of money away from the bloated and, frankly, annoying advertising and the large administration cost of the Lottery Commission, and we will use that money to directly help our students with technology. I also think we need to work together to give schools more flexibility to spend lottery funds on digital and virtual learning, which school districts, according to our laws, are not allowed to do right now. There's a pot of money right now that can only be used on certain things. Why not let all of our hundred districts use that money on technology and virtual learning? This is the future. Why don't we be ahead of the curve as opposed to being behind the curve? This begins right now. Now, third and most important, our number one focus is on the economy and jobs because there are a lot of people hurting out there right now. You know it, I see it, and it's tough. We've got to do everything we can to help people want to work and get work. Today, North Carolina's unemployment rate continues to be the fifth highest unemployment rate in the country. This is our North Carolina. My number one priority as your governor is to make sure that we are doing everything possible to make North Carolina an engine for job creation. North Carolina's economic development brand has not been updated—and we've looked—since the 1980's. Governor Martin, thank you, but it's time we update your plan. Simply put, our competition in other states caught up to us, and many times, we have to admit, beating us. We are going to develop a long-term strategic plan, Madame Secretary, that updates our brand and puts us on a path to success. The first part of that plan is to fix and modernize our tax system in North Carolina. We've got to do it. I know many of you have been working on this for 50, 60 years. It was even in Governor Martin's speech, I think. The fact of the matter is, our current system is out of date. It was written in the 1930's. It no longer applies to the modern economy. We must have an economic and tax policy in North Carolina that is simple, that is competitive, that is modern, and that is pro-growth. This policy must reward our people and businesses that build things, produce things, grow things, and innovate things. We cannot live off of the services free alone or government jobs. We have got to help the people who build things and make things and produce things and innovate things, and our tax policy needs to be updated to help those industries. My friend, Joel Ford, even stood up, I am proud of you, Joel, thank you. We will work together—we will work together on this plan, which should meet the following criteria: lower rates on personal income and businesses to be more competitive, at least with our next door neighbors. Close loopholes for special interests to make our system more fair and transparent. It must be revenue neutral. We must implement this plan systematically and strategically to ensure that we don't put at risk business confidence where crucial revenue is needed for services to our citizens. Tax reform is just one tool we have to build our economy; we have many other tools to make this economy

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start igniting again. During the past decade, we have sat on the sidelines for far too long on energy exploration at a time when our country needs to be more energy independent, at a time when the gas prices right now are going up almost every day, and at a time when our people need jobs. Sadly, we are in a catch-up mode with other regions of the country, and those states that went first have the lowest unemployment rates in the country. This administration will move, closely working with all of you, to get North Carolina into the energy business and begin the process of energy exploration in a safe and environmentally sound way. Last week, I proudly joined the governors—one minute they are my competitors, and the next minute they are my partners, but I joined the governors of South Carolina and Virginia to request federal authority to begin offshore exploration in North Carolina. Just think what we need, what we could do with these future revenues. Future revenues can help create jobs. They can provide new revenue for roads and needed infrastructure or to repair of bridges. It can help replenish our beaches, which our travel and tourism industry currently needs desperately at this point in time, dredge our ports, which we need right now for travel and trade, and to help fund our education system. This is one pocket of revenue that we have got to explore and find out, ‘Are we capable of moving now and beating our competition that has also been sitting on the sideline for far too long?’ We also can’t afford to overlook and take for granted the valuable economic resources that we’ve had in this state for a long time, and that’s our military. To grow our private sector economy, we must use our military assets as a major recruitment tool. Think of the talent that is coming home right now, especially as our heroic men and women return home from Iraq and Afghanistan. Think of the leadership talents, the technical talents, the skills that they have to help fill that gap between commerce and the people needing the jobs. We will use them as a recruitment tool and help them and their families when they return home. I want to thank our men and women in uniform who honor North Carolina with their presence, and our country with their service. They deserve it. For these heroes, we are finalizing a plan that focuses on first, the retention of our bases and our troops here in North Carolina, growing our military supplier base, three, retaining our highly skilled military personnel, and four, growing the defense manufacturing sector. We have incredible opportunity to follow through on those four objectives. Speaking of the military, I’ve always said I’m kind of an Eisenhower Republican. I believe one of government’s main roles is to provide the needed infrastructure to support job creation and economic growth. This is one of the great things that Dwight Eisenhower did as president. He worked to connect the urban with the rural and the East with the West. We need to keep focused on continuing that type of visionary thinking right here in North Carolina, using our infrastructure. That’s why we will soon kick off the development of a strategic, long-term plan for four areas of infrastructure that are crucial for the next generation and for job growth to continue and to protect our environment. Those four areas are: transportation, water, energy, and communications. We need to present to the people of North Carolina and the people who want to invest in North Carolina our vision for the

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transportation plans, our water plans, our energy plans, and our communication plans. This will send a strong signal to the private sector that we will be partners with them in their continued economic expansion in North Carolina. It is crucial that we begin this process now. We've waited far too long. Let's do it now and present the next generation with a vision and a plan for economic growth and prosperity through infrastructure. Now, let me tell you one of North Carolina's other greatest strengths, and that's our export potential. I've always firmly believed that the best way to grow a business is to increase that business and wanting people to have that product and export it to other countries. When I go overseas on trade missions as your governor, my number one priority will be expanding the exports of products which say, 'Made in North Carolina.' Mr. Commissioner, the export of North Carolina products, especially our incredible agricultural products, is crucial in the rebuilding of our economy. To help achieve this goal, under the leadership of the Agricultural Commissioner and the Transportation and Commerce Secretaries, we gained approval—and I'd like to thank the Council of State—to bring needed refrigeration to our Wilmington port for our cold food chain exports. This will be one step forward that we must have to increase exports. Thank you, Mr. Commissioner. We also must look at our entire commerce strategy. In the area of business recruitment and needed investment expansion, we are going to be recalibrating our incentive program. This will ensure that we are using our resources, based upon measurable results, to attract, expand, and retain jobs in North Carolina. We will be undergoing a total review of our Commerce Department to ensure that we are flexible and we are adapting to our ever-changing competition and economic conditions. Almost every day since I have been your governor, I have been personally meeting, along with other members of my administration, with potential employers who want to expand or relocate to North Carolina, and, I'm telling you, we're getting a lot of people who are interested. We are already successful in improving our customer service, working through bureaucratic regulatory roadblocks that stifle economic recruitment efforts. This is especially true in the Department of Environmental and Natural Resources. John, thank you very much for your hard work, and, DENR, we appreciate it. We're bringing a customer service attitude to DENR. I'd like to thank the employees of that department too. We are also developing partnerships with our community colleges and universities to help meet specific workforce needs for our businesses. Let me tell you this: the heads of our universities, the heads of our community colleges are also important parts of our recruitment team. I have told Tom Ross, and I will tell every university president and every community college president, we want them with us on our recruitment trips because they will be an important part of our selling of North Carolina. Our biggest challenge, our biggest challenge as I travel the state right now, is right now, not just developing jobs in a growing urban area—sometimes it's much easier to sell, for example, the Triangle area or the Triad area or the Charlotte area—but right now I think our biggest challenge is to develop a strategy for the small towns throughout North Carolina that have been hit so hard by this recession. That's exactly what we plan to do. We've got to work

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with the small towns of North Carolina. There are too many people hurting in those towns. Let me tell you this right now: I did it as mayor, and I'll do it again as governor. No one will outwork this governor or this team or any of you in our effort to grow, recruit, and retain North Carolina jobs. We will be on the road, and we're going to sell our great resources that we have. This is my job, this is your job. We've got a great product. Already, I anticipate good news in the near future because of the groundwork we've already laid down in only the first five weeks. We have been meeting and meeting and meeting with potential customers who are interested in North Carolina. Now, to do this, however, I'm not going to be deterred by those who want to keep the status quo—the way we've always been doing things in North Carolina. We've got to change, we've got to adapt, and we've got to be visionary for the future. We're going to stay focused despite what some of the critics say. We're going to stay focused on fixing the economy, transforming education, and improving government efficiency. I'll say it one more time: fixing the economy, transforming education, and improving government efficiency. None of this can be about politics, power, legacy, turf, or who gets the credit. Who cares? This is about the people of North Carolina. This is why we're here. This is why each one of you is taking time away from your families every day to work right here in our state capital: to have this privilege. It's about the people of North Carolina. It's not about power or turf or legacy. It's about solving problems and developing long-term solutions. We cannot achieve these goals alone inside the bubble of government. There's no way. We've got to get out of here occasionally. Our approach must be outward. Starting tomorrow, I ask all of you to bring this message to our citizens on main streets across our beautiful state: achieving these goals during our term in office will not be easy. It's going to be tough, but we have to fulfill and exceed North Carolina's potential. Let's unleash—let's unleash our unlimited resources and opportunity North Carolina has to offer. We will do it, we must do it. God bless all of you and the great state of North Carolina. Now let's get back to work. Thank you very much.”

Senator Rucho and Representative Howard are recognized to escort Governor McCrory from the Hall of the House of Representatives.

Upon motion of Senator Phil Berger, President *Pro Tempore*, seconded by Representative Thom Tillis, Speaker of the House of Representatives, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate adjourns at 7:45 p.m. to reconvene Tuesday, February 19, 2013, at 2:00 p.m.

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THIRTEENTH DAY

Senate Chamber
Tuesday, February 19, 2013

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

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

“Gracious and loving God, have mercy on us. Lord, have mercy, for sometimes we do not know what we are doing. Have mercy, Lord, and turn our minds from our lives to be able to hear your divine wisdom from on high. You are better than the fullest purse, Lord, or the most magnificent income. Broad acres of grain fields do not yield the peace that comes from your side. Lord, you are Jehovah Jireh, the Lord who will provide. You are Jehovah Rapha, the Lord who heals. Lord, we call upon you in this time of need to strengthen us with your voice, and to give us the courage that has to come from you. We pray in the name of Jesus. Amen.”

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

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, 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.

The Chair extends privileges of the floor to Gail Lane from Roanoke Rapids, North Carolina, who is serving the Senate as Nurse of the Day, and to Alton Lane, an EMT from Roanoke Rapids, North Carolina.

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. 4, AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA’S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK. (Became law upon approval of the Governor, February 19, 2013 - S.L. 2013-2.)

CALENDAR

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

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S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1-47) and the House of Representatives is notified.

WITHDRAWAL FROM COMMITTEE

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION, referred to the **Agriculture/Environment/Natural Resources Committee** on February 18.

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

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 54, A BILL TO BE ENTITLED AN ACT REQUIRING THAT IN CASE OF FORECLOSURE OF A DEED OF TRUST OR MORTGAGE THE COMMISSIONER OR TRUSTEE AUTHORIZED TO SELL THE PROPERTY SHALL RECORD A NOTICE OF FORECLOSURE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS AFTER FILING THE FINAL REPORT ON THE SALE OF THE PROPERTY, with a favorable report.

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

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN, with a favorable report.

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SENATE PAGES

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

Katie Brown, Fayetteville; Libby Dotson, Clayton; Sam Ess, Rocky Mount; Madison Hall, Morganton; Ad Lane, Holly Springs; Marwan Lavoie, Greensboro; John Rabon, Holly Springs; Tate Replogle, Raleigh; Dani Solovay, Raleigh; Elissa Tew, Dunn; Cole Williams, Greensboro; and Chris Yerton, Waxhaw.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 4 earlier today, Senator Apodaca announces the appointment of Senator Apodaca, Chair; Senator Brown, Senator Hise, and Senator Rucho as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

Upon motion of Senator Berger, seconded by Senator Hunt, the Senate adjourns at 2:17 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, February 20, at 9:30 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 Walters:

S.B. 95, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY.

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

By Senator Parmon:

S.B. 96, A BILL TO BE ENTITLED AN ACT RELATING TO THE 32ND SENATORIAL DISTRICT.

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

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By Senator Goolsby:

S.B. 97, A BILL TO BE ENTITLED AN ACT TO REQUIRE RELEASE OR REFUND OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED.

Referred to the **Finance Committee**.

By Senators Brock, Pate, Stein (Primary Sponsors); Barefoot, D. Davis, Hise, McLaurin and Meredith:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

Referred to the **Health Care Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 19, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 4** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, and requests conferees, Speaker Tillis appoints:

Representative Burr, Chair
Representative Dollar
Representative Avila
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

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

FOURTEENTH DAY

Senate Chamber
Wednesday, February 20, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Without objection, the prayer is postponed until after recess.

Senator Sanderson announces that the Senate Journal of Tuesday, February 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 Senate recesses at 9:40 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, and the receipt of messages from the Governor, to reconvene at 2:00 p.m.

RECESS

INTRODUCTION OF BILLS AND RESOLUTIONS

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

By Senators Brunstetter, Kinnaird (Primary Sponsors); Clark and Meredith:

S.B. 99, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA BENEFIT CORPORATION ACT.

Referred to the **Judiciary I Committee.**

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By Senators Gunn (Primary Sponsor); D. Davis, J. Davis, Hise and Jenkins:

S.B. 100, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF EMERGENCY MEDICAL SERVICES PERSONNEL.

Referred to the **Judiciary I Committee**.

By Senators Hartsell (Primary Sponsor) and Meredith:

S.B. 101, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Judiciary II Committee**.

By Senators Hartsell (Primary Sponsor); Clark, D. Davis and Meredith:

S.B. 102, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE OVERSIGHT COMMISSION.

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

By Senators Hartsell (Primary Sponsor); Meredith and Tarte:

S.B. 103, A BILL TO BE ENTITLED AN ACT AMENDING THE PROVISIONS OF LAWS RELATING TO SPECIAL ASSESSMENTS AND SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE FOR CITIES AND COUNTIES TO ELIMINATE AMBIGUITIES AND INCREASE EQUITABILITY.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Meredith:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SUNSET FOR SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE NEEDS.

Referred to the **Finance Committee**.

By Senators Tillman (Primary Sponsor); Clark, Meredith and Walters:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MUNICIPALITIES ENACTING POLITICAL SIGN ORDINANCES MAY APPLY THOSE ORDINANCES TO COMPONENTS OF THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY.

Referred to the **Transportation Committee**.

By Senators Goolsby, Clodfelter, Bingham (Primary Sponsors); Allran, Cook, Kinnaird, Parmon and Rabin:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT.

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

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By Senators Goolsby, Clodfelter, Bingham (Primary Sponsors); Cook, Kinnaird, Parmon and Rabin:

S.B. 107, A BILL TO BE ENTITLED AN ACT ALLOWING PERSONS PRACTICING AS CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE TO CONTINUE TO PROVIDE MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY.

Referred to the **Judiciary I Committee**.

By Senators Apodaca, Hunt, Ford (Primary Sponsors); Clark and Walters:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE AND TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES.

Referred to the **Commerce Committee**.

By Senators Kinnaird (Primary Sponsor) and D. Davis:

S.J.R. 109, 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.

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

By Senators Apodaca (Primary Sponsor); Clark and Hise:

S.R. 110, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE CONCERNING CONSIDERATION AND REFERRAL OF CERTAIN RESOLUTIONS.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 13, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; AND TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO REPORT ANNUALLY ON THE AMOUNT OF REVENUE GENERATED THROUGH LEASING SPACE ON RESIDENTIAL SCHOOL CAMPUSES, AS RECOMMENDED BY THE SURPLUS PROPERTY SUBCOMMITTEE OF THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS.

Referred to the **Program Evaluation Committee**.

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

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

“Lord, it is an honor to be able to serve you. It is an awesome honor to serve alongside these brave men and women that are public servants. It is easy to lose ourselves in our work, Lord. We are giving so much in service to others. It becomes easy to baptize our motives and over-work. We say, ‘Look how important our work is.’ We certainly are helping, but it is good to remember that we are not the true physician or the true lawyer. We are helping, vitally, but we are first your children. We are not the ones that are ultimately needed here. We are imminently replaceable, and we need you to guide us, Heavenly Father. So as your servants, call us back to our humble beginnings as servants. May we remember where we have come from and where we are going. It is in the name of Christ we pray. Amen.”

The Chair grants leaves of absence for today to Senator Hartsell and Senator Nesbitt.

The Chair extends privileges of the floor to Dr. Ward Adcock from Gastonia, North Carolina, who is serving the Senate as Doctor of the Day, and to Tom Hartley from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN, upon second reading.

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

S.B. 54, A BILL TO BE ENTITLED AN ACT REQUIRING THAT IN CASE OF FORECLOSURE OF A DEED OF TRUST OR MORTGAGE THE COMMISSIONER OR TRUSTEE AUTHORIZED TO SELL THE PROPERTY SHALL RECORD A NOTICE OF FORECLOSURE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS AFTER FILING THE FINAL REPORT ON THE SALE OF THE PROPERTY, upon second reading.

Upon motion of Senator Graham, without objection, the bill is withdrawn from today’s calendar and placed on the calendar of Wednesday, February 27, upon second reading.

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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**:

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION, with a favorable report.

S.R. 110, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE CONCERNING CONSIDERATION AND REFERRAL OF CERTAIN RESOLUTIONS, with an unfavorable report as to resolution, but favorable as to Committee Substitute resolution.

Pursuant to Rule 45.1, the proposed Committee Substitute resolution, 75061, which changes the title to read **S.R. 110** (Committee Substitute Resolution), A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE CONCERNING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS, REFERRAL OF RESOLUTIONS, AND STANDING COMMITTEES, is adopted and engrossed.

REMOVAL OF A BILL CO-SPONSOR

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

S.B. 58, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT INLETS.

Upon motion of Senator Berger, seconded by Senator Hunt, the Senate adjourns at 2:16 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, February 21, at 11:00 a.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 5, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO GROUP

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HOMES SERVING RESIDENTS WHO LOSE ELIGIBILITY FOR MEDICAID-COVERED PERSONAL CARE SERVICES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70055, which changes the title to read **H.B. 5** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO (1) GROUP HOMES SERVING RESIDENTS DETERMINED NOT TO BE ELIGIBLE FOR MEDICAID-COVERED PERSONAL CARE SERVICES AS A RESULT OF CHANGES TO ELIGIBILITY CRITERIA THAT BECAME EFFECTIVE ON JANUARY 1, 2013, AND (2) SPECIAL CARE UNITS SERVING RESIDENTS WHO QUALIFY FOR MEDICAID-COVERED PERSONAL CARE SERVICES ON OR AFTER JANUARY 1, 2013, is adopted and engrossed.

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

S.B. 81, A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85039, is adopted and engrossed.

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

A SENATORIAL STATEMENT

Submitted by Senator Bob Rucho

Recognizing Thorlo, Inc. on its 60th Anniversary

WHEREAS, in 1953, Lewis and Mattie Thorneburg founded a company to produce high-quality boot socks for the military in a small mill in Statesville, North Carolina; and

WHEREAS, over the past 60 years, Thorlo, Inc., has grown from a small family business into a company with almost 300 employees that contributes approximately \$10 million in salaries and benefits per year in the greater Statesville community; and

WHEREAS, Thorlo's textile brands are 100 percent "Made in USA;" and

WHEREAS, the company has grown from knitting one military style sock to producing a line of over 54 patented and engineered activity specific sock products for nearly all consumer lifestyles; and

WHEREAS, today, Thorlos® is the original and world's leading sports specific sock brand and is available to consumers throughout the United States and in over 33 countries, worldwide; and

February 20, 2013

WHEREAS, Thorlo continues to thrive and is making an effort to be a leader the health wellness, and medical markets by manufacturing products that provide foot protection and care; and

WHEREAS, after 60 years, Thorlo continues to be a family owned and operated business managed by Jim Throneburg and his sons and daughter;

NOW, THEREFORE, Thorlo, Inc. should be commended on its 60th anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twentieth day of February, 2013.

S/Senator Bob Rucho

S/Sarah Lang
Senate Principal Clerk

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

FIFTEENTH DAY

Senate Chamber
Thursday, February 21, 2013

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

Without objection, the prayer is postponed until after recess.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, February 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 Senate recesses at 11:01 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, and the receipt of messages from the Governor, to reconvene at 12:00 p.m.

RECESS

INTRODUCTION OF BILLS

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

February 21, 2013

By Senator Jackson:

S.B. 111, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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

By Senators Jackson (Primary Sponsor); Brock and J. Davis:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) ALLOW 10-YEAR PHASE LANDFILL DEVELOPMENTS TO APPLY FOR A PERMIT TO OPERATE; AND (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senator Jackson:

S.B. 113, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SUPPORT THE APPLICATION OF A REGIONAL WATER SUPPLY SYSTEM FOR ALL REQUIRED FEDERAL APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Barringer, Rucho, Rabon (Primary Sponsors); Allran, Apodaca, Barefoot, Bingham, Brock, Brown, Cook, Curtis, Daniel, J. Davis, Goolsby, Harrington, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Rabin, Randleman, Sanderson, Soucek, Tarte, Tillman, Wade and Walters:

S.B. 114, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE TAX.

Referred to the **Finance Committee**.

By Senators Tarte (Primary Sponsor); Brock, Brown, J. Davis and Woodard:

S.B. 115, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A PANCREATIC CANCER AWARENESS SPECIAL REGISTRATION PLATE.

Referred to the **Finance Committee**.

By Senator Gunn:

S.B. 116, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE YMCA.

Referred to the **Finance Committee**.

February 21, 2013

By Senators Gunn, Daniel, Randleman (Primary Sponsors); Apodaca, Brock, Cook, Curtis, J. Davis, Harrington, Meredith and Soucek:

S.B. 117, A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW."

Referred to the **Judiciary II Committee**.

By Senators Soucek, Hise, Rucho (Primary Sponsors); Bingham, Brock, Brown, D. Davis, J. Davis, Goolsby, Jackson, Meredith, Newton and Wade:

S.B. 118, A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

By Senators Soucek, Hise, Rucho (Primary Sponsors); Apodaca, Barefoot, Bingham, Brock, Brown, Daniel, D. Davis, J. Davis, Goolsby, Harrington, McLaurin, Meredith, Newton, Randleman and Wade:

S.B. 119, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

By Senators Soucek, Hise, Rucho (Primary Sponsors); Apodaca, Barefoot, Bingham, Brock, Brown, Cook, Curtis, Daniel, D. Davis, J. Davis, Jackson, McLaurin, Meredith, Newton and Randleman:

S.B. 120, A BILL TO BE ENTITLED AN ACT PROVIDING FOR AN INVENTORY OF INFRASTRUCTURE TO SUPPORT ROBUST DIGITAL LEARNING IN THE PUBLIC SCHOOLS AND AN INVENTORY OF INTERNET ACCESS IN ALL NORTH CAROLINA COUNTIES, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

February 21, 2013

By Senators Soucek, Hise, Rucho (Primary Sponsors); Bingham, Brock, Brown, Curtis, J. Davis, Goolsby, Meredith, Newton and Randleman:

S.B. 121, A BILL TO BE ENTITLED AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

By Senators Goolsby, Bingham, Newton (Primary Sponsors); Allran, Apodaca, Barefoot, Brock, Brown, Cook, Curtis, Daniel, D. Davis, J. Davis, Harrington, Hunt, Jackson, Kinnaird, McLaurin, Meredith, Rabin, Randleman, Sanderson, Soucek, Tillman, Tucker and Woodard:

S.B. 122, 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**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 29, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF POSSESSION OF PSEUDOEPHEDRINE IF THE DEFENDANT HAS A PRIOR CONVICTION FOR THE POSSESSION OR MANUFACTURE OF METHAMPHETAMINE, AND TO AGGRAVATE THE PENALTY FOR MANUFACTURING METHAMPHETAMINE WHEN CHILDREN, DISABLED, OR ELDERLY ARE PRESENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

Referred to the **Judiciary I Committee**.

H.B. 77, A BILL TO BE ENTITLED AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to the **Finance Committee**.

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012.

Referred to the **Finance Committee**.

February 21, 2013

H.B. 98 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOHNSTON COUNTY PUBLIC SCHOOLS TO CONTINUE TO OPERATE TWO SCHOOLS UNDER THE ALTERNATIVE CALENDAR IN EFFECT FOR THE PAST FOUR YEARS.

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

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

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

“Gracious and loving God, you are so kind to gather us today, here, under your wing. Thank you for gathering us together because you love us. Restore us, O God, and let your face shine on us today. May your countenance rise up on all of those here. I pray for the families of each senator, their children, their spouses, all of their lives, for our staff. Bless each of us, we ask, we plead. We come to you, and we ask these things. Come now, at the end of this week, and give us strength and courage to live this day in you. It is in Jesus’ name we pray. Amen.”

The Chair grants leaves of absence for today to Senator Berger, Senator Harrington, Senator Nesbitt, Senator Newton, and Senator Soucek.

The Chair extends privileges of the floor to Dr. Mike Lancaster from Charlotte, North Carolina, who is serving the Senate as Doctor of the Day, and to Valerie Gatlin from Grimesland, 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 Goolsby for the **Judiciary I Committee**:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with a favorable report.

S.B. 72, A BILL TO BE ENTITLED AN ACT TO AMEND UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS, TO CONTINUE THE APPLICABILITY OF THAT ARTICLE TO REMITTANCE TRANSFERS THAT ARE NOT ELECTRONIC FUND TRANSFERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

February 21, 2013

CALENDAR

Bills and a resolution 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 REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO (1) GROUP HOMES SERVING RESIDENTS DETERMINED NOT TO BE ELIGIBLE FOR MEDICAID-COVERED PERSONAL CARE SERVICES AS A RESULT OF CHANGES TO ELIGIBILITY CRITERIA THAT BECAME EFFECTIVE ON JANUARY 1, 2013, AND (2) SPECIAL CARE UNITS SERVING RESIDENTS WHO QUALIFY FOR MEDICAID-COVERED PERSONAL CARE SERVICES ON OR AFTER JANUARY 1, 2013, upon second reading.

Senator Pate offers Amendment No. 1 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 for concurrence in the Senate Committee Substitute bill.

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (41-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.R. 110 (Committee Substitute Resolution), A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE CONCERNING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS, REFERRAL OF RESOLUTIONS, AND STANDING COMMITTEES, for adoption.

Upon motion of Senator Apodaca, the Committee Substitute Resolution is adopted (43-0).

COMMITTEE APPOINTMENT

Pursuant to the adoption of S.R. 110, Senator Apodaca, Rules Chairman, announces the following appointments, made by Senator Berger, President *Pro Tempore*, to the 2013-2014 **Redistricting Committee**:

Chair: Rucho

Vice Chair: Brock

Vice Chair: Brown

Members: Apodaca, Brunstetter, Clark, Graham, Harrington, Hise, Hunt, McKissick, Nesbitt, Soucek, Walters

February 21, 2013

WITHDRAWAL FROM COMMITTEE

S.B. 94, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR THE YADKIN VALLEY REGIONAL CAREER ACADEMY, referred to the **Education/Higher Education Committee** on February 18.

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 **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

ADDITIONAL SPONSORS

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

S.B. 100, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF EMERGENCY MEDICAL SERVICES PERSONNEL.

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

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT.

S.B. 107, A BILL TO BE ENTITLED AN ACT ALLOWING PERSONS PRACTICING AS CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE TO CONTINUE TO PROVIDE MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY.

Upon motion of Senator Apodaca, seconded by Senator Tucker, the Senate adjourns at 12:25 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, February 25, at 7:00 p.m.

February 21, 2013

SIXTEENTH DAY

Senate Chamber
Monday, February 25, 2013

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

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

“O Lord, you have searched me and known me. You know when I sit down and when I rise up, when I am sick and when I need healing. You discern my thoughts from afar. You search out my path and my lying down. You are acquainted with all my ways. Even before a word is on my tongue behold, Lord, you know it.* This song of King David is such a welcome delight to our starving ears tonight, at the beginning of this week. When we start our week, we often start with the wrong voices in the wrong places, driven by false motives. Sanctify us, Lord, by your spirit and by your ethic. Help us to believe that these words are true, that your knowledge of us is exciting. It’s joyous; it’s a delight. Fill this gathering and this work week with your glorious self and with your plans for us, your people. In Christ’s name we pray. Amen.”

*Psalm 139:1-4, ESV

The Chair grants leaves of absence for tonight to Senator Bryant, Senator Graham, Senator Kinnaird, Senator Nesbitt, and Senator Rabon.

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

The Chair extends privileges of the floor to Dr. Linda O’Boyle from Elm City, 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. 66, AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION.

February 25, 2013

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 76 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (7) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (8) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, 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, 75068, is adopted and engrossed.

February 25, 2013

CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 4** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, 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 4, A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, House Committee Substitute Favorable 2/12/13, submit the following report:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 2/12/13, and the Senate concurs in the House Committee substitute as amended:

Delete the entire House Committee Substitute and substitute the attached proposed Conference Committee Substitute S4-PCCS15070-ME-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: February 20, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Justin P. Burr, Chair
S/Bob Rucho	S/Nelson Dollar
S/Ralph Hise	S/Marilyn Avila
S/Harry Brown	S/William D. Brisson

The full text of the proposed Conference Committee Substitute can be found in Chapter 5 of the 2013 Session Laws.

February 25, 2013

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, February 26, for adoption.

CALENDAR

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

S.B. 36, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, upon second reading.

The bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 72, A BILL TO BE ENTITLED AN ACT TO AMEND UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS, TO CONTINUE THE APPLICABILITY OF THAT ARTICLE TO REMITTANCE TRANSFERS THAT ARE NOT ELECTRONIC FUND TRANSFERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

SENATE PAGES

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

Conor Applegate, Mooresville; Thomas Byrd, Turkey; Emily Edwards, Clinton; Zack Eliason, Clinton; Ryan Glennon, Holly Springs; Austin Jones, Clinton; Danielle Jones, Clinton; Josh Page, Clinton; and Max Shafer, Warsaw.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 16, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL REVOKE A PERSON'S DRIVERS LICENSE FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75067, is adopted and engrossed.

February 25, 2013

Upon motion of Senator Berger, seconded by Senator Tarte, the Senate adjourns at 7:19 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, February 26, at 2:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Meredith (Primary Sponsor); Cook, J. Davis, Pate, Rabin and Sanderson:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS RESIDING NEAR SCHOOLS OR DAY CARE CENTERS.

Referred to the **Judiciary II Committee**.

By Senators Brunstetter (Primary Sponsor) and Sanderson:

S.B. 124, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM FROM WITHIN AN ENCLOSURE WITH THE INTENT TO DO HARM OR INCITE FEAR.

Referred to the **Judiciary I Committee**.

By Senators Goolsby, Apodaca (Primary Sponsors); Cook, Harrington, Hise, Jackson, Meredith, Newton, Pate and Sanderson:

S.B. 125, A BILL TO BE ENTITLED AN ACT TO MAKE VIOLATIONS OF THE PUBLIC RECORDS AND OPEN MEETINGS LAWS A CLASS 3 MISDEMEANOR.

Referred to the **Judiciary I Committee**.

By Senators Meredith (Primary Sponsor) and Sanderson:

S.B. 126, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF TRAPPER IDENTIFICATION NUMBERS ISSUED BY THE WILDLIFE RESOURCES COMMISSION FOR USE IN IDENTIFYING TRAPS.

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

By Senators Brown (Primary Sponsor) and Cook:

S.B. 127, A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM GEOGRAPHICAL ADMINISTRATIVE DIVISIONS FOR THE STATE AND TO CREATE THE COMMISSION ON REGIONALIZATION CONFORMITY TO DEVELOP RECOMMENDATIONS ON (I) CONFORMING THE EXISTING REGIONAL DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE SEVEN REGIONAL COMMISSIONS AND PARTNERSHIPS TO THESE UNIFORM

DIVISIONS, AND (II) A SCHEDULE FOR CONFORMING REGIONAL DIVISIONS OF OTHER STATE AGENCIES THAT HAVE REGIONAL OFFICES.

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

By Senator Kinnaird:

S.B. 128, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

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

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

SEVENTEENTH DAY

Senate Chamber
Tuesday, February 26, 2013

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

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

"Lord, you are good. You are God. You are everlasting; you reign forever. You are our hope; you are our deliverer. You do not faint; you do not grow weary. You are the defender of the weak. You comfort those in need. You lift us up on wings like eagles. Thank you. From everlasting to everlasting, you are God. We wait upon you, Lord, now, to give us strength. You are our deliverer, our hope, our redeemer. Amen."

The Chair grants leaves of absence for today to Senator Bryant and Senator Hartsell.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, February 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.

February 26, 2013

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 19, A BILL TO BE ENTITLED AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE, with a favorable report.

S.B. 70, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE, with a favorable report.

Upon recommendation of Senator Allran, the bill is re-referred to the **Appropriations/Base Budget Committee**.

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

S.B. 95, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY, with a favorable report.

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

S.B. 43, A BILL TO BE ENTITLED AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS' COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, with a favorable report.

S.B. 44, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75072, is adopted and engrossed.

February 26, 2013

S.B. 51, A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85049, is adopted and engrossed.

S.B. 71, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, TO PROVIDE FOR LICENSURE OF EXPERIENCED IRRIGATION CONTRACTORS WITHOUT THE REQUIREMENT OF AN EXAMINATION WHERE CERTAIN CONDITIONS ARE MET, AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35069, is adopted and engrossed.

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

CALENDAR

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

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL REVOKE A PERSON'S DRIVERS LICENSE FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217, upon second reading.

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

S.B. 76 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT

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ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (7) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (8) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, upon second reading.

Senator Newton offers Amendment No. 1, which is adopted (47-0).

Senator Barringer offers Amendment No. 2, which is adopted (48-0), and changes the title to read **S.B. 76** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND

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GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (7) AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (9) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

Senator McKissick offers Amendment No. 3.

Senator Apodaca offers Amendment No. 4 as a Substitute Amendment for Amendment No. 3.

Amendment No. 4 is adopted (36-12), and changes the title to read **S.B. 76** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (7)

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AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

Amendment No. 3 subsequently fails.

Senator Clark offers Amendment No. 5, which is adopted (45-3).

Senator Woodard offers Amendment No. 6, which fails (14-34).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 38, noes 10, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade and Walters---38.

Voting in the negative: Senators Blue, D. Davis, Graham, Kinnaird, McKissick, Nesbitt, Parmon, Robinson, Stein and Woodard---10.

The Committee Substitute bill No. 2, as amended, remains on the calendar for Wednesday, February 27, upon third reading.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 36, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOE H. HEGE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's calendar for immediate consideration.

CALENDAR *(continued)*

H.J.R. 36, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOE H. HEGE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

February 26, 2013

The Joint Resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading, with all present members standing, and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.J.R. 20, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, with a favorable report.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's calendar for immediate consideration.

CALENDAR *(continued)*

H.J.R. 20, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, upon second reading.

The Joint Resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

S.B. 4 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION, for adoption.

Upon motion of Senator Apodaca, the Senate adopts the Conference Committee Substitute bill (31-16).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 3:55 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, February 27, at 2:00 p.m.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 26, 2013

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. 4** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Committee Substitute for S.B. 4 earlier today, the bill is ordered enrolled and sent to the Governor.

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Tucker (Primary Sponsor); Bingham, Cook, J. Davis, Meredith and Pate:

S.B. 129, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT.

Referred to the **Finance Committee**.

By Senators J. Davis (Primary Sponsor) and Rabin:

S.B. 130, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR TEACHER ALLOTMENTS FOR GEOGRAPHICALLY ISOLATED K-12 SCHOOLS.

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

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By Senators Tucker (Primary Sponsor); D. Davis, J. Davis, Goolsby, Hise, Meredith, Rabin and Sanderson:

S.B. 131, A BILL TO BE ENTITLED AN ACT AUTHORIZING ONE-TIME LUMP SUM RETENTION INCENTIVE BONUSES FOR MEMBERS OF THE STATE HIGHWAY PATROL FOR THE 2012-2013 FISCAL YEAR.

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

By Senators Daniel, Tillman, Randleman (Primary Sponsors) and Brock:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

Referred to the **Health Care Committee**.

By Senators D. Davis, Nesbitt (Primary Sponsors); Bryant, Clodfelter, Daniel, Goolsby, Graham, Hise, Kinnaird, Pate, Randleman, Robinson, Walters and Woodard:

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH.

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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 138, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

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

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

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EIGHTEENTH DAY

Senate Chamber
Wednesday, February 27, 2013

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

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

“Lord, our God, thank you for bringing us together today. Thank you for your peace. Your peace is our peace. Whether the economy is good or the economy is rocky, you are God. Whether we are in a fight or whether we are sick, you are God. Give us, Lord, your wisdom today. Bring us to our knees before you to confess. We, your creatures, confess that we need you more than we even realize. Today, we cling to that hope. Search us, O God, and know our hearts today. Cleanse us from every sin, and set us free. I ask it in the name of your Son, the living Savior, Jesus Christ. Amen.”

The Chair grants leaves of absence for today to Senator Bryant, Senator Meredith, Senator Parmon, and Senator Stein.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, February 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 Katrina McCourt from Elm City, 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. 4, AN ACT (1) TO CLARIFY THE STATE’S INTENT NOT TO OPERATE A STATE-RUN OR “PARTNERSHIP” HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT’S OPTIONAL MEDICAID EXPANSION.

H.B. 5, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO (1) GROUP HOMES SERVING RESIDENTS DETERMINED NOT TO BE ELIGIBLE FOR MEDICAID-COVERED

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PERSONAL CARE SERVICES AS A RESULT OF CHANGES TO ELIGIBILITY CRITERIA THAT BECAME EFFECTIVE ON JANUARY 1, 2013, AND (2) SPECIAL CARE UNITS SERVING RESIDENTS WHO QUALIFY FOR MEDICAID-COVERED PERSONAL CARE SERVICES ON OR AFTER JANUARY 1, 2013.

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

H.J.R. 20, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION. (Res. 2013-4)

H.J.R. 36, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JOE H. HEGE, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2013-5)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 42, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15082, is adopted and engrossed.

CALENDAR

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

S.B. 95, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY, 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.

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S.B. 76 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (4) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (5) ELIMINATE THE REGISTRATION REQUIREMENTS FOR PERSONS CONDUCTING LANDMEN ACTIVITIES IN THE STATE; (6) AMEND THE STATUTE GOVERNING SUBSURFACE INJECTION OF FLUID; (7) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES; (8) APPROPRIATE MONIES FROM THE MINERAL INTEREST FUND TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO OPERATE THE MINING AND ENERGY COMMISSION AND FOR RELATED EXPENDITURES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, upon third reading, as amended.

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McLaurin, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade and Walters---39.

Voting in the negative: Senators Blue, D. Davis, Kinnaird, McKissick, Nesbitt, Robinson and Woodard---7.

The Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives.

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S.B. 43, A BILL TO BE ENTITLED AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS' COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, 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.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 54, A BILL TO BE ENTITLED AN ACT REQUIRING THAT IN CASE OF FORECLOSURE OF A DEED OF TRUST OR MORTGAGE THE COMMISSIONER OR TRUSTEE AUTHORIZED TO SELL THE PROPERTY SHALL RECORD A NOTICE OF FORECLOSURE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS AFTER FILING THE FINAL REPORT ON THE SALE OF THE PROPERTY, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Thursday, March 7.

CALENDAR *(continued)*

S.B. 44 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, upon second reading.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 51 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE

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AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, upon second reading.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.B. 77, A BILL TO BE ENTITLED AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, with a favorable report.

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN, with a favorable report.

CALENDAR *(continued)*

H.B. 19, A BILL TO BE ENTITLED AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE, 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 enrolled and sent to the Governor.

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INTRODUCTION OF A RESOLUTION

Upon motion of Senator Apodaca, without objection, 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.R. 141, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Select Committee on UNC Board of Governors**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

H.J.R. 138, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

ADDITIONAL SPONSORS

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

S.B. 16, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL REVOKE A PERSON'S DRIVERS LICENSE FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217.

S.B. 43, A BILL TO BE ENTITLED AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS' COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

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S.B. 44, A BILL TO BE ENTITLED AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

S.B. 51, A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

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

S.B. 132, A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

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

S.B. 132, A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

Upon motion of Senator Berger, seconded by Senator Soucek, the Senate adjourns at 2:40 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, February 28, at 11:00 a.m.

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MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

February 26, 2013

Ms. Sarah Lang
Principal Clerk of the Senate
North Carolina Senate
16 West Jones Street, Room 2020
Raleigh, NC 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §62-10, I hereby appoint Mr. Don M. Bailey to fill the unexpired term left vacant by the resignation of former Commissioner Lorinzo Joyner to the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. His term shall begin upon confirmation and will expire on June 30, 2017.

Enclosed is biographical information on the appointee. Please feel free to call my staff if you need any additional information.

With best regards,
S/Pat McCrory

cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

INTRODUCTION OF BILLS

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

February 27, 2013

By Senators Brunstetter and Parmon (Primary Sponsors):

S.B. 134, A BILL TO BE ENTITLED AN ACT CONCERNING UTILITY FRANCHISES IN THE CITY OF WINSTON-SALEM AND OTHER INCORPORATED MUNICIPALITIES AS TO THEIR TERRITORY WITHIN FORSYTH COUNTY.

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

By Senators Brunstetter (Primary Sponsor); Bingham and Hise:

S.B. 135, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HABITUAL IMPAIRED DRIVING STATUTE.

Referred to the **Judiciary I Committee**.

By Senator J. Davis:

S.B. 136, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT.

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

By Senators Tillman (Primary Sponsor); Bingham, Brock, Hise and Pate:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID RECIPIENT CO-PAYMENTS BY A MEDICAID PROVIDER CONSTITUTES FRAUD.

Referred to the **Health Care Committee**.

By Senators Bingham (Primary Sponsor); Allran, Brock, Clark, Cook, Daniel, D. Davis, Goolsby, Hise, Hunt, Jackson, McLaurin, Newton, Parmon, Pate, Randleman and Sanderson:

S.B. 138, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR LOCAL BOARDS OF EDUCATION TO OFFER TO STUDENTS IN GRADES NINE THROUGH TWELVE AN ELECTIVE COURSE IN BIBLE STUDY.

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

By Senators Clodfelter, Gunn, Tarte (Primary Sponsors); Clark, Daniel, Hise, Hunt, Jenkins, McLaurin and Walters:

S.B. 139, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.

Referred to the **Commerce Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 37 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

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
February 27, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to, **H.R. 80**, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING A PERSON TO FILL ONE VACANCY CREATED BY A RESIGNATION ON THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following person to serve for a partial term ending June 30, 2015.

James L. Holmes, Jr.

Respectfully,
S/Denise G. Weeks
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 81 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 15084, is adopted and engrossed.

S.B. 84, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85052, is adopted and engrossed.

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

S.R. 141, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report.

EXECUTIVE ORDER

The following Executive Order was issued by Governor Pat McCrory:

Executive Order No. 4, Temporary Employment Services.

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

NINETEENTH DAY

Senate Chamber
Thursday, February 28, 2013

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

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

“Almighty God, we are thankful today for your presence here, for you being with us, and for clothing us today in our right minds, and bringing us to this place. Deal bountifully with us, your servants, that we may live and keep your Word. Open our eyes. Open our lips. Open our hearts today to hear from you. Help us to behold your wondrous law. We give you thanks, O Lord, because your mercy endures forever. In Christ's name we pray. Amen.”

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

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, February 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 Gail Mazzocco from Pittsboro, 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:

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H.B. 19, AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 81 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Wednesday, March 6.

WITHDRAWAL FROM COMMITTEE

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH, referred to the **Rules and Operations of the Senate Committee** on February 26.

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 today's calendar, which motion prevails with unanimous consent, and the Chair so orders.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.J.R. 138, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, upon second reading.

Upon motion of Senator Apodaca, the Joint Resolution is taken up out of its regular order of business and placed at the beginning of today's calendar for immediate consideration.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 97, A BILL TO BE ENTITLED AN ACT TO REQUIRE RELEASE OR REFUND OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75090, which changes the title to read **S.B. 97** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE RELEASE OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED, is adopted and engrossed.

CALENDAR

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

H.J.R. 138, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, 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 and is ordered enrolled.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Monday, March 4.

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT, upon second reading.

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Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Monday, March 4.

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH, upon second reading.

Upon motion of Senator Apodaca, the Joint Resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

CALENDAR *(continued)*

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH, upon second reading.

Upon motion of Senator Nesbitt, the words spoken in support of S.J.R. 133 are spread upon the journal as follows:

SENATOR D. DAVIS: "Members of the Senate, as you are well aware, this is the last day of February which is also the last day of Black History Month. Although it was originally established in 1926 by Carter G. Woodson, nationally we began to observe Black History Month in 1976, and mind you that President Gerald Ford was actually the first president to acknowledge Black History Month, and ever since, presidents have acknowledged Black History Month. As we may have seen many events and received invitations to such events throughout this month and, the schedule allowing, have attended. I know, Senator Pate, in the past, Mount Olive puts together a pretty good Black History Parade, and hundreds line up along the stretch, and we've attended and participated, and I think that parade is coming up Saturday. Likewise, here in the General Assembly, it's not uncommon for us or a member to stand up and reflect on Black History Month. Many may remember, even though I was not here last session, but our dear friend Ed Jones stood up and brought forth some words, and he shared the story with you that he had shared with me quite often, and he was talking about his time when he was in the Army. He had a buddy that he served with, and he reminded us then that service wasn't about race—in the line of fire—that it was about survival. He shared that story, and I remember talking to him shortly afterwards, and God bless his soul. In lieu of a single

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word of reflection today, we have this Joint Resolution 133 that recognizes the outstanding Americans and North Carolinians, that just so happen to be African American, who served in the North Carolina General Assembly. But before moving forward, I would like to just pause briefly and recognize Senator Bryant who actually came up with the idea of this Joint Resolution and putting in one document a historical account of those legislators who have served of African-American descent. I do thank you for working on it. She was working starting last week, and by the time staff finished the resolution, she was out of town, if you noticed, and she's back with us, and we're glad to have you back with us so that you can continue on the journey—while you had asked me to work on this Resolution. Joint Resolution 133, as I said, provides a historical account, starting in 1868 through today, highlighting the accomplishments of African-Americans, regardless of political party affiliation, that served and made great contributions in shaping North Carolina into the state that it is, beginning in 1868 when the first African-Americans that served in our State Senate included senators such as Henry Eppes of Halifax County and Abraham Galloway of New Hanover County and John Hyman of Warren County. By 1833, there were 19 African-Americans who were serving in the House and Senate, and this was, during this time, one of the larger groups, that had served, of African-Americans, and actually history tells us that it was greatly due to the North Carolina Republican Party. Now, interestingly, God rest his soul, when I was serving before, I sat right here with Senator Tucker and Jim Forrester—Senator Forrester. We shared so many stories, and he reminded me of the efforts of the Republicans along the way. But heading up to the century, there were 111 African-Americans that served in the General Assembly, but then as the century turned, it wasn't until 68 years later that we began to see African-Americans begin to serve once again in our General Assembly, with one of the first in 1968: then-Representative Henry Frye, which many of us know and understand later became Justice Frye of Guilford County. Also, I'll remind you, by 1971, we began to see the first African-American female to serve in our House: Dr. Alfreda Webb of Guilford County. Twenty years later, in 1991, we saw the first African-American to go on to become the Speaker of the North Carolina House of Representatives, and that gentleman is by the name of Daniel Terry Blue, Jr. He wasn't having enough fun in the House; he was not truly fulfilled with being the Speaker so he sought his true fulfillment here in the Senate—Senator Blue. Yet history continues to chart itself. By 2009, Representative Pearl Burris Floyd of Gaston County was the first African-American Republican elected to serve in the General Assembly. Currently, there are 31 African-Americans, including two Native Americans, serving in our General Assembly in this session. What rich history we have as a state as we reflect on this last day of February 2013. Historically, 2013 is a very significant year for other reasons. This year marks, too, the 150th year of the signing of Lincoln's Emancipation Proclamation, which freed over three million slaves. Also, many may remember, fifty years ago we had a march on Washington. Interestingly, history tells us that A. Philip Randolph, the visionary behind the March on Washington, had actually begun to plan the march nearly twenty years before the actual march took place. However, in working with

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President Roosevelt at the time, an Executive Order was put forward to help alleviate discrimination in the Defense Industry, and, therefore, he held off on the march. But then by 1963, Asa Philip Randolph and the Big Six were very intent on moving forward with the March on Washington, and the reason for that was because, at the time, they were interested in capturing a historic account to examine the progress made since the signing of the Emancipation Proclamation, then 100 years later. The Civil Rights movement, the March on Washington, produced tremendous leaders, as we remember: Martin Luther King, now-Congressman John Lewis, and even Floyd McKissick—not our Senator Floyd McKissick, but his father, who was a tremendous giant in the Civil Rights community. Actually, Senator McKissick's father was one of the featured speakers on the March on Washington, and we continue to remember his contributions through today. My friends, as we now reflect, then, through this Joint Resolution, on what history tells us for our state, there are some things that I hold on to. Number one, Black History does not, by any means, shape, or form, conflict with American History, the history of our great state, or any other history, but, in essence, our histories are deeply connected and rooted in American history and North Carolina history. Number two, our past, as we reflect here today, we see in that past both strengths as well as struggles within our communities, even our political parties at times, our state, our nation, but yet as we reflect on the same history, it's our unyielding resilience that has brought us this far and our ability to persevere. So as we allow reflections to lead us and guide us into our future that may be yet unknown, I would simply suggest that this Joint Resolution remind us, too, of the beauty of this institution. This institution, as Senator Apodaca reminds us, we are a family, and it's this family that brings us together—a 'child of the east' to meet with mountain men like Nesbitt, this 'child of the east,' and out of all senators, yes, to meet with Stan Bingham, this 'child of the east,' that brings education experience, to meet up with, yes, Jerry Tillman too. Growing up for me in small, rural Greene County, often people would say, growing up, they were 'going to town,' and that was to go to the County Seat. Nevertheless, they were thinking about and imagining planning a trip to the big city of Raleigh. But it's this institution that allows a 'son of the east' to come and exchange ideas with senators from the big city of Raleigh, Chad—Senator Barefoot—and Senator Clodfelter and so many. My friends, I would simply say, it's this institution—this institution—that as we perform, allows us and will allow us to move forward and has given us the strength to get here today. So as we place God ahead of all and keep our love of our country and our state at the forefront, I'm convinced that our strength—our strength—our collective strength—will continue to allow us to rise above any of our struggles and challenges of our past. As we reflect on this history of this institution and the progress, let us hold onto this fact that often our policies are a reflection of our relationships, and often our politics are a reflection of our hearts, and it's important, then therefore, to allow our hearts to guide us and allow our relationships to move us forward. Understanding this, that true progress, as we look in this Resolution, it has required both parties to move us forward, people of all races to move us forward, people from different

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backgrounds to move us forward, people from different religions to move us forth. I'm glad to serve with each and every one of you, and I'm glad to celebrate this enormous legacy that is captured in this Resolution, and I'm joyed to celebrate and honor pioneers such as Senator Blue, and I'm honored to submit this Joint Resolution to you. I do ask for your support on this Resolution, and I also ask for God to continue to guide the Old North State. May God bless you."

SENATOR ROBINSON: "I want to thank and commend Senators Davis and Bryant and the others for bringing this forth, and I want to certainly congratulate one of my mentors, Senator Blue, for his work both in the House and the Senate, and I want to certainly commend one of my greatest mentors, on whose campaign I worked in the '60's—Representative Henry Frye, who later became North Carolina's Supreme Court Justice Frye—for the work he did for this state as well. But I would not be in compliance if I did not acknowledge that in 1994, Senator Henry McKoy became the first African-American Republican Senator since Reconstruction in North Carolina, so I certainly want him included as we recognize those who have contributed to the history of North Carolina. He, of course, later was appointed to the North Carolina Civil Rights Commission, I believe, by Governor Hunt, and later to the Peace Corps. I'd like to acknowledge his contribution along with the others who made significant contributions to North Carolina and to the United States."

SENATOR BRYANT: "I just wanted to make a few additional points. In doing the work to pull together some of this history and in reviewing material provided by the staff, there were three things that were interesting to me. First, Dr. Alfreda Webb, who was the first black woman appointed to the General Assembly, who never actually got seated because she was appointed during the interim and then she didn't win her election, but she was also the first black woman veterinarian in the United States which I just thought was an interesting point and indicated how outstanding she was in her time. The second point I want to make is when I get discouraged sometimes with the challenges we face and the work to be done, I think about what it had to be like for my ancestors just a few years out of slavery who came here to serve and often under threat of their life, or for fear of how they would be perceived, or for fear of what would happen, so when I think of my own anxieties sometimes, I think about the courage it took for them, and I get over my butterflies, and sometimes I get over my despair about those challenges. The other point I want to make is how easy it is for these gains to be wiped away because of our legal changes involving the right to vote. From 1900 to 1968, there were no African-Americans or other persons of color serving in the General Assembly, so what we gain and celebrate can so easily be lost if we're not careful, and finally, just to acknowledge that it wasn't until 1974 that the first African-American was on the legislative staff, and that staffer's name was—that was a female—and her name was Clay Knight. I wanted to acknowledge that. Thank you and I commend the resolution to you."

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SENATOR PARMON: “I just wanted to highlight a couple of individuals: one being Representative Annie Brown Kennedy, who is recognized in this resolution, but I also wanted to share with some of you that she was the first African-American woman admitted to the Bar in the State of North Carolina. Representative Brown is still giving good advice and served honorably in the House. Also Judge Richard Ervin, who served in the House, went on to serve as a Federal Judge, and he was from Forsyth County. He was a great leader in our county—one of the first African-American legislators from Forsyth County, but I also wanted to point out that this is 2013, and I have the honor of being the first African-American ever elected Senator from Forsyth County.”

SENATOR McKISSICK: “I think it is wonderful that we’re here today to commemorate all of the contributions of the African-American legislators that are identified in this resolution. I want to thank those that have brought it forward for our respectful consideration. I think it’s important that we recognize Black History Month. I can remember as a child growing up we recognized Black History Week, and that was about the extent of it. The reason being, when it was created, it was because there was a void in our textbooks, a void in what was taught in our classrooms, a void in what was taught in our universities that related to the contributions of African-Americans. So we came up and put it in a week, and I’m glad that it got expanded to a month. Of course, I’ll be happiest when the contributions of African-Americans as well as those that are White, those that are Latino, that are Asians, are such an integral part of our history that it becomes as if it’s a piece of woven fabric together that we stand, that we speak, that we contribute, and that we become the type of color blind society where all of our contributions are such that we may not even necessarily need a Black History Week or a month. We will recognize it because each and every one of those members is adequately and appropriately reflected based upon their contributions in all of those textbooks and all of those books that are in our universities which commemorate our history. If we think back to where we’ve come as a country, I think we can all be very, very proud. Our Founding Fathers, they were wonderful people in terms of being visionary leaders, to set up a Constitution which basically has provided all types of rights and privileges, but at the same time many of them were slave owners, and within our Constitution it refers to those that are slaves as three-fifths of a man because African-Americans were not viewed as full people by our Founding Fathers. We so often speak of the land of the free, but we were also the home of the slaves, and I don’t think, for any of us who are African-Americans, we forget that vestige in our minds and in our hearts and reflect upon how far our ancestors have come and appreciate the leadership that they provided us to help us get us to the point that we are today. But I think, more importantly, that we, as the elected leaders of this state of North Carolina, can take pride and dignity in the oaths of office that we have taken to make sure that we protect the rights and liberties and aspirations of all, and that we embrace those ideologies that may be sometimes different from our own—to embrace those complexions and tones of people that come to us regardless of their backgrounds, regardless of their socio-economic status, and we can represent them all collectively and effectively. I know that we

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can, I know that we must, I know that that is a sacred trust which we all share, and I look to each and every one of you that are colleagues and say, let's not just think about these contributions in one month a year, let's try to think about those contributions and try to enable those that have historically not been able to contribute to more meaningfully contribute in the future and do all that we can to make sure that we are in fact the type of country, the type of state, that we would not only aspirationally speak of, but that we realize all of those dreams and aspirations through our actions each and every day as we conduct business within these sacred halls. Thank you."

The Joint Resolution passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

The bill remains on the calendar for Monday, March 4, upon third reading.

S.B. 84 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT, upon second reading.

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

H.B. 77, A BILL TO BE ENTITLED AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, 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.

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S.R. 141, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is adopted (48-0).

ADDITIONAL SPONSORS

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

S.B. 20, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE, DISPENSE, OR DISTRIBUTE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE.

S.B. 33, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST INFORMATION FROM AN APPLICANT FOR EMPLOYMENT OR ADMISSION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED.

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH.

Upon motion of Senator Berger, seconded by Senator Hunt, the Senate adjourns at 11:50 a.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, March 4, at 7:00 p.m.

February 28, 2013

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators Bingham (Primary Sponsor); Apodaca, Barefoot, Barringer, Brock, Clark, D. Davis, Hise, Hunt, Jackson, Jenkins, McLaurin, Newton, Pate, Rabin and Randleman:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT OLDER ADULTS, AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS.

Referred to the **Health Care Committee**.

By Senator Tarte:

S.B. 142, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE ORDINANCES ADOPTED BY THE TOWNS ON THE WATERS OF LAKE NORMAN.

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

By Senator Tarte:

S.B. 143, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A SPECIAL REGISTRATION PLATE FOR NC FIRST (FOR INSPIRATION AND RECOGNITION OF SCIENCE AND TECHNOLOGY) ROBOTICS.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor); Apodaca, Brock, Clark, Clodfelter, Daniel, D. Davis, Goolsby, Gunn, Hise, Hunt, Jackson, McLaurin, Meredith and Nesbitt:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF STATE GRANTS TO NON-STATE ENTITIES AND TO INCREASE THE ACCOUNTABILITY OF GRANTEEES WHO RECEIVE STATE GRANTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Program Evaluation Committee**.

By Senators Hartsell (Primary Sponsor); Barefoot, Brock, Clark, Daniel, Goolsby, Gunn, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Nesbitt, Newton and Randleman:

S.B. 145, 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 **Transportation Committee**.

By Senators Bingham, Brock, Hise (Primary Sponsors); Daniel, Hunt and Newton:

S.B. 146, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN EMPLOYEES AND VOLUNTEERS AT PRIVATE SCHOOLS MAY CARRY CERTAIN WEAPONS ON EDUCATIONAL PROPERTY WHEN AUTHORIZED BY THE SCHOOL BOARD OF TRUSTEES OR SCHOOL ADMINISTRATIVE DIRECTOR AND TO PROVIDE THAT A PERSON WHO HAS A CONCEALED HANDGUN PERMIT MAY CARRY A CONCEALED HANDGUN ON EDUCATIONAL PROPERTY THAT IS THE LOCATION OF BOTH A SCHOOL AND A PLACE OF RELIGIOUS WORSHIP WHEN THE PERSON IS ATTENDING WORSHIP SERVICES AND OTHER SACERDOTAL FUNCTIONS AT THE PLACE OF RELIGIOUS WORSHIP.

Referred to the **Judiciary I Committee**.

By Senators Hartsell (Primary Sponsor); Brock, Daniel, Goolsby, Gunn, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Nesbitt and Randleman:

S.J.R. 147, 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 **Commerce Committee**.

By Senator Hunt:

S.B. 148, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE BONDING OF CORRUGATED STAINLESS STEEL TUBING (CSST) GAS PIPING SYSTEMS FROM LICENSING REQUIREMENTS UNDER THE LAWS PERTAINING TO ELECTRICAL CONTRACTORS.

Referred to the **Commerce Committee**.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 113, A JOINT RESOLUTION HONORING NORTH CAROLINA'S AFRICAN-AMERICAN REVOLUTIONARY WAR PATRIOTS AND SUPPORTING THE PROPOSED NATIONAL LIBERTY MEMORIAL.

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

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 122, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75093, is adopted and engrossed.

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

TWENTIETH DAY

Senate Chamber
Monday, March 4, 2013

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

Prayer is offered by The Reverend Sarah Woodard, wife of Senator Mike Woodard, from the Duke Episcopal Center in Durham, North Carolina, as follows:

“O Lord, our ultimate governor, bless the leaders of our state that we may be a people at peace among ourselves and a blessing to other states. Lord, keep this state under your care. To our governor and members of the Cabinet, to our Council of State and others in administrative authority, grant wisdom and grace in the exercise of their duties. Give grace to your servants, O Lord. To our senators and representatives and those who make the laws in our state, give courage, wisdom, and foresight to provide for the needs of all our people and to fulfill our obligations in the nation and in the world. Give grace to your servants, O Lord. To our justices, judges, and officers of our courts, give understanding and integrity that human rights may be safeguarded and justice served. Give grace to your servants, O Lord. Teach our people to rely on your strength and to accept their responsibilities to their fellow citizens that they may elect trustworthy leaders and make wise decisions for the well-being of our society that we may serve you faithfully in our generation and honor your holy name. For yours is the kingdom, O Lord, and you are exalted as head over all. Finally, let there be peace on earth, and let it begin with us. Amen.”

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The Chair grants leaves of absence for tonight to Senator Berger, Senator Jenkins, and Senator Robinson.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Thursday, February 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Virginia Minichiello from Carthage, 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**:

S.B. 20, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE, DISPENSE, OR DISTRIBUTE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35078, is adopted and engrossed.

S.B. 33, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75095, is adopted and engrossed.

S.B. 91, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL FOR AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO REQUEST INFORMATION FROM

March 4, 2013

AN APPLICANT FOR EMPLOYMENT OR ADMISSION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75097, which changes the title to read **S.B. 91** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO PROHIBIT AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED, is adopted and engrossed.

ENROLLED BILL AND RESOLUTIONS

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

H.B. 77, AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

H.J.R. 138, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 2013-6)

S.J.R. 133, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FRED D. ALEXANDER, RICHARD C. ERWIN, JOHN W. WINTERS, SR., DR. ALFREDA JOHNSON WEBB, JEANNE HOPKINS LUCAS, AND OTHER PIONEER AFRICAN AMERICAN MEMBERS OF THE GENERAL ASSEMBLY, IN OBSERVANCE OF AFRICAN AMERICAN HISTORY MONTH. (Res. 2013-7)

March 4, 2013

CALENDAR

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

S.B. 56, A BILL TO BE ENTITLED AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN, 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, Barefoot, Barringer, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE RELEASE OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---45.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Tuesday, March 5, upon third reading.

MOTION RELATIVE TO THE CALENDAR

The following change is made to tonight's calendar:

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, March 5.

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CALENDAR (*continued*)

S.B. 42 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHARTER SCHOOL IS A GOVERNMENTAL UNIT FOR THE PURPOSE OF A LEASE OR TRANSFER OF PERSONAL OR REAL PROPERTY BETWEEN A CHARTER SCHOOL AND ANOTHER GOVERNMENTAL UNIT, upon second reading.

The Committee Substitute bill passes its second reading (42-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 122 (Committee Substitute), 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, 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.

SENATE PAGES

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

Audra Daniel, Morganton; Chandler Evans, Goldsboro; Mary Hanna, Sanford; Alli Howell, Cherryville; Kyler Ketner, Durham; John Christian Kuehnert, Morganton; Lydia Kuehnert, Morganton; Brittany Leuth, Cary; Gannon Nawojczyk, Fuquay-Varina; Addison Starnes, Morganton; Alyssa Stoltz, Matthews; Lizzie Tart, Clayton; and James Yates, Holly Springs.

WITHDRAWAL FROM COMMITTEE

S.B. 11, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW", referred to the **Rules and Operations of the Senate Committee** on January 31.

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 referred to the **State and Local Government Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Apodaca, seconded by Senator Tillman, the Senate adjourns at 7:25 p.m., in honor of The Reverend Sarah Woodard, subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, March 5, at 2:30 p.m.

March 4, 2013

MESSAGE FROM THE GOVERNOR**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

February 28, 2013

Ms. Sarah Lang
Principal Clerk of the Senate
North Carolina Senate
16 West Jones Street, Room 2020
Raleigh, NC 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §97-77, I am pleased to appoint Mr. Andrew T. Heath of New Hanover County to the North Carolina Industrial Commission for confirmation by the North Carolina General Assembly. This seat is made vacant by Commissioner Staci Myer's term expiration on April 30, 2013. Mr. Heath's term shall begin May 1, 2013 and will expire on April 30, 2019.

Enclosed is biographical information on the appointee. Please feel free to call my staff if you need any additional information.

With best regards,
S/Pat McCrory

cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

INTRODUCTION OF BILLS

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

By Senator Kinnaird:

S.B. 149, A BILL TO BE ENTITLED AN ACT RELATING TO THE 23RD SENATORIAL DISTRICT.

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

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By Senator Kinnaird:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A JOINT LEGISLATIVE STUDY COMMISSION TO STUDY THE VIABILITY OF ESTABLISHING THE "NORTH CAROLINA INVESTMENT TRUST," WHICH WOULD BE A STATE-OWNED BANK RECEIVING DEPOSITS OF STATE FUNDS.

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

By Senators Rabon (Primary Sponsor); Barringer, J. Davis and Rabin:

S.B. 151, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO CLARIFY THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO HAVE STRUCTURES REMOVED FROM THE STATE'S PUBLIC TRUST OCEAN BEACHES.

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

By Senator Rabon:

S.B. 152, A BILL TO BE ENTITLED AN ACT TO CORRECT A TECHNICAL ERROR IN THE AUTHORIZATION FOR THE TOWN OF BURGAW TO IMPOSE AN OCCUPANCY TAX.

Referred to the **Finance Committee**.

By Senator Rabon:

S.B. 153, A BILL TO BE ENTITLED AN ACT RELATING TO THE 8TH SENATORIAL DISTRICT.

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

By Senators Meredith, Pate, Hise (Primary Sponsors); Brock, Goolsby, Hartsell, Rabin, Rucho and Tarte:

S.B. 154, A BILL TO BE ENTITLED AN ACT TO ALLOW NORTH CAROLINA CONSUMERS TO ENJOY THE BENEFITS OF ENHANCED COMPETITION IN THE AUTOMOBILE AND MOTORCYCLE INSURANCE MARKET AND TO RESTORE FAIRNESS BY ENDING SUBSIDIES FOR HIGHER RISK DRIVERS.

Referred to the **Insurance Committee**.

By Senator Kinnaird:

S.B. 155, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

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

By Senators Hartsell, Soucek, Newton (Primary Sponsors); Blue, Goolsby and Rabin:

S.B. 156, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

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

By Senator Wade:

S.B. 157, A BILL TO BE ENTITLED AN ACT RELATING TO THE 27TH SENATORIAL DISTRICT.

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

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

S.B. 158, 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.

Referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES.

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

H.B. 56 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Commerce Committee**.

H.B. 114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A PARTY.

Referred to the **Judiciary II Committee**.

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H.B. 119, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

Referred to the **Commerce Committee**.

H.B. 139, A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT.

Referred to the **Judiciary I Committee**.

H.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE USE OF SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

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

TWENTY-FIRST DAY

Senate Chamber
Tuesday, March 5, 2013

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

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

“O Lord, thanks for the life—for the buzz—in the room, for the energy, and these nurses that are here today in great numbers. We thank you for what they do: how they help us when we're better, when we're bad and we need help. Lord, you have blessed us time and time again. You have blessed us through prophets, priests, and through your Holy Word. So we plead with you, Lord, Father, to continue to encourage these servants here assembled. As they wrestle with decisions, as they wrestle with issues, shower down upon them your blessings. Bless them, Jesus. Bless us, Jesus. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 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.

March 5, 2013

The Chair extends privileges of the floor to Andrea Underwood from Hamptonville, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 24, A BILL TO BE ENTITLED AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO CERTAIN NEW SANITARY LANDFILLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35106, which changes the title to read **S.B. 24** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS WASTE UNDER CERTAIN CONDITIONS, is adopted and engrossed.

S.B. 58, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT INLETS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75116, is adopted and engrossed.

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

S.B. 113, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SUPPORT THE APPLICATION OF A REGIONAL WATER SUPPLY SYSTEM FOR ALL REQUIRED FEDERAL APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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

S.B. 45, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, with a favorable report.

March 5, 2013

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 10 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is placed on the calendar for immediate consideration.

CALENDAR

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

S.B. 10 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (2-48) and the House of Representatives is notified.

S.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE RELEASE OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard--50.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, upon second reading.

March 5, 2013

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed at the end of today's calendar.

CALENDAR *(continued)*

S.B. 20 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE, DISPENSE, OR DISTRIBUTE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE, upon second reading.

Senator Allran offers Amendment No. 1, which is adopted (50-0), and changes the title to read **S.B. 20**, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; AND TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE.

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

S.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, upon second reading.

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

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S.B. 91 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO PROHIBIT AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED, upon second reading.

The Committee Substitute bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, upon second reading.

Senator Clodfelter offers Amendment No. 1, which fails (19-31).

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 32, noes 18, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---18.

The Committee Substitute bill remains on the calendar for Wednesday, March 6, upon third reading.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 10 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 10 earlier today, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Apodaca, Chair; Senator Brown, Senator Newton, Senator Rabon, Senator Randleman, 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.

March 5, 2013

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 11, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW", with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35104, which changes the title to read **S.B. 11** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS/DONATE LIFE MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW", is adopted and engrossed.

S.B. 111, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75120, is adopted and engrossed.

H.B. 37 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE, with a favorable report.

REMOVAL OF BILL CO-SPONSOR

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

S.B. 126, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF TRAPPER IDENTIFICATION NUMBERS ISSUED BY THE WILDLIFE RESOURCES COMMISSION FOR USE IN IDENTIFYING TRAPS.

Upon motion of Senator Berger, seconded by Senator Harrington, the Senate adjourns at 3:36 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, March 6, at 2:00 p.m.

March 5, 2013

INTRODUCTION OF BILLS

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

By Senators Tarte, Rucho (Primary Sponsors); Ford and Goolsby:

S.B. 159, A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES.

Referred to the **Finance Committee**.

By Senator Walters:

S.B. 160, A BILL TO BE ENTITLED AN ACT RELATING TO THE 13TH SENATORIAL DISTRICT.

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

By Senator Brock:

S.B. 161, A BILL TO BE ENTITLED AN ACT RELATING TO THE 34TH SENATORIAL DISTRICT.

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

By Senator Hunt:

S.B. 162, A BILL TO BE ENTITLED AN ACT RELATING TO THE 15TH SENATORIAL DISTRICT.

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

By Senators Jackson, Cook, Rabin (Primary Sponsors); Brock, Daniel, J. Davis and Walters:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS.

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

By Senator Parmon:

S.B. 164, A BILL TO BE ENTITLED AN ACT TO INCREASE NORTH CAROLINA MEDICAL EXAMINER AUTOPSY FEES.

Referred to the **Finance Committee**.

By Senator Rabin:

S.B. 165, A BILL TO BE ENTITLED AN ACT RELATING TO THE 12TH SENATORIAL DISTRICT.

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

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By Senator Apodaca:

S.B. 166, A BILL TO BE ENTITLED AN ACT RELATING TO THE 48TH SENATORIAL DISTRICT.

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

By Senator Tucker:

S.B. 167, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT.

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

By Senators Tucker (Primary Sponsor); J. Davis, Goolsby and Hise:

S.B. 168, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS.

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

By Senator Hise:

S.B. 169, A BILL TO BE ENTITLED AN ACT RELATING TO THE 47TH SENATORIAL DISTRICT.

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

By Senator Hartsell:

S.B. 170, A BILL TO BE ENTITLED AN ACT RELATING TO THE 36TH SENATORIAL DISTRICT.

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

By Senators Jackson, Brock, and J. Davis (Primary Sponsors):

S.B. 171, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STATE AGENCIES AND LOCAL GOVERNMENTS FROM ADOPTING, IMPLEMENTING, OR ENFORCING A RULE OR ORDINANCE THAT REGULATES GREENHOUSE GAS EMISSIONS OR LIMITS HUMAN ACTIVITY FOR THE PURPOSE OF REDUCING GREENHOUSE GAS EMISSIONS IF THE RULE OR ORDINANCE IS NOT REQUIRED BY A FEDERAL REGULATION OR LAW OR IS MORE STRINGENT THAN A CORRESPONDING FEDERAL REGULATION OR LAW.

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

By Senator Brown:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO MODIFY THE USE OF OCCUPANCY TAX PROCEEDS FOR THE CITY OF JACKSONVILLE.

Referred to the **Finance Committee**.

By Senator Brown:

S.B. 173, A BILL TO BE ENTITLED AN ACT RELATING TO THE 6TH SENATORIAL DISTRICT.

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

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By Senator Brown:

S.B. 174, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Referred to the **Commerce Committee**.

By Senator Brown:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES.

Referred to the **Commerce Committee**.

By Senator D. Davis:

S.B. 176, A BILL TO BE ENTITLED AN ACT RELATED TO THE COUNTIES OF PITT, GREENE, WAYNE, AND LENOIR, AND THE MUNICIPALITIES WITHIN THOSE COUNTIES.

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

By Senators D. Davis and Brown (Primary Sponsors):

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE.

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

By Senator Newton:

S.B. 178, A BILL TO BE ENTITLED AN ACT RELATING TO THE 11TH SENATORIAL DISTRICT.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 105, A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, OR OTHER COMPARABLE SCREENING METHODOLOGY.

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

H.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW.

Referred to the **Judiciary I Committee**.

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

TWENTY-SECOND DAY

Senate Chamber
Wednesday, March 6, 2013

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

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

"Dear Lord, every time we meet, we pray that you would 'cleanse the thoughts of our hearts by the inspiration of your Holy Spirit.'* We think a thousand thoughts in a minute—as small as a cell phone or loneliness or good food. We trust that you do in fact hold all these things in your sight. You turn the wind; you examine our hearts. You are the Great Physician. 'Now unto Him that is able to keep you from falling, and to present you faultless before the presence of His glory with exceeding joy,'⁺ we give you thanks. Lord, it is in your name we pray. Amen."

*Excerpt from the *Collect for Purity*, Anglican Common Book of Prayer

⁺Jude 1:24, KJV

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

The Chair extends privileges of the floor to Christy Parkhill from Hendersonville, North Carolina, and to Lynde Mickey from Fletcher, North Carolina, who are serving the Senate as Nurses of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

H.B. 23 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR

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TEACHERS AND SCHOOL ADMINISTRATORS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10088, is adopted and engrossed.

H.B. 44, A BILL TO BE ENTITLED AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS, with a favorable report.

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

H.B. 10, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540, 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, 70098, which changes the title to read **H.B. 10** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; AND TO REMOVE AUTHORIZATION AND FUNDING FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY, 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.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 81 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Tuesday, March 12.

CALENDAR

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

S.B. 111 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, upon second reading.

March 6, 2013

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

H.B. 37 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE, 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 enrolled.

H.B. 82 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 33, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jenkins, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---33.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jackson, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS/DONATE LIFE MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW," upon second reading.

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

S.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS WASTE UNDER CERTAIN CONDITIONS, upon second reading.

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

March 6, 2013

S.B. 45, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, upon second reading.

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

S.B. 113, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SUPPORT THE APPLICATION OF A REGIONAL WATER SUPPLY SYSTEM FOR ALL REQUIRED FEDERAL APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

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

H.B. 10 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; AND TO REMOVE AUTHORIZATION AND FUNDING FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY, upon second reading.

The Senate Committee Substitute bill passes its second reading (37-13).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Thursday, March 7, upon third reading.

Upon motion of Senator Berger, seconded by all senators who are registered organ donors, the Senate adjourns at 3:05 p.m., subject to the introduction of bills and resolutions, the reading of Senatorial Statements, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, March 7, 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
March 6, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for **S.B. 10**, A BILL TO BE ENTITLED AN

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ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, and requests conferees, Speaker Tillis appoints:

Representative Murry, Chair
Representative Starnes
Representative Samuelson
Representative Hager
Representative T. Moore
Representative Dollar
Representative Tine 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

A SENATORIAL STATEMENT
Submitted by Senator Michael P. Walters

Congratulating the Town of Proctorville's Anniversary

WHEREAS, the Town of Proctorville, located in southern Robeson County, was incorporated on March 7, 1913; and

WHEREAS, the Town was settled around 1870, and was named for Edward Knox Proctor, Jr., a promoter of the Raleigh and Charleston Railroad; and

WHEREAS, the first officers of Proctorville included Mayor K. Atkinson; Aldermen C. W. Graham, K. Barnes, and J. K. Atkinson; and Constable P. P. Smith; and

WHEREAS, the citizens of Proctorville have made contributions to the social, cultural, political, and economic prosperity of the State of North Carolina; and

WHEREAS, Proctorville has continued to grow and prosper through the continued dedication, insight, and planning of the Town's leaders and citizens; and

WHEREAS, plans have been made to celebrate the Town's 100th anniversary on March 7, 2013, and during other times throughout the year; and

WHEREAS, this occasion is worthy of celebration and should be enjoyed and supported by all North Carolinians;

NOW, THEREFORE, The Town of Proctorville should be commended on its 100th anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the sixth day of March, 2013.

S/Senator Michael P. Walters

S/Sarah Lang
Senate Principal Clerk

March 6, 2013

A SENATORIAL STATEMENT
Submitted by Senator Ralph Hise

Recognizing the Seventy-Fifth Anniversary of the March of Dimes

WHEREAS, the March of Dimes Foundation is a pioneer in improving the health of infants and women of childbearing age by preventing birth defects, premature birth, and infant mortality; and

WHEREAS, the March of Dimes was founded by President Franklin D. Roosevelt in 1938 to fight polio, and funded the development of two vaccines, still in use today, that virtually eliminated the crippling disease; and

WHEREAS, the March of Dimes, in 1958, having achieved its initial mission, shifted its attention from polio to the prevention of birth defects and, through federal and state advocacy, led the way in establishing a nationwide network of birth defects monitoring programs and research centers; and

WHEREAS, the March of Dimes has undertaken decades of groundbreaking research in maternal and child health, which has led to the discovery of lifesaving products and tests such as surfactant therapy for premature infants and tests to identify life-threatening birth defects; and

WHEREAS, the March of Dimes was a pioneer in the support of newborn screening, urging Congress to pass and fund the Newborn Screening Saves Lives Act, which in 2008 established national guidelines on the conditions states should include in newborn programs, and through state advocacy ensured that every state screens all newborns for that core set of conditions; and

WHEREAS, the March of Dimes is a long-time advocate for access to health care for women of childbearing age, infants, children, and families, ensuring they have access to private and public health coverage under private coverage, the State Children's Health Insurance Program, Medicaid, Title V Block Grant, and the Affordable Care Act; and

WHEREAS, the March of Dimes in 2003 launched the Prematurity Campaign to address the crisis of premature birth and help families have full-term healthy babies and authored the Premature Research Expansion and Education Act for Mothers (PREEMIE) Act, which Congress enacted in 2006 to expand research, education, and services to fight premature births; and

WHEREAS, the March of Dimes has set a national goal of reducing preterm birth to 9.6% in every state by 2020, which will result in a healthier start in life for tens of thousands of infants; and

WHEREAS, the March of Dimes sponsors numerous programs to support healthy pregnancies and infants, such as its work to prevent early elective deliveries and the NICU Family Support program; and

WHEREAS, the March of Dimes and its volunteers continue to advocate for national and state health policies and programs that affect women of childbearing age, infants, children, and families;

NOW, THEREFORE, the North Carolina Chapter of the March of Dimes should be commended while observing the 75th anniversary of the March of Dimes.

March 6, 2013

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the sixth day of March, 2013.

S/Senator Ralph Hise

S/Sarah Lang
Senate Principal Clerk

INTRODUCTION OF BILLS AND A RESOLUTION

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

By Senators J. Davis (Primary Sponsor); Apodaca, Blue, D. Davis and Kinnaird:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO PROVIDE A DEFINITION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS UNDER THE NURSING PRACTICE ACT.

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

By Senators Apodaca (Primary Sponsor) and Hise:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURANCE COMPANIES WRITING PRIVATE AUTOMOBILE INSURANCE IN NORTH CAROLINA TO OFFER OPTIONAL PROGRAM ENHANCEMENTS.

Referred to the **Insurance Committee**.

By Senator Apodaca:

S.B. 181, A BILL TO BE ENTITLED AN ACT TO ALIGN AUTO INSURANCE RISK AND RATES IN NORTH CAROLINA BY ALLOWING THE CLASSIFICATION OF YOUNG DRIVERS AS A FACTOR IN THE SETTING OF RATES.

Referred to the **Insurance Committee**.

By Senators Brunstetter (Primary Sponsor); J. Davis and Randleman:

S.B. 182, A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS DE NOVO TO THE SUPERIOR COURT IN MISDEMEANOR CASES IN WHICH THE DEFENDANT HAS PLED GUILTY AND TO ELIMINATE APPEALS FROM DISTRICT COURT TO SUPERIOR COURT FOR INFRACTIONS AND PROBATION REVOCATIONS.

Referred to the **Judiciary I Committee**.

By Senator Tarte:

S.B. 183, A BILL TO BE ENTITLED AN ACT RELATING TO THE 41ST SENATORIAL DISTRICT.

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

March 6, 2013

By Senator McLaurin:

S.B. 184, A BILL TO BE ENTITLED AN ACT RELATING TO THE 25TH SENATORIAL DISTRICT.

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

By Senators McLaurin, Stein (Primary Sponsors); Blue, Bryant, D. Davis, Ford, Graham and Woodard:

S.B. 185, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE EARNED INCOME TAX CREDIT.

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

By Senators Wade, Brock (Primary Sponsors); Barringer, Cook, J. Davis, Hise and Rabin:

S.B. 186, A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF COUNTIES AND CITIES TO GIVE ELECTRONIC NOTICE.

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

By Senators Rabon, Wade, Barefoot (Primary Sponsors); J. Davis and Newton:

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE RESEARCH STUDIES ON HUMANS USING FINE PARTICULATE MATTER, KNOWN AS PM2.5, UNLAWFUL AND TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESEARCH INVOLVING HUMAN SUBJECTS.

Referred to the **Health Care Committee**.

By Senator Jenkins:

S.B. 188, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD SENATORIAL DISTRICT.

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

By Senators Cook, Barefoot, Sanderson (Primary Sponsors); Brock, Curtis, Daniel, J. Davis, Goolsby, Hunt, Newton, Rabin, Tarte, Tucker and Woodard:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS.

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

By Senators Cook, Brock (Primary Sponsors); J. Davis, Hise and Hunt:

S.B. 190, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ADULT AT A SCHOOL, COMMUNITY COLLEGE, OR UNIVERSITY WHO HAS A CONCEALED HANDGUN PERMIT MAY HAVE A HANDGUN ON EDUCATIONAL PROPERTY, PROVIDED THE GUN IS IN A CLOSED CONTAINER IN THE PERSON'S LOCKED MOTOR VEHICLE OR IS IN A LOCKED CONTAINER ATTACHED TO THE MOTOR VEHICLE AND IS REMOVED ONLY FOR DEFENSIVE PURPOSES.

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

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By Senator Cook:

S.B. 191, A BILL TO BE ENTITLED AN ACT RELATING TO THE 1ST SENATORIAL DISTRICT.

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

By Senators Hunt, Daniel, Harrington (Primary Sponsors); Bryant, Rabin and Woodard:

S.B. 192, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT OF WAY.

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

By Senators Hartsell (Primary Sponsor); Barringer, Gunn, Hise, Hunt and Randleman:

S.B. 193, 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 **Program Evaluation Committee**.

By Senators Hartsell (Primary Sponsor); Bingham, Gunn, Hise, Hunt, Randleman and Soucek:

S.B. 194, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION.

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

By Senator Soucek:

S.B. 195, A BILL TO BE ENTITLED AN ACT RELATING TO THE 45TH SENATORIAL DISTRICT.

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

By Senators Soucek, Nesbitt (Primary Sponsors); Apodaca, Brock, Daniel, D. Davis, J. Davis, Goolsby, Gunn, Hise, McLaurin, Newton and Sanderson:

S.R. 196, A SENATE RESOLUTION HONORING THE MEMORY OF RUTH BELL GRAHAM AND NAMING BILLY GRAHAM NORTH CAROLINA'S FAVORITE SON.

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

By Senator Goolsby:

S.B. 197, A BILL TO BE ENTITLED AN ACT RELATING TO THE 9TH SENATORIAL DISTRICT.

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

By Senators Soucek, Brock, Rabon (Primary Sponsors) and J. Davis:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO SUNSET THE AMERICA'S FOUR HUNDREDTH ANNIVERSARY COMMITTEE.

Referred to the **Commerce Committee**.

By Senators Meredith, Brown, McLaurin (Primary Sponsors); Allran, Apodaca, Blue, Brock, Bryant, Clark, Daniel, J. Davis, Ford, Graham, Gunn, Hise, Jenkins, Randleman, Soucek, Tarte, Tillman, Walters and Woodard:

S.B. 199, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS.

Referred to the **Commerce Committee**.

By Senators Bingham, Goolsby, and Newton (Primary Sponsors):

S.B. 200, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION AND FOR CERTAIN FORENSIC SCIENTISTS TO OBTAIN CERTIFICATION.

Referred to the **Judiciary I Committee**.

By Senators Randleman (Primary Sponsor); Brock and Newton:

S.B. 201, A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SILENCER OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM.

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

By Senators Randleman (Primary Sponsor) and Hunt:

S.B. 202, A BILL TO BE ENTITLED AN ACT TO EXEMPT DIAGNOSTIC CENTERS FROM CERTIFICATE OF NEED REVIEW AND TO AMEND CERTIFICATE OF NEED LAWS PERTAINING TO SINGLE-SPECIALTY AMBULATORY SURGERY OPERATING ROOMS.

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

By Senator Randleman:

S.B. 203, A BILL TO BE ENTITLED AN ACT RELATING TO THE 30TH SENATORIAL DISTRICT.

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

MESSAGE FROM THE GOVERNOR

STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR

PAT McCrory
GOVERNOR

March 1, 2013

Ms. Sarah Lang
Principal Clerk of the Senate
North Carolina Senate
16 West Jones Street, Room 2020
Raleigh, NC 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §143B-350, I am pleased to appoint the following individuals to the North Carolina Board of Transportation for review by the North Carolina General Assembly's Joint Legislative Transportation Oversight Committee;

- Mr. Malcolm Fearing of Dare County to the First Transportation Division.
- Mr. Michael Lee of New Hanover County to the Third Transportation Division.
- Mr. Michael Smith of Wake County to the Fifth Transportation Division.

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- Ms. Cheryl McQueary of Guilford County to the Seventh Transportation Division.
- Mr. Jake Alexander of Rowan County to the Ninth Transportation Division.
- Mr. Jim Palermo of Watauga County to the Eleventh Transportation Division.
- Mr. David Brown of Buncombe County to the Thirteenth Transportation Division.
- Mr. Ferrell Blount of Pitt County as an at-large member, environmental issues.
- Mr. Ned Curran of Mecklenburg County as an at-large member, government-related finance and accounting.
- Mr. John Lennon of New Hanover County as an at-large member, State ports and aviation issues.

Enclosed are the biographical information and disclosure statements on the above appointees. Please feel free to call my staff for any additional information.

With best regards,
S/Pat McCrory

cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is ordered held in the Office of the Senate Principal Clerk for review.

EXECUTIVE ORDER

The following Executive Order was issued by Governor Pat McCrory:

Executive Order No. 5, Emergency Relief for the Areas Impacted by the Mid-Atlantic Winter Storm.

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

March 6, 2013

TWENTY-THIRD DAY

Senate Chamber
Thursday, March 7, 2013

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

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

“Lord, thank you for your common grace that you give to all of us. As we put into place laws, statutes, and practices across our land, they have consequences on people. May their ethic reflect our dependence on your strong voice, O Lord. Help this body, I ask, to lead lives that mirror your spoken word in scripture. May our laws reflect the very real gestures of how you have dealt with each of us—whether we’re Republican or Democrat. You love us. May we live lives in honor of the God that we serve. I make my prayer in the name of the one that spoke everything into existence. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 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 Judy Rafson from New Bern, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

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

H.B. 82, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012.

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

H.B. 37, AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE.

March 7, 2013

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. 66, AN ACT TO AMEND THE LAW PROVIDING FOR THE ISSUANCE OF CAPTIVITY LICENSES AND PERMITS BY THE WILDLIFE RESOURCES COMMISSION. (Became law upon approval of the Governor, March 6, 2013 - S.L. 2013-3.)

H.B. 5, AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO PROVIDE TEMPORARY, SHORT-TERM FINANCIAL ASSISTANCE TO (1) GROUP HOMES SERVING RESIDENTS DETERMINED NOT TO BE ELIGIBLE FOR MEDICAID-COVERED PERSONAL CARE SERVICES AS A RESULT OF CHANGES TO ELIGIBILITY CRITERIA THAT BECAME EFFECTIVE ON JANUARY 1, 2013, AND (2) SPECIAL CARE UNITS SERVING RESIDENTS WHO QUALIFY FOR MEDICAID-COVERED PERSONAL CARE SERVICES ON OR AFTER JANUARY 1, 2013. (Became law upon approval of the Governor, March 6, 2013 - S.L. 2013-4.)

S.B. 4, AN ACT (1) TO CLARIFY THE STATE'S INTENT NOT TO OPERATE A STATE-RUN OR "PARTNERSHIP" HEALTH BENEFIT EXCHANGE, (2) TO PROVIDE THAT FUTURE MEDICAID ELIGIBILITY DETERMINATIONS WILL BE MADE BY THE STATE RATHER THAN THE FEDERALLY FACILITATED EXCHANGE, AND (3) TO REJECT THE AFFORDABLE CARE ACT'S OPTIONAL MEDICAID EXPANSION. (Became law upon approval of the Governor, March 6, 2013 - S.L. 2013-5.)

H.B. 19, AN ACT TO HONOR FALLEN HEROES BY STRENGTHENING THE LAW THAT PROHIBITS DISORDERLY CONDUCT AT A FUNERAL, MEMORIAL SERVICE, OR PROCESSIONAL ROUTE. (Became law upon approval of the Governor, March 6, 2013 - S.L. 2013-6.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 123, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS RESIDING NEAR SCHOOLS OR DAY CARE CENTERS, with a favorable report.

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MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 54, A BILL TO BE ENTITLED AN ACT REQUIRING THAT IN CASE OF FORECLOSURE OF A DEED OF TRUST OR MORTGAGE THE COMMISSIONER OR TRUSTEE AUTHORIZED TO SELL THE PROPERTY SHALL RECORD A NOTICE OF FORECLOSURE IN THE OFFICE OF THE REGISTER OF DEEDS WITHIN SIXTY DAYS AFTER FILING THE FINAL REPORT ON THE SALE OF THE PROPERTY, upon second reading.

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

CALENDAR

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

H.B. 23 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS, upon second reading.

The Senate Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 44, A BILL TO BE ENTITLED AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS, upon second reading.

The bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 10 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; AND TO REMOVE AUTHORIZATION AND FUNDING FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY, upon third reading.

Senator Rabon offers Amendment No. 1, which he subsequently withdraws.

Senator Rabon offers Amendment No. 2, which is adopted (36-14), and changes the title to read **H.B. 10** (Senate Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY.

The Senate Committee Substitute bill, as amended, passes its third reading (33-17) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

ADDITIONAL SPONSORS

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

S.B. 199, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS.

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

S.B. 185, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET FOR THE EARNED INCOME TAX CREDIT.

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

S.B. 199, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS.

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

S.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS.

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S.B. 199, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS.

Upon motion of Senator Berger, seconded by Senator Goolsby, the Senate adjourns at 11:48 a.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, March 11, at 7:00 p.m.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 180 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL CORRECTIONS TO THE LAWS GOVERNING MECHANICS LIENS.

Referred to the **Judiciary I Committee**.

INTRODUCTION OF BILLS

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

By Senator Clark:

S.B. 204, A BILL TO BE ENTITLED AN ACT RELATING TO THE 21ST SENATORIAL DISTRICT.

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

By Senators Walters (Primary Sponsor); Clark, Daniel, J. Davis, Jackson, McLaurin and Newton:

S.B. 205, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS.

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

By Senators J. Davis (Primary Sponsor); Clark and Hise:

S.B. 206, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CONTROLLED SUBSTANCES REPORTING SYSTEM BY REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO UPDATE THE SYSTEM TO PROVIDE REAL-TIME PRESCRIPTION INFORMATION, BY REQUIRING DISPENSERS TO REPORT PRESCRIPTION INFORMATION WITHIN TWENTY-FOUR HOURS AFTER DISPENSING A PRESCRIPTION,

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AND BY REQUIRING PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT.

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

By Senators Tucker (Primary Sponsor) and J. Davis:

S.B. 207, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS.

Referred to the **Finance Committee**.

By Senators Tucker, Barringer (Primary Sponsors); Clark and Hise:

S.B. 208, A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER.

Referred to the **Health Care Committee**.

By Senators Parmon, Brunstetter (Primary Sponsors) and Meredith:

S.B. 209, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES BY REGULAR MAIL AND POSTING.

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

By Senators Parmon, Brunstetter (Primary Sponsors) and Clark:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES.

Referred to the **Judiciary I Committee**.

By Senators Parmon, Brunstetter (Primary Sponsors) and Meredith:

S.B. 211, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING.

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

By Senator Parmon:

S.B. 212, A BILL TO BE ENTITLED AN ACT TO RESTORE THE ELECTION CYCLE FOR THE CITY OF WINSTON-SALEM TO THAT PROVIDED BY GENERAL LAW AND TO MAKE A TECHNICAL CORRECTION TO THE CHARTER.

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

By Senators Apodaca (Primary Sponsor); Meredith and Randleman:

S.B. 213, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION.

Referred to the **Judiciary I Committee**.

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By Senator Stein:

S.B. 214, A BILL TO BE ENTITLED AN ACT RELATING TO THE 16TH SENATORIAL DISTRICT.

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

By Senator Nesbitt:

S.B. 215, A BILL TO BE ENTITLED AN ACT RELATING TO THE 49TH SENATORIAL DISTRICT.

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

By Senator Rucho:

S.B. 216, A BILL TO BE ENTITLED AN ACT RELATING TO THE 39TH SENATORIAL DISTRICT.

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

By Senator Blue:

S.B. 217, A BILL TO BE ENTITLED AN ACT RELATING TO THE 14TH SENATORIAL DISTRICT.

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

By Senators Newton (Primary Sponsor); Bryant, Clark, D. Davis, Jackson, Meredith and Walters:

S.B. 218, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE IMPOSITION OF TOLLS ON INTERSTATE 95 FOR TEN YEARS AND TO REQUIRE THE PRIOR APPROVAL OF THE GENERAL ASSEMBLY FOR TOLLING INTERSTATE 95 THEREAFTER.

Referred to the **Transportation Committee**.

By Senator Bryant:

S.B. 219, A BILL TO BE ENTITLED AN ACT RELATING TO THE 4TH SENATORIAL DISTRICT.

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

By Senators Parmon, D. Davis (Primary Sponsors) and Bryant:

S.B. 220, A BILL TO BE ENTITLED AN ACT PROVIDING FOR AUTOMATIC ADJUSTMENT OF THE STATE'S MINIMUM WAGE BASED UPON INCREASES IN THE CONSUMER PRICE INDEX.

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

By Senators Allran, Bingham, Curtis (Primary Sponsors); Barringer, Cook, Harrington, Meredith, Randleman and Robinson:

S.B. 221, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CHILDREN'S ADVOCACY CENTERS.

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

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By Senators Allran, Bingham (Primary Sponsors); Clark and Hise:

S.B. 222, A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

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

By Senator Hise:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT.

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

By Senators Newton (Primary Sponsor); Clark and J. Davis:

S.B. 224, A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING ON SUNDAY ON PRIVATE LAND WITH PERMISSION OF THE OWNER.

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

By Senators Newton (Primary Sponsor); Cook, Daniel and J. Davis:

S.B. 225, A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT.

Referred to the **Judiciary II Committee**.

By Senator Woodard:

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT.

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

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

TWENTY-FOURTH DAY

Senate Chamber
Monday, March 11, 2013

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

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

“Dear Lord, thanks for gathering us together tonight under your sheltering sky and your all-powerful wing. I pray for all of my brothers and sisters to my left and to my right, for their work and for their good health and for their endurance as we carry through this session of the North Carolina Senate 2013. I make my prayers in the name of the strong one, Jesus. Amen.”

The Chair grants leaves of absence for tonight to Senator Cook, Senator Robinson, and Senator Stein.

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

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

ENROLLED BILL

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

H.B. 44, AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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:

March 11, 2013

H.B. 37, AN ACT AUTHORIZING CLEVELAND COUNTY TO CONVEY CERTAIN DESCRIBED PROPERTY BY GIFT, PRIVATE SALE, OR LONG-TERM LEASE. (Became law upon ratification, March 7, 2013 - S.L. 2013-7.)

CALENDAR

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

S.B. 123, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS RESIDING NEAR SCHOOLS OR DAY CARE CENTERS, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 225, A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT, referred to the **Judiciary II Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent, and the Chair so orders.

SENATE PAGES

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

Mary Ann Broughton, Winston-Salem; Kianna Brower, Rural Hall; Emma Burri,* Charlotte; Evan Haynes, Raleigh; Keegan Hines, Cary; Lance Hunter, Cary; Abby Jones, Boiling Spring Lakes; Jessica Joyner,* Raleigh; Brodie Maxey, Lewisville; Milizhia Mills, Winston-Salem; Erin Ray, Knightdale; Andrew Smith, Greensboro; Joseph Vuke, Raleigh; and Sarah Grace Wilson,* Greensboro.

*Girl Scout

Upon motion of Senator Berger, seconded by Senator Meredith, the Senate adjourns at 7:12 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, March 12, at 2:00 p.m.

March 11, 2013

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS PERTAINING TO ADOPTION.

Referred to the **Judiciary I Committee**.

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE.

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

INTRODUCTION OF BILLS

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

By Senator Robinson:

S.B. 227, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF GREENSBORO TO COLLECT UNPAID PARKING TICKETS, FINES, AND PENALTIES AS A MUNICIPAL TAX ON MOTOR VEHICLES.

Referred to the **Finance Committee**.

By Senators Cook and Rabin (Primary Sponsors):

S.B. 228, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER'S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER.

Referred to the **Commerce Committee**.

March 11, 2013

By Senator Rabon:

S.B. 229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

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

By Senator Ford:

S.B. 230, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senators J. Davis (Primary Sponsor) and Brock:

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION.

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

By Senators Soucek (Primary Sponsor); Daniel and Hise:

S.B. 232, A BILL TO BE ENTITLED AN ACT PROVIDING THAT COUNTIES AND MUNICIPALITIES MAY, WHEN CONTRACTING FOR CONSTRUCTION OR REPAIR WORK OR FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT INVOLVING THE EXPENDITURE OF PUBLIC MONEY, GIVE PREFERENCE TO LOCAL BIDDERS WHEN CERTAIN REQUIREMENTS ARE MET.

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

By Senator Robinson:

S.B. 233, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN CITY CONTRACTS.

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

By Senators Newton (Primary Sponsor); Clark, D. Davis, Rabin and Tucker:

S.B. 234, A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT.

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

By Senators Clark, Ford (Primary Sponsors); Kinnaird and Tarte:

S.B. 235, A BILL TO BE ENTITLED AN ACT TO GUARANTEE THAT NO REGISTERED VOTER IS DENIED THE RIGHT TO VOTE AT AN APPROVED POLLING SITE; AND TO PREVENT THE UNAUTHORIZED USE OF A REGISTERED VOTER'S VOTING PRIVILEGE THROUGH THE FRAUDULENT MISUSE OF A REGISTERED VOTER'S IDENTITY.

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

March 11, 2013

By Senators Hunt, Apodaca, Brunstetter (Primary Sponsors); Hise, Rabin, Tarte and Tucker:

S.B. 236, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY.

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

By Senators Hartsell (Primary Sponsor) and McLaurin:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN CABARRUS AND STANLY COUNTIES FROM THE UNION/CABARRUS/STANLY CORNER TO RESOLVE A DIVERGENCE OF HISTORICAL DATA AND THE BOUNDARY AS ADMINISTERED.

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

By Senator Gunn:

S.B. 238, A BILL TO BE ENTITLED AN ACT RELATING TO THE 24TH SENATORIAL DISTRICT.

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

By Senators Clodfelter, Barringer, Brunstetter (Primary Sponsors); Clark, Hise and Tillman:

S.B. 239, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT.

Referred to the **Judiciary I Committee**.

By Senator Goolsby:

S.B. 240, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS.

Referred to the **Health Care Committee**.

By Senator Pate:

S.B. 241, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.

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

By Senators McLaurin and Stein (Primary Sponsors):

S.B. 242, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCENTIVE FOR LONG-TERM UNEMPLOYMENT HIRES.

Referred to the **Finance Committee**.

March 11, 2013

By Senators Allran (Primary Sponsor); Rabin and Randleman:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM.

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

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

TWENTY-FIFTH DAY

Senate Chamber
Tuesday, March 12, 2013

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

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

"Almighty Father, we cry out to you because we know that you hear us. It was said of Seth that he cried out to the Lord, and it can be said of us that we cry out to the Lord. So make our cries pure, and put your desires in our hearts, Lord. We pray for this body, these 'soldiers,' so to speak, that they might hear the words of Isaiah, 'Put on your beautiful garments, shake off your dust and arise and be seated with the Lord.'* For as long as we cry out to you, O Lord, our state will be filled with good things. It's in Christ's name we pray. Amen."

*Adapted from Isaiah 52:1-2, ESV

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

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 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.

ENROLLED BILLS

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

March 12, 2013

S.B. 72, AN ACT TO AMEND UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS, TO CONTINUE THE APPLICABILITY OF THAT ARTICLE TO REMITTANCE TRANSFERS THAT ARE NOT ELECTRONIC FUND TRANSFERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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

S.B. 95, AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY.

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. 95, AN ACT TO PROVIDE FOR AN ELECTION PROCEDURE FOR MIDTERM VACANCIES IN TABOR CITY. (Became law upon ratification, March 12, 2013 - S.L. 2013-8.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 117, A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW", with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15107, is adopted and engrossed.

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

H.B. 180 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL CORRECTIONS TO THE LAWS GOVERNING MECHANICS LIENS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80090, is adopted and engrossed.

March 12, 2013

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

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE, with a favorable report.

Upon recommendation of Senator Tucker, the bill is re-referred to the **Finance Committee**.

S.B. 128, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75156, is adopted and engrossed.

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

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES, with a favorable report.

S.B. 38, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT 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, 15108, is adopted and engrossed.

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

S.B. 9, A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75155, is adopted and engrossed.

March 12, 2013

INTRODUCTION OF A RESOLUTION

Without objection, a resolution filed for introduction is presented to the Senate out of sequential order, read the first time, and disposed of as follows:

By Senators Barringer (Primary Sponsor); Brock, Brown, Bryant, Daniel, D. Davis, Gunn, Harrington, Hise, McLaurin, Newton, Rabin, Randleman, Robinson, Wade and Woodard:

S.R. 251, A SENATE RESOLUTION HONORING THE GIRL SCOUTS OF THE USA.

Upon motion of Senator Apodaca, without objection, the resolution is placed on the calendar for immediate consideration.

CALENDAR

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

S.R. 251, A SENATE RESOLUTION HONORING THE GIRL SCOUTS OF THE USA, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is adopted (49-0).

The Senate recesses at 2:30 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 of as follows:

By Senator Tucker:

S.B. 244, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MUSIC THERAPY PRACTICE ACT.

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

By Senator Walters:

S.J.R. 245, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

By Senators Randleman (Primary Sponsor); Brock, J. Davis, Newton and Pate:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL INCOME TAX TREATMENT OF GOVERNMENT RETIREES' BENEFITS.

March 12, 2013

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Randleman:

S.B. 247, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN.

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

By Senators Hartsell (Primary Sponsor) and J. Davis:

S.B. 248, 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.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 249, A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE NORTH CAROLINA PROGRESS BOARD.

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

By Senators Tarte, Tucker, J. Davis (Primary Sponsors); Brock and Hise:

S.B. 250, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO EXEMPT FROM ITS COVERAGE CERTAIN EMPLOYEES OF THE OFFICE OF INFORMATION TECHNOLOGY SERVICES AND THE OFFICE OF STATE PERSONNEL.

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

By Senators J. Davis (Primary Sponsor); Brock, Hise and Rabin:

S.B. 252, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT.

Referred to the **Judiciary II Committee**.

By Senators J. Davis (Primary Sponsor) and Randleman:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SHERIFF, DESIGNATED DEPUTY SHERIFF, POLICE CHIEF, OR DESIGNATED POLICE OFFICER INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Judiciary I Committee**.

March 12, 2013

By Senator Hartsell:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE 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 Senators McLaurin, Walters, Clark (Primary Sponsors); Bryant, D. Davis, Ford, Jenkins, Rabin, Robinson and Woodard:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR NEW JOBS CREATED BY SMALL BUSINESSES.

Referred to the **Finance Committee**.

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

CALENDAR *(continued)*

S.B. 81 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, upon second reading.

Senator Rucho offers Amendment No. 1, which is adopted (35-14).

Senator Graham offers Amendment No. 2, which fails (17-32).

Senator Graham offers Amendment No. 3, which fails (17-32).

Senator Graham offers Amendment No. 4, which fails (16-33).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 33, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---33.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Walters and Woodard---16.

The Committee Substitute bill No. 2, as amended, remains on the calendar for Wednesday, March 13, upon third reading.

Upon motion of Senator Apodaca, seconded by Senator Hunt, the Senate adjourns at 4:36 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, March 13, at 2:00 p.m.

March 12, 2013

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE STANDARD OF PROOF FOR PUBLIC SAFETY TELECOMMUNICATORS AND DISPATCHERS.

Referred to the **Judiciary II Committee**.

H.B. 140, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LOWELL TO REGULATE UTILITY VEHICLES.

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

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

TWENTY-SIXTH DAY

Senate Chamber
Wednesday, March 13, 2013

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

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

"Heavenly Father, we come before you in need of your wisdom in the midst of daily decisions. Help us to listen to one another. Help us to try our hardest to understand each other. Help us not be foolish, but wise. Help us to see that when we fail at this, and we will, you have got the entire world in your hands. You've got the Senate in your hands. You've got the House in your palm. We're asking for your help. In the name of a mighty and awe inspiring, wise God, in Jesus' name we pray. Amen."

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, March 12, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Sarah Merritt from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Lucinda "Cindy" Smith from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

March 13, 2013

ENROLLED BILL

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

H.B. 23, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS.

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. 77, AN ACT TO DELETE A PROVISION FOR A FIFTY-DOLLAR PAYMENT TO MEMBERS OF THE BOARD OF LAW EXAMINERS THAT HAS NOT BEEN PAID SINCE THE 1970S AND TO CLARIFY A PROVISION RELATING TO EXPENSES OF THAT BOARD, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, March 13, 2013 - S.L. 2013-9.)

H.B. 82, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE AND TO DECOUPLE FROM CERTAIN PROVISIONS OF THE FEDERAL AMERICAN TAXPAYER RELIEF ACT OF 2012. (Became law upon approval of the Governor, March 13, 2013 - S.L. 2013-10.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hise for the **Health Care Committee**:

S.B. 223, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT, with a favorable report.

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

CALENDAR

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

S.B. 81 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY, upon third reading, as amended.

March 13, 2013

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 32, noes 18, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Hartsell, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---18.

The Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives.

S.B. 128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS, 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.

H.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES, 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 enrolled.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, March 19.

March 13, 2013

WITHDRAWAL FROM COMMITTEE

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE RESEARCH STUDIES ON HUMANS USING FINE PARTICULATE MATTER, KNOWN AS PM2.5, UNLAWFUL AND TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESEARCH INVOLVING HUMAN SUBJECTS, referred to the **Health Care Committee** on March 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, and the Chair so orders.

CALENDAR (*continued*)

S.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, upon second reading.

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

S.B. 117 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW", upon second reading.

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

H.B. 180 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL CORRECTIONS TO THE LAWS GOVERNING MECHANICS LIENS, upon second reading.

The Senate Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

March 13, 2013

S.B. 75, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIPS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85080, which changes the title to read **S.B. 75** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP, is adopted and engrossed.

ADDITIONAL SPONSOR

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

S.B. 235, A BILL TO BE ENTITLED AN ACT TO GUARANTEE THAT NO REGISTERED VOTER IS DENIED THE RIGHT TO VOTE AT AN APPROVED POLLING SITE; AND TO PREVENT THE UNAUTHORIZED USE OF A REGISTERED VOTER'S VOTING PRIVILEGE THROUGH THE FRAUDULENT MISUSE OF A REGISTERED VOTER'S IDENTITY.

Upon motion of Senator Berger, seconded by Senator Bingham, the Senate adjourns at 3:04 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, March 14, at 10:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 75, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE.

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

H.B. 120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS.

Referred to the **Commerce Committee**.

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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 Senators Rucho (Primary Sponsor); Brock, Jenkins, Tarte, Tucker and Walters:

S.B. 256, A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT NORTH CAROLINA LAW REQUIRES PHYSICIAN SUPERVISION OF ALL NURSES PROVIDING ANESTHESIA SERVICES.

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

By Senator Gunn:

S.B. 257, A BILL TO BE ENTITLED AN ACT TO FURTHER DEFINE THE BOUNDARY LINE BETWEEN ALAMANCE AND GUILFORD COUNTIES.

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

By Senator Tillman:

S.B. 258, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO.

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

By Senator Bingham:

S.B. 259, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS BY GRANTING THE LOCAL GOVERNMENT COMMISSION ADDITIONAL AUTHORITY TO OVERSEE THE FINANCIAL MANAGEMENT OF WATER AND SEWER SYSTEMS OF LOCAL GOVERNMENTS OR OTHER PUBLIC AUTHORITIES.

Referred to the **Finance Committee**.

By Senator Bingham:

S.B. 260, A BILL TO BE ENTITLED AN ACT TO REPEAL THE COMBINED MOTOR VEHICLE REGISTRATION RENEWAL AND PROPERTY TAX COLLECTION SYSTEM.

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

By Senators Jenkins (Primary Sponsor) and Walters:

S.B. 261, A BILL TO BE ENTITLED AN ACT TO ALLOW A SALES TAX REFUND FOR REGIONAL JAILS.

Referred to the **Finance Committee**.

By Senators Apodaca (Primary Sponsor); Barefoot, Brock, Brown, Daniel, Goolsby, Hise, McLaurin, Newton, Tarte and Woodard:

S.R. 262, A SENATE RESOLUTION COMMEMORATING THE RECOVERY OF NORTH CAROLINA'S BILL OF RIGHTS.

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

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By Senators Brown (Primary Sponsor) and Rabin:

S.B. 263, A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY BY REGULAR OR ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, AND TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.

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

By Senators Brown (Primary Sponsor); Hise and Rabin:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO AMEND THE CRIMINAL LAWS TO PREVENT THE USE OF A BUSINESS FRONT TO SELL CONTROLLED SUBSTANCES.

Referred to the **Judiciary I Committee**.

By Senators Kinnaird (Primary Sponsor) and Woodard:

S.B. 265, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA.

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

By Senator Parmon:

S.B. 266, A BILL TO BE ENTITLED AN ACT TO INCREASE THE TAX RATE ON GROSS RECEIPTS A REGIONAL TRANSPORTATION AUTHORITY MAY LEVY ON RETAILERS ENGAGED IN THE BUSINESS OF LEASING OR RENTING U-DRIVE-IT VEHICLES OR MOTORCYCLES.

Referred to the **Finance Committee**.

By Senators Parmon, Graham (Primary Sponsors); Bryant, Hise and Newton:

S.B. 267, A BILL TO BE ENTITLED AN ACT TO PROHIBIT STUDENTS FROM DROPPING OUT OF SCHOOL BEFORE THE AGE OF EIGHTEEN.

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

By Senator Rabon:

S.B. 268, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE.

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 Brock:

S.B. 269, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY.

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

By Senator Hartsell:

S.B. 270, A BILL TO BE ENTITLED AN ACT TO REPEAL THE DISCOUNT TO TOBACCO VENDORS WHO FILE A TIMELY REPORT.

Referred to the **Finance Committee**.

By Senators Hartsell (Primary Sponsor) and Daniel:

S.B. 271, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT TO STUDY THE PROCEDURE FOR INCORPORATING MUNICIPALITIES.

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

By Senators D. Davis and Pate (Primary Sponsors):

S.B. 272, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.

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

By Senators D. Davis (Primary Sponsor); Bryant, McLaurin and Woodard:

S.B. 273, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO HOUSING AUTHORITIES.

Referred to the **Finance Committee**.

By Senator D. Davis:

S.B. 274, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BEREAVEMENT LEAVE FOR STATE EMPLOYEES AND PUBLIC SCHOOL EMPLOYEES.

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

By Senators Clodfelter (Primary Sponsor) and Ford:

S.B. 275, A BILL TO BE ENTITLED AN ACT TO BROADEN THE PERMITTED USE OF STORM WATER FEES.

Referred to the **Finance Committee**.

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By Senator Clodfelter:

S.B. 276, A BILL TO BE ENTITLED AN ACT CONCERNING INVESTMENTS OF THE CITY OF CHARLOTTE.

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

By Senators Robinson, Barringer, Randleman (Primary Sponsors); Barefoot and Bryant:

S.B. 277, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT RULES AND REQUIRING A FOSTER PARENT TO HAVE IN PLACE AN EDUCATIONAL DEVELOPMENT PLAN FOR A CHILD IN THE FOSTER PARENT'S CARE.

Referred to the **Health Care Committee**.

By Senators Robinson, Barringer, Randleman (Primary Sponsors) and Bryant:

S.B. 278, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ADMINISTRATION OF CORPORAL PUNISHMENT ON CHILDREN LIVING IN FOSTER CARE AND TO INCREASE SAFEGUARDS FOR CORPORAL PUNISHMENT.

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

By Senators Hartsell and Barringer (Primary Sponsors):

S.B. 279, A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES.

Referred to the **Judiciary I Committee**.

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

TWENTY-SEVENTH DAY

Senate Chamber
Thursday, March 14, 2013

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

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

"Almighty God, once again, you've given us such good work this week. While we may complain, and while we may bicker, Lord, you turn our face back to you, and you are gracious, Lord. You have given us shelter amidst the storms

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of life. You are our rock and our fortress, and you have surrounded us with a great cloud of witnesses. We thank you for this day, and we ask you to bless it. It's in Christ's name we pray. Amen."

The Chair grants leaves of absence for today to Senator Berger and Senator Rucho.

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Deborah Allen from Pittsboro, North Carolina, and to Ann Marie Walton from Pittsboro, North Carolina, who are serving the Senate as Nurses of the Day.

CALENDAR

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

S.B. 75 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP, 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.

MOTION PERTAINING TO A FUTURE CALENDAR

Upon motion of Senator Apodaca, without objection, all business on the calendar of Monday, March 18, with the exception of S.R. 262, is moved to the calendar of Tuesday, March 19.

WITHDRAWAL FROM COMMITTEE

S.R. 262, A SENATE RESOLUTION COMMEMORATING THE RECOVERY OF NORTH CAROLINA'S BILL OF RIGHTS, referred to the **Rules and Operations of the Senate Committee** on March 13.

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 the calendar of March 18, which motion prevails with unanimous consent, and the Chair so orders.

ADDITIONAL SPONSOR

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

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S.B. 256, A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT NORTH CAROLINA LAW REQUIRES PHYSICIAN SUPERVISION OF ALL NURSES PROVIDING ANESTHESIA SERVICES.

Upon motion of Senator Pate, seconded by Senator Brock, the Senate adjourns at 10:10 a.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, March 18, at 6:45 p.m., in the Old Senate Chamber of the North Carolina State Capitol Building.

INTRODUCTION OF BILLS

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

By Senators Meredith (Primary Sponsor); Barefoot, Brock, Brown, Clark, Curtis, Daniel, D. Davis, Goolsby, Jackson and Rabin:

S.B. 280, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS.

Referred to the **Transportation Committee**.

By Senator Rabon:

S.B. 281, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS.

Referred to the **Commerce Committee**.

By Senators Hunt (Primary Sponsor); Goolsby, Jackson and Rabin:

S.B. 282, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR OPERATION COMING HOME, INC.

Referred to the **Finance Committee**.

By Senator Hise:

S.B. 283, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF TRYON.

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

By Senators Hise (Primary Sponsor) and Brock:

S.B. 284, A BILL TO BE ENTITLED AN ACT AUGMENTING THE WORK OF THE GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, OFFICE OF STATE CONTROLLER, BY CODIFYING ITS MISSION, POWERS, AND DUTIES AND AMENDING

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THE REVENUE AND MOTOR VEHICLE LAWS TO ENHANCE THE DATA SHARING REQUIRED TO INCREASE THE STATE'S BUSINESS INTELLIGENCE.

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

By Senator J. Davis:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT UNDER G.S. 20-139.1 THAT A LABORATORY CONFORM TO FORENSIC SPECIFIC REQUIREMENTS AND BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO ALLOW FOR THE ADMISSIBILITY OF A CHEMICAL ANALYSIS UNDER G.S. 20-139.1, PERFORMED BY AN INDIVIDUAL WHO QUALIFIES AS AN EXPERT WITNESS UNDER RULE 702 OF THE NORTH CAROLINA RULES OF EVIDENCE.

Referred to the **Judiciary I Committee**.

By Senators J. Davis (Primary Sponsor); Clark, Curtis, Hise, Jackson and Rabin:

S.B. 286, A BILL TO BE ENTITLED AN ACT TO REQUIRE PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT AND TO MAKE A VIOLATION OF THAT REQUIREMENT A CRIMINAL OFFENSE.

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

By Senators Wade and Barringer (Primary Sponsors):

S.B. 287, A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF GUILFORD COUNTY, THE CITIES OF GREENSBORO AND HIGH POINT, AND THE TOWN OF MORRISVILLE TO GIVE ELECTRONIC NOTICE.

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

By Senators Barringer and Hunt (Primary Sponsors):

S.B. 288, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY.

Referred to the **Redistricting Committee**.

By Senator Barringer:

S.B. 289, A BILL TO BE ENTITLED AN ACT RELATING TO THE 17TH SENATORIAL DISTRICT.

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

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By Senator J. Davis:

S.B. 290, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE.

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

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

S.B. 291, 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.

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

By Senators Brunstetter, Rabon (Primary Sponsors) and Meredith:

S.B. 292, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL IMMEDIATELY REVOKE A PERSON'S DRIVERS LICENSE FOR REFUSING TO SUBMIT TO A CHEMICAL ANALYSIS PURSUANT TO G.S. 20-16.2 REGARDLESS OF WHETHER THE PERSON REQUESTS A HEARING BEFORE THE DIVISION IF CERTAIN CONDITIONS ARE MET.

Referred to the **Judiciary II Committee**.

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 293, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION LAWS TO REQUIRE EMPLOYER CONSENT FOR THE REDUCTION BY MORE THAN FIFTY PERCENT OF AN EMPLOYER'S SUBROGATION LIEN.

Referred to the **Commerce Committee**.

By Senator Parmon:

S.B. 294, A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR THE CITY OF WINSTON-SALEM.

Referred to the **Commerce Committee**.

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 295, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD.

Referred to the **Judiciary I Committee**.

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 296, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY

AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER.

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

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 297, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY UNDERTAKE CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES WITHOUT COMPLYING WITH THE STATE'S CONTRACT LAWS.

Referred to the **Commerce Committee**.

By Senators Bryant, Parmon, McKissick (Primary Sponsors); Clark, Clodfelter, D. Davis, Jenkins and Kinnaird:

S.B. 298, A BILL TO BE ENTITLED AN ACT TO MAKE SIMPLER THE PROCESS OF FILLING OUT A VOTER REGISTRATION FORM AND PRINTING IT OUT TO MAIL AND ALSO TO ALLOW VOTERS TO REGISTER TO VOTE ONLINE.

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

By Senators Graham (Primary Sponsor) and Clodfelter:

S.B. 299, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO INCREASE THE MEMBERSHIP OF THE CIVIL SERVICE BOARD FROM SEVEN TO NINE MEMBERS.

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

By Senator Graham:

S.B. 300, A BILL TO BE ENTITLED AN ACT RELATING TO THE 40TH SENATORIAL DISTRICT.

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

By Senator Graham:

S.B. 301, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS TO OPERATE ON PUBLIC STREETS AND HIGHWAYS.

Referred to the **Transportation Committee**.

By Senator Graham:

S.B. 302, A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY.

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

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By Senator Graham:

S.B. 303, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE MECKLENBURG-UNION METROPOLITAN PLANNING ORGANIZATION SHALL NOT HAVE TO COMPLY WITH SECTION 24.16(A) OF S.L. 2012-142.

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

By Senators Meredith, Newton (Primary Sponsors); Daniel and Randleman:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO ALLOW IN-SERVICE DISTRIBUTIONS TO PARTICIPANTS, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS.

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

By Senators Tillman, Jenkins, Newton (Primary Sponsors) and Rabin:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS.

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

By Senators Goolsby (Primary Sponsor); Brock, Meredith, Rabin, Tillman and Tucker:

S.B. 306, A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND

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AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES.

Referred to the **Judiciary I Committee**.

By Senators Hise, Daniel, Barefoot (Primary Sponsors); Curtis and Randleman:

S.B. 307, A BILL TO BE ENTITLED AN ACT TO RESTORE THE LOCAL GOVERNMENT HOLD HARMLESS FOR REPEALED REIMBURSEMENTS.

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

By Senators Daniel, Randleman, Hunt (Primary Sponsors); Brock, Hise and Tucker:

S.B. 308, A BILL TO BE ENTITLED AN ACT AMENDING THE WOMAN'S RIGHT TO KNOW ACT.

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

By Senator Kinnaird:

S.B. 309, A BILL TO BE ENTITLED AN ACT TO DIRECT CONVEYANCE BY THE STATE OF THE HAYWOOD TOWN SQUARE.

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

By Senator Sanderson:

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT.

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

By Senators Stein, Blue, and Barringer (Primary Sponsors):

S.B. 311, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

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

By Senators Daniel (Primary Sponsor) and Curtis:

S.B. 312, A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM ON WHETHER TO INCORPORATE THE VILLAGE OF LAKE JAMES.

Referred to the **Finance Committee**.

By Senators Parmon and Robinson (Primary Sponsors):

S.B. 313, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PARENT'S CONSENT BEFORE A CHILD DROPS OUT OF SCHOOL.

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

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By Senators McKissick and Woodard (Primary Sponsors):

S.B. 314, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

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

By Senators McKissick and Woodard (Primary Sponsors):

S.B. 315, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY.

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

By Senators McKissick and Woodard (Primary Sponsors):

S.B. 316, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL.

Referred to the **Judiciary II Committee**.

By Senator Wade:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE GUILFORD COUNTY BOARD OF EDUCATION AND LIMITED VOTING FOR THE AT-LARGE SEATS.

Referred to the **Redistricting Committee**.

By Senator J. Davis:

S.B. 318, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE HAYWOOD COUNTY TO LEVY A TWO PERCENT ROOM OCCUPANCY TAX.

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

By Senator McKissick:

S.B. 319, A BILL TO BE ENTITLED AN ACT RELATING TO THE 20TH SENATORIAL DISTRICT.

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

By Senators Daniel and Newton (Primary Sponsors):

S.B. 320, A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

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

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By Senators J. Davis, Newton, Goolsby (Primary Sponsors); Bingham, Clark and Rabin:

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS AND TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS.

Referred to the **Health Care Committee**.

By Senators Clodfelter (Primary Sponsor) and Clark:

S.B. 322, A BILL TO BE ENTITLED AN ACT TO AMEND THE REPEAL PROVISIONS OF THE LOCAL GOVERNMENT SALES AND USE TAXES FOR PUBLIC TRANSPORTATION AND TO AMEND THE AUTHORITY FOR UNITS OF LOCAL GOVERNMENT TO ISSUE SPECIAL OBLIGATION BONDS BY ADDING PUBLIC TRANSPORTATION FACILITIES AS A TYPE OF PROJECT THAT MAY BE FUNDED BY SUCH BONDS.

Referred to the **Finance Committee**.

By Senator D. Davis:

S.B. 323, A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO ADD THREE MEMBERS ELECTED FROM COMBINED DISTRICTS, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.

Referred to the **Judiciary I Committee**.

By Senator Rabon:

S.B. 324, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF CASWELL BEACH TO EXPEND POWELL BILL FUNDS TO MAINTAIN COMPONENTS OF THE STATE HIGHWAY SYSTEM WITHIN ITS CORPORATE LIMITS.

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

By Senators Hunt and Barefoot (Primary Sponsors):

S.B. 325, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS.

Referred to the **Redistricting Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 36 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE

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ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, March 19.

H.B. 45 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR AN INVENTORY OF INFRASTRUCTURE TO SUPPORT ROBUST DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS.

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

H.B. 142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

Referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 168, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85086, is adopted and engrossed.

The Committee Substitute bill is placed on the calendar of Tuesday, March 19.

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

TWENTY-EIGHTH DAY

Old Senate Chamber, North Carolina State Capitol Building
Monday, March 18, 2013

The Senate meets pursuant to adjournment in the Old Senate Chamber of the North Carolina State Capitol Building and is called to order by The Honorable Dan Forest, Lieutenant Governor.

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

“Lord, thank you for this joyous occasion. Thank you that you have called us here. By your providence you have drawn us as many chords together tonight into one. By your grace you have placed your seal of peace on us. We come before you asking for a fresh portion of peace. We want a peace that will allow farm lands to flourish for fifty years in order to produce an olive crop. We want a peace that brings restoration to families. We want a peace that surpasses all understanding. Lord, you are the giver of every good and perfect gift. We thank you for walking with us this far, and we ask for assistance as we draw closer to you now, as we walk our next mile together. It is in the name of the Prince of Peace, Jesus, that I pray. Amen.”

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator Jenkins, Senator Robinson, and Senator Tucker.

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

The Chair extends privileges of the floor to Dr. Linda O’Boyle from Elm City, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

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

S.R. 262, A SENATE RESOLUTION COMMEMORATING THE RECOVERY OF NORTH CAROLINA’S BILL OF RIGHTS, for adoption.

Upon motion of Senator Apodaca, the Senate Resolution is adopted via roll call with each Senator signifying his or her vote with a reply of aye or no (43-0).

WITHDRAWALS FROM COMMITTEES

S.B. 293, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS’ COMPENSATION LAWS TO REQUIRE EMPLOYER CONSENT FOR THE REDUCTION BY MORE THAN FIFTY PERCENT OF AN EMPLOYER’S SUBROGATION LIEN, referred to the **Commerce Committee** on March 14.

March 18, 2013

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 174, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, referred to the **Commerce Committee** on March 5.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

ADDITIONAL SPONSOR

Upon motion of Senator Apodaca, without objection, the rules are suspended and Senator Bryant is added as a primary sponsor of previously introduced legislation:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

MODIFICATION OF BILL SPONSORSHIP

Senator Newton requests that he be removed as a primary sponsor and subsequently added as a co-sponsor of previously introduced legislation:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS.

Upon motion of Senator Apodaca, without objection, the rules are suspended and Senator Rabin is added as an additional primary sponsor to S.B. 305.

PLEDGE OF ALLEGIANCE

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

Upon motion of Senator Berger, seconded by Senator Gunn, the Senate adjourns at 7:06 p.m., in memory of Morrison "M.B." Watkins, a patriot of North Carolina and the United States of America, subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, March 19, at 2:00 p.m.

March 18, 2013

TWENTY-NINTH DAY

Senate Chamber
Tuesday, March 19, 2013

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

Prayer is offered by Rabbi Lucy Dinner, from Temple Beth Or in Raleigh, North Carolina, as follows:

“Senators, it is an honor to be here before you in this gallery. It is an honor to be here before you and the service that you provide for our great state, and so I ask that God’s presence be in service—God’s presence be here with you. We pray that we are not here for our own riches, but the riches that are ours lead us to generosity in sharing with others; that we are not here for our own beauty, but the fairness that is ours lead us to modesty in the way that we face our community; that we are not here for our own power, but the power that is ours shall lead us to influence others with greatness, with wisdom, lest arrogance take over our nature. We pray that we are here for honor, so that our honor shall come to us with understanding, lest esteem cause us to forget those who need a helping hand. We pray that we understand our talent, lest we forget that our gifts are only lent to us—that our gifts are a mark that we should not lose our humility, knowing full well that our talent comes only from another. We pray that we stay far from trouble so that we shall understand that the troubles that others face shall be put before us as a challenge so that we shall stand with them in their time of need and not stand in blame. We pray, in times of sorrow, that when grief enters our life, we will have the fortitude to bear the trials that are ahead with patience to be a comfort to those who are around us. We pray most of all that we are here with modesty, wisdom, understanding, humility, and courage, with fortitude for the leadership that the position demands, that in your presence, O great wonder and creator, we will bring goodness to this land, to this place, to this great state. Amen.”

The Chair grants leaves of absence for today to Senator Ford, Senator Parmon, and Senator Tucker.

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Monday, March 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 Alicia Frei from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

March 19, 2013

ENROLLED BILL

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

H.B. 33, AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 205, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS, with a favorable report.

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

S.B. 148, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE BONDING OF CORRUGATED STAINLESS STEEL TUBING (CSST) GAS PIPING SYSTEMS FROM LICENSING REQUIREMENTS UNDER THE LAWS PERTAINING TO ELECTRICAL CONTRACTORS, with a favorable report.

S.B. 175, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75200, is adopted and engrossed.

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

S.B. 200, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION AND FOR CERTAIN FORENSIC SCIENTISTS TO OBTAIN CERTIFICATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85102, which changes the title to read **S.B. 200** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, is adopted and engrossed.

March 19, 2013

CALENDAR

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

S.B. 9 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA, upon second reading.

Senator McKissick offers Amendment No. 1, which is adopted (47-0).

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

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS, upon second reading.

The Committee Substitute bill passes its second reading (40-7).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Wednesday, March 20, upon third reading.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 36 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, 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 placed on the calendar of Thursday, March 21.

WITHDRAWAL FROM COMMITTEE

S.B. 223, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT, referred to the **Appropriations/Base Budget Committee** on March 13.

March 19, 2013

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 of Tuesday, March 26, which motion prevails with unanimous consent, and the Chair so orders.

SENATE PAGES

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

Garrett Chavis, Raleigh; Tim Daye, Jr., Henderson; McCain Kerr, Monroe; Lydia Kuehnert, Morganton; Shelby Layton, Fayetteville; Richard Perrigo, Roxboro; Addison Starnes, Morganton; Zachary Taylor, Raleigh; Kevin Upadhaya, Durham; Annissa Zak, Fuquay-Varina; and Jimmy Zak, Fuquay-Varina.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY, with a favorable report.

Upon motion of Senator Pate, seconded by Senator Hartsell, the Senate adjourns at 2:41 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, March 20, at 2:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Gunn (Primary Sponsor); Daniel, Goolsby, Randleman and Tucker:

S.B. 326, A BILL TO BE ENTITLED AN ACT TO REPAY THE FUNDS OWED TO LOCAL SCHOOL ADMINISTRATIVE UNITS IN ACCORDANCE WITH THE REQUIREMENTS OF THE JUDGMENT IN THE CIVIL PENALTIES CASE.

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

March 19, 2013

By Senators Apodaca (Primary Sponsor); Bryant, Daniel, Jackson, Jenkins and Newton:

S.B. 327, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW.

Referred to the **Commerce Committee**.

By Senators Wade, Brown, and Jackson (Primary Sponsors):

S.B. 328, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ADOPT AND ENFORCE A RULE REQUIRING VEHICLES OR CONTAINERS USED FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE TO BE LEAK-RESISTANT, RATHER THAN LEAK-PROOF.

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

By Senator Cook:

S.B. 329, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO MAKE ELIGIBLE FOR UNEMPLOYMENT INSURANCE BENEFITS INDIVIDUALS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF THEIR OWN FOLLOWING A PERIOD OF DISABILITY LEAVE GRANTED BY THE EMPLOYER.

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

By Senators Goolsby, Clodfelter (Primary Sponsors); Jackson and Walters:

S.B. 330, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.

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

By Senators Goolsby (Primary Sponsor) and Meredith:

S.B. 331, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR GOVERNMENT IN THE SUNSHINE BY AMENDING THE NORTH CAROLINA CONSTITUTION.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor) and Meredith:

S.B. 332, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN CONFIDENCE IN GOVERNMENT BY INCREASING ACCESSIBILITY TO PUBLIC PERSONNEL HIRING, FIRING, PERFORMANCE RECORDS, AND OTHER GOVERNMENTAL RECORDS AND MEETINGS.

Referred to the **Judiciary I Committee**.

March 19, 2013

By Senators Rabon (Primary Sponsor) and Goolsby:

S.B. 333, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERSONS WHO WERE UNSUCCESSFUL CANDIDATES FOR A JUDICIAL OFFICE IN THE MOST RECENT GENERAL ELECTION SHALL NOT BE APPOINTED TO SPECIAL SUPERIOR COURT JUDGESHIPS AND SHALL NOT BE NOMINEES FOR APPOINTMENT BY THE GOVERNOR TO FILL VACANCIES IN DISTRICT COURT JUDGESHIPS.

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

By Senators Hise, Pate, Tucker (Primary Sponsors); Brock, Cook, Daniel, Newton and Randleman:

S.B. 334, A BILL TO BE ENTITLED AN ACT TO CONDEMN THE LEASEHOLD INTEREST IN THE DOROTHEA DIX CAMPUS PROPERTY CONVEYED TO THE CITY OF RALEIGH AND ALLOCATE IT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MENTAL HEALTH PURPOSES, AS PROVIDED IN THE STATUTE AUTHORIZING ITS ACQUISITION AND IN THE DEEDS CONVEYING THE PROPERTY TO THE STATE, TO PROVIDE FOR IMPLEMENTATION OF THE 2007 STATE GOVERNMENT MASTER FACILITIES MASTER PLAN, INCLUDING LEASE OF A PORTION OF THE PROPERTY AT FAIR MARKET VALUE TO THE CITY OF RALEIGH FOR A PUBLIC PARK, AND TO PROVIDE FOR USE OF ANY LEASE PROCEEDS FOR MENTAL HEALTH PURPOSES.

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

By Senators Brunstetter, Brown, Hunt (Primary Sponsors); Hise and Randleman:

S.B. 335, A BILL TO BE ENTITLED AN ACT TO ENSURE ADEQUATE FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR.

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

By Senators Pate (Primary Sponsor) and Hise:

S.B. 336, A BILL TO BE ENTITLED AN ACT REQUIRING THE DIVISION OF MEDICAL ASSISTANCE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE DEPARTMENT OF THE STATE TREASURER TO COLLABORATE WITH ONE ANOTHER REGARDING ACTIVITIES AND PROGRAMS AIMED AT DIABETES PREVENTION, CONTROL, AND CARE AND TO REQUIRE A REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION REGARDING THESE PROGRAMS ADDRESSING DIABETES.

Referred to the **Health Care Committee**.

March 19, 2013

By Senators Tillman, Soucek (Primary Sponsors); Daniel, Goolsby, Hise, Newton and Rabin:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC SCHOOL CHARTER BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS.

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

By Senators Tucker (Primary Sponsor); Clark, Goolsby, Jackson and Rabin:

S.B. 338, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT.

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

By Senators Apodaca and Rabon (Primary Sponsors):

S.B. 339, A BILL TO BE ENTITLED AN ACT CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING AMENDMENT OF A RECORDED DECLARATION.

Referred to the **Commerce Committee**.

By Senators Apodaca, Harrington (Primary Sponsors); Bryant, Daniel, Newton and Rabin:

S.B. 340, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FEDERAL FUNDS UNDER THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES (TANF) BLOCK GRANT FOR BOYS AND GIRLS CLUBS.

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

By Senators Rabon (Primary Sponsor) and Barringer:

S.B. 341, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES.

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

By Senators Newton, Soucek, Tarte (Primary Sponsors); Apodaca, Brock, Daniel, Rabin and Randleman:

S.B. 342, A BILL TO BE ENTITLED AN ACT TO ALLOW PERSONS WITH CONCEALED HANDGUN PERMITS TO POSSESS HANDGUNS IN RESTAURANTS UNLESS A NOTICE PROHIBITING POSSESSION ON THE PREMISES IS POSTED; TO MAKE IT UNLAWFUL FOR FELONS TO POSSESS AMMUNITION, CERTAIN WEAPONS IN ADDITION TO FIREARMS, AND TO CARRY ANY CONCEALED WEAPON; AND TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS.

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

March 19, 2013

By Senators Hartsell (Primary Sponsor) and Bingham:

S.B. 343, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE PROGRESS OF CLEANUP AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' HANDLING OF CONTAMINATION PRESENT IN THE AREA SURROUNDING THE FACILITY OWNED BY ALCOA POWER GENERATING, INC., LOCATED IN THE TOWN OF BADIN IN STANLY COUNTY.

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

By Senator Hartsell:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN TEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION.

Referred to the **Commerce Committee**.

By Senators Hartsell (Primary Sponsor) and Bingham:

S.B. 345, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS.

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

By Senators Hartsell (Primary Sponsor); Apodaca and Jenkins:

S.B. 346, A BILL TO BE ENTITLED AN ACT TO DEFINE CAREER FIREFIGHTER AND CAREER RESCUE SQUAD WORKER ACCRUAL RATES FOR MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL RETIREMENT SYSTEM.

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

By Senator Hartsell:

S.B. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE CONCEPT OF A UNIFIED PUBLIC HEALTH SYSTEM AND THE FEASIBILITY OF ESTABLISHING A UNIFIED PUBLIC HEALTH SYSTEM WITHIN THE STATE OF NORTH CAROLINA.

Referred to the **Health Care Committee**.

By Senators Hartsell (Primary Sponsor) and Apodaca:

S.B. 348, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES WHO ARE NOT CLASSROOM TEACHERS.

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

By Senators Hartsell (Primary Sponsor) and Goolsby:

S.B. 349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS LICENSURE ACT.

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

By Senators Hartsell (Primary Sponsor) and Bingham:

S.B. 350, A BILL TO BE ENTITLED AN ACT IMPOSING A FRANCHISE OR PRIVILEGE TAX ON UNREGULATED UTILITIES.

Referred to the **Finance Committee**.

EXECUTIVE ORDERS

The following Executive Orders were issued by Governor Pat McCrory:

Executive Order No. 6, Declaration of a State of Emergency by the Governor of the State of North Carolina.

Executive Order No. 7, Notice of Termination of the States of Emergency Declared by Executive Orders 2 and 5.

Executive Order No. 8, Declaration of a State of Emergency by the Governor of the State of North Carolina.

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

THIRTIETH DAY

Senate Chamber
Wednesday, March 20, 2013

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:

"O Lord God, thou art my protecting arm, fortress, refuge, shield, and buckler. Fight for me, my foes must flee. Hold me up, and I will not fall. Keep watch over us, O Lord, and equip us so that we may not be wounded. Finally,

March 20, 2013

Lord, on this special day, we need you to stand by us because we are in need. We're thankful that you are a mighty fortress, and we pray these things in Christ's name and for His sake. Amen."

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

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Tuesday, March 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 Leon Smith from Wilson, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

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

H.B. 23, AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO DEVELOP AND IMPLEMENT DIGITAL TEACHING AND LEARNING STANDARDS FOR TEACHERS AND SCHOOL ADMINISTRATORS. (Became law upon approval of the Governor, March 15, 2013 - S.L. 2013-11.)

H.B. 44, AN ACT STATING THE INTENT OF THE GENERAL ASSEMBLY TO TRANSITION FROM FUNDING TEXTBOOKS TO FUNDING DIGITAL LEARNING IN THE PUBLIC SCHOOLS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION STUDY COMMITTEE ON DIGITAL LEARNING ENVIRONMENTS IN PUBLIC SCHOOLS. (Became law upon approval of the Governor, March 15, 2013 - S.L. 2013-12.)

H.B. 33, AN ACT TO REPEAL THE LAW PROHIBITING THE SETTING OF STEEL TRAPS ON CERTAIN RENTED OR LEASED LAND IN CLEVELAND, POLK, AND RUTHERFORD COUNTIES. (Became law upon ratification, March 19, 2013 - S.L. 2013-13.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS PURSUANT TO G.S. 20-219.2, with a favorable report.

March 20, 2013

S.B. 152, A BILL TO BE ENTITLED AN ACT TO CORRECT A TECHNICAL ERROR IN THE AUTHORIZATION FOR THE TOWN OF BURGAW TO IMPOSE AN OCCUPANCY TAX, with a favorable report.

S.B. 172, A BILL TO BE ENTITLED AN ACT TO MODIFY THE USE OF OCCUPANCY TAX PROCEEDS FOR THE CITY OF JACKSONVILLE, with a favorable report.

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE, with a favorable report.

S.B. 207, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS, with a favorable report, as amended.

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

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

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, with a favorable report.

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

S.B. 268, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95003, is adopted and engrossed.

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

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

Memorandum from Senator Apodaca to Members of the Senate

North Carolina General Assembly

Senate Select Committee on UNC Board of Governors

2013-14 Biennium

Senator Tom Apodaca, Chair

To: Members of Senate

From: Senator Tom Apodaca, Chair, Senate Select Committee on UNC Board of Governors

March 20, 2013

Re: The University of North Carolina Board of Governors Nominees

Date: March 20, 2013

Pursuant to Senate Resolution 46, as amended by Senate Resolution 141, the Senate Select Committee on UNC Board of Governors has met and voted on the following slate of candidates to be submitted to the Senate. The Senate will elect eight individuals from this slate to serve on the University of North Carolina's Board of Governors.

<u>Name</u>	<u>Nominating Senator</u>
S. Lawrence Davenport	Senator Brown
Jim Jacumin	Senator Daniel
William Kotis III	Senator Wade
Scott Lampe	Senator Soucek
David N. Levinson	Senator Rabin
Steven B. Long	Senator Barefoot
Joan G. MacNeill	Senator Apodaca
Barbara Hill Mulkey	Senator Barringer
Therence O. Pickett	Senator Brunstetter
Robert Sterling Rippy	Senator Goolsby
Harry Leo Smith, Jr.	Senator Pate
John Craig Souza	Senator Brown
R. David Sprinkle	Senator Tillman
Steve Franklin Warren	Senator Tucker
Glenda Faye Tate Williams	Senator Robinson
Michael Leighton Williford	Senator Meredith

ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to **S.R. 46**, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, as amended by **S.R. 141**, A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and pursuant to the report received today, March 20, from the Senate Select Committee on UNC Board of Governors with the slate of candidates to be submitted to the Senate, the President recognizes Senator Apodaca, Chair of the Senate Select Committee on UNC Board of Governors, who explains the voting procedures.

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Senator Apodaca announces that he, Senator Robinson, and staff members from the Senate Principal Clerk's Office will assist with tallying the vote. The ballots are distributed, and the Senators proceed to vote by selecting eight candidates and signing their ballots. When all members have completed their ballots, the ballots are collected.

The Senate recesses at 2:24 p.m., to allow the appointed members and staff to count the ballots for the UNC Board of Governors election, subject to the introduction of bills and resolutions, the receipt of committee reports, and the receipt of messages from the House of Representatives, to reconvene at 2:40 p.m.

RECESS

INTRODUCTION OF BILLS

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

By Senator Brown:

S.B. 351, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN OCCUPATIONAL LICENSING BOARDS TO NOTIFY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITHIN A SPECIFIED PERIOD OF TIME THAT A LICENSED HEALTH CARE PROVIDER IS AUTHORIZED TO PROVIDE VOLUNTARY HEALTH CARE SERVICES PURSUANT TO THE VOLUNTARY HEALTH CARE SERVICES ACT.

Referred to the **Health Care Committee**.

By Senators Brown (Primary Sponsor) and Newton:

S.B. 352, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND TO AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT.

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

By Senators Harrington (Primary Sponsor); Daniel, J. Davis, Rabon and Soucek:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS.

Referred to the **Transportation Committee**.

By Senator J. Davis:

S.B. 354, A BILL TO BE ENTITLED AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE

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COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS AND MAKING THE ATTORNEY GENERAL A MEMBER OF THE COMMITTEE INSTEAD, BY SOLIDIFYING THE STATE AUDITOR'S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND BY ELIMINATING THE MANDATORY RESPONSE TIME FOR AN AUDITEE OF A PERFORMANCE AUDIT.

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

By Senators Rabon (Primary Sponsor); Jackson, Newton and Walters:

S.B. 355, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MEANING OF THE TERMS "PLANTING AND HARVESTING SEASON" AND "PLANTING AND HARVESTING PERIOD" FOR PURPOSES OF APPLYING FEDERAL LAWS OR REGULATIONS RELATING TO HOURS-OF-SERVICE RULES FOR CERTAIN DRIVERS TRANSPORTING AGRICULTURAL PRODUCTS.

Referred to the **Transportation Committee**.

By Senators Clark, Tarte (Primary Sponsors); J. Davis and Hise:

S.B. 356, A BILL TO BE ENTITLED AN ACT TO PERMIT AN ADDITIONAL DISCLOSURE OF TAX INFORMATION.

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

By Senators Clark, Meredith (Primary Sponsors); Apodaca, Barefoot, Brock, Cook, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hise, Jenkins, McLaurin, Newton, Pate, Rabin, Sanderson, Soucek and Woodard:

S.B. 357, 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**.

By Senators Meredith, Newton, and Ford (Primary Sponsors):

S.B. 358, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE.

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

By Senators Meredith (Primary Sponsor); Apodaca, Clodfelter, J. Davis, Ford, Goolsby, Hise, Jackson, McKissick, Newton, Pate, Rabon and Walters:

S.B. 359, A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.

Referred to the **Insurance Committee**.

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By Senator Brunstetter:

S.B. 360, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW VOTERS TO ELECT TO RETAIN OR REJECT JUSTICES OR JUDGES UP FOR ELECTION.

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

By Senators Berger, Tillman, Soucek (Primary Sponsors); Barefoot, Barringer, Brock, Cook, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Tarte and Wade:

S.B. 361, A BILL TO BE ENTITLED AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.

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

By Senators Kinnaird (Primary Sponsor); Parmon and Woodard:

S.B. 362, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENERGY POLICY COUNCIL TO STUDY (1) THE ESTABLISHMENT OF TIERED ELECTRICITY RATES FOR RESIDENTIAL, COMMERCIAL, PUBLIC, AND INDUSTRIAL CUSTOMERS TO ENCOURAGE ENERGY CONSERVATION AND ENERGY EFFICIENCY; (2) AN ENERGY EFFICIENCY PUBLIC BENEFIT LOAN FUND TO BE USED FOR LOANS TO CUSTOMERS FOR THE COSTS OF CERTAIN ENERGY EFFICIENCY OR RENEWABLE ENERGY PROJECTS; AND (3) POSSIBLE INCENTIVES FOR CONSUMERS TO PURCHASE ENERGY STAR QUALIFIED HOUSEHOLD PRODUCTS.

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

By Senators Brock (Primary Sponsor); Hise, Rabin and Rucho:

S.B. 363, A BILL TO BE ENTITLED AN ACT TO REDUCE AND SIMPLIFY BUSINESS TAXES AND TO TAX ALL BUSINESS ENTITIES WITH LIMITED LIABILITY PROTECTION THE SAME.

Referred to the **Finance Committee**.

By Senators Brock (Primary Sponsor) and Hise:

S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BOARD OF PHARMACY TO ADOPT ADDITIONAL RULES RELATING TO ELECTRONIC PRESCRIPTIONS.

Referred to the **Health Care Committee**.

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By Senator Brock:

S.B. 365, A BILL TO BE ENTITLED AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY ELIMINATING RENEWABLE ENERGY PORTFOLIO STANDARDS; AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS.

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

By Senators Rabin, Meredith, Sanderson (Primary Sponsors); Brock, Cook, J. Davis, Goolsby, Newton, Pate and Woodard:

S.B. 366, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO REMOVE THE ADDITIONAL FEE FOR SPECIAL PLATES BASED UPON MILITARY SERVICE.

Referred to the **Finance Committee**.

By Senators Hise, Pate (Primary Sponsors); Barringer, Brock, J. Davis and Randleman:

S.B. 367, A BILL TO BE ENTITLED AN ACT TO SYSTEMATICALLY REFORM MEDICAID.

Referred to the **Health Care Committee**.

By Senator Bingham:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL AND TO PROVIDE FOR THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS TO BE AN APPLICATION FEE.

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

By Senator Bingham:

S.B. 369, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD.

Referred to the **Judiciary II Committee**.

By Senators Bingham, Daniel, Hise (Primary Sponsors); Allran, Barefoot, Brock, Cook, Curtis, D. Davis, J. Davis, Goolsby, Jackson, Newton, Rabin, Randleman, Sanderson and Soucek:

S.B. 370, A BILL TO BE ENTITLED AN ACT TO CLARIFY STUDENT RIGHTS TO PRAY IN SCHOOL, TO PROHIBIT PRAYER OFFICIALLY SANCTIONED BY SCHOOLS IN ACCORDANCE WITH THE UNITED STATES CONSTITUTION, AND TO REQUIRE SCHOOL EMPLOYEES TO DEMONSTRATE APPROPRIATE RESPECT FOR STUDENT-INITIATED

AND STUDENT-LED PRAYERS IN EXTRACURRICULAR ACTIVITIES, INCLUDING INTERSCHOLASTIC ATHLETICS.

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

By Senators Bingham (Primary Sponsor) and J. Davis:

S.B. 371, A BILL TO BE ENTITLED AN ACT TO ENHANCE PATIENT SAFETY IN HOSPITAL AND AMBULATORY SURGICAL FACILITY OPERATING ROOMS BY REQUIRING AT LEAST ONE CIRCULATING NURSE TO BE PRESENT IN EACH OPERATING ROOM DURING EACH SURGICAL PROCEDURE.

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

By Senators J. Davis (Primary Sponsor) and Tucker:

S.B. 372, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CONSULTATION WITH COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS; AND TO STUDY THE E911 SYSTEM AND ITS RELATIONSHIP WITH LOCAL 911 SYSTEMS.

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

By Senators Tillman (Primary Sponsor); Brock and Newton:

S.B. 373, A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL BOARDS OF EDUCATION TO SET SCHOOL CALENDAR DATES TO SUPPORT IMPLEMENTATION AND OPERATION OF ENHANCED CAREER TECHNICAL EDUCATION AND COLLEGE TRANSFER CERTIFICATE PROGRAMS.

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

By Senators Tillman, Barringer, Wade (Primary Sponsors); Apodaca, Barefoot, Cook, Hise, Newton, Rabin and Soucek:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 31, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF HABITUAL DWI TO INCLUDE ANY DWI OFFENSE OCCURRING AFTER CONVICTION FOR THE OFFENSE OF HABITUAL DWI.

Referred to the **Judiciary II Committee**.

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H.B. 40, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF HABITUAL IMPAIRED DRIVING.

Referred to the **Judiciary II Committee**.

H.B. 57 (Committee Substitute), 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 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 **Education/Higher Education Committee**.

H.B. 125, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD.

Referred to the **Judiciary I Committee**.

H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES.

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

H.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HOSPITALS TO CONDUCT CHEMICAL ANALYSES OF BLOOD TO DETERMINE A PERSON'S BLOOD ALCOHOL CONCENTRATION OR THE PRESENCE OF ANY OTHER IMPAIRING SUBSTANCE.

Referred to the **Judiciary II Committee**.

H.B. 189 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGARDING INFORMATION PROVIDED TO NONCUSTODIAL PARENTS SUBJECT TO WAGE WITHHOLDING ORDERS UNDER THE LAWS PERTAINING TO CHILD SUPPORT.

Referred to the **Judiciary II Committee**.

H.B. 209, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO DOMESTIC VIOLENCE AND CIVIL NO-CONTACT ORDERS.

Referred to the **Judiciary II Committee**.

H.J.R. 271, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DON M. BAILEY TO THE UTILITIES COMMISSION.

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

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

**ELECTION OF MEMBERS TO THE BOARD OF GOVERNORS
OF THE UNIVERSITY OF NORTH CAROLINA** (*continued*)

Senator Apodaca, Chair of the Senate Select Committee on UNC Board of Governors, announces the results of the election of members to the Board of Governors of the University of North Carolina as follows:

William M. Kotis III
Scott Lampe
Steven B. Long
Joan G. MacNeill
Therence O. Pickett
Robert Sterling Rippy
Harry Leo Smith, Jr.
John Craig Souza

Upon motion of Senator Apodaca, the winners of the official ballot are confirmed first by electronic vote (44-2) and then a second time, whereby they are confirmed by voice vote.

The President *Pro Tempore* declares William M. Kotis III, Scott Lampe, Steven B. Long, Joan G. MacNeill, Therence O. Pickett, Robert Sterling Rippy, Harry Leo Smith, Jr., and John Craig Souza duly elected to the Board of Governors of the University of North Carolina, and he further orders a special message be sent to the House of Representatives informing that honorable body of such action. The President *Pro Tempore* directs Senator Apodaca, Chair of the Senate Select Committee on UNC Board of Governors, to send letters of notification to those persons who have been elected by the Senate and to notify the Secretary of the Board of Governors of the University of North Carolina of the names of said persons.

CALENDAR

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

S.B. 229, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY, 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.

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S.B. 148, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE BONDING OF CORRUGATED STAINLESS STEEL TUBING (CSST) GAS PIPING SYSTEMS FROM LICENSING REQUIREMENTS UNDER THE LAWS PERTAINING TO ELECTRICAL CONTRACTORS, 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 sent to the House of Representatives.

S.B. 175 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES, upon second reading.

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

S.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, upon second reading.

The Committee Substitute bill passes its second reading (48-0).

Senator Bingham objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Thursday, March 21, upon third reading.

S.B. 205, A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS, 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 sent to the House of Representatives.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS, upon third reading.

The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

Upon motion of Senator Pate, seconded by Senator Bingham, the Senate adjourns at 3:13 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, March 21, at 11:00 a.m.

March 20, 2013

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT MCCRORY
GOVERNOR

March 18, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2008
Raleigh, North Carolina 27601-2008

Dear Ms. Lang:

Pursuant to North Carolina General Statute §53-92, I am pleased to recommend for confirmation, Mr. Ray Grace as Commissioner of Banks. Mr. Grace has a distinguished career of almost forty years with the Banking Commission and I am certain he will be an outstanding Commissioner.

Included you will find the biographical information on Mr. Grace. Please feel free to contact my staff for any additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, TO PROVIDE

March 20, 2013

FOR LICENSURE OF EXPERIENCED IRRIGATION CONTRACTORS WITHOUT THE REQUIREMENT OF AN EXAMINATION WHERE CERTAIN CONDITIONS ARE MET, AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35186, which changes the title to read **S.B. 71** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES, is adopted and engrossed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 32, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE.
Referred to the **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF HEALTH CARE PROVIDERS IF THE FREE CLINIC POSTS A NOTICE OF LIMITED LIABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85112, which changes the title to read **S.B. 83** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY, is adopted and engrossed.

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

March 20, 2013

THIRTY-FIRST DAY

Senate Chamber
Thursday, March 21, 2013

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

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

“Heavenly Father, as the deer pants for the watery brooks, so my soul pants for thee, O God. My soul thirsts for God—for the living God. Why are you in despair, O my soul, and why have you become disturbed within me? Hope in God, for I shall again praise Him for the help of His presence.* So today we place our hope in you, Lord, Heavenly Father, Maker of heaven and earth. We ask you to help us to hunger for you and for your righteousness in this place. In Jesus’ name we pray. Amen.”

*Adapted from Psalm 42:1-2a, NIV

The Chair grants leaves of absence for today to Senator Goolsby, Senator Parmon, and Senator Rabon.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, March 20, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Beth Barba from Greensboro, 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. 50, AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS.

S.B. 84, AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT.

March 21, 2013

H.B. 180, AN ACT TO MAKE VARIOUS TECHNICAL CORRECTIONS TO THE LAWS GOVERNING MECHANICS LIENS.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT OLDER ADULTS, AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35187, which changes the title to read **S.B. 140** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, is adopted and engrossed.

Upon recommendation of Senator Pate, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

CALENDAR

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

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Pate, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The bill remains on the calendar for Monday, March 25, upon third reading.

March 21, 2013

S.B. 152, A BILL TO BE ENTITLED AN ACT TO CORRECT A TECHNICAL ERROR IN THE AUTHORIZATION FOR THE TOWN OF BURGAW TO IMPOSE AN OCCUPANCY TAX, 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.

S.B. 172, A BILL TO BE ENTITLED AN ACT TO MODIFY THE USE OF OCCUPANCY TAX PROCEEDS FOR THE CITY OF JACKSONVILLE, 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.

S.B. 8, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FINE FOR THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS PURSUANT TO G.S. 20-219.2, 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.

S.B. 71 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 83 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY, 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 sent to the House of Representatives.

S.B. 207, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS, 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.

March 21, 2013

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Tuesday, March 26.

CALENDAR (*continued*)

S.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, upon third reading.

Senator Stein offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 36 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1-46) and the House of Representatives is notified.

Upon motion of Senator Berger, seconded by Senator Wade, the Senate adjourns at 11:25 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, and the receipt of messages from the Governor, to reconvene Monday, March 25, at 7:00 p.m.

INTRODUCTION OF BILLS

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

By Senator Bingham:

S.B. 375, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MOTOR VEHICLE DEALER TO PROVIDE A PROSPECTIVE PURCHASER OF A USED MOTOR VEHICLE WITH A USED VEHICLE HISTORY REPORT PRIOR TO SELLING OR AGREEING TO SELL THE VEHICLE.

Referred to the **Commerce Committee**.

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By Senators Bingham (Primary Sponsor); Brock and Newton:

S.B. 376, A BILL TO BE ENTITLED AN ACT TO ALLOW LANDOWNERS AND LESSEES TO TRAP COYOTES ON THEIR LAND AT ANY TIME.

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

By Senators Jackson, Brock (Primary Sponsors); Daniel, Newton and Walters:

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF WIDESPREAD OR SEVERE DAMAGE TO CROPS THAT ARE READY TO BE HARVESTED.

Referred to the **Transportation Committee**.

By Senators Jackson, Rabin, and Walters (Primary Sponsors):

S.B. 378, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY.

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

By Senators Jackson (Primary Sponsor); Brock, Jenkins and Walters:

S.B. 379, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS.

Referred to the **Transportation Committee**.

By Senators Jackson (Primary Sponsor) and Ford:

S.B. 380, A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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

By Senators Barefoot, Rabin, Cook (Primary Sponsors); Brock, Daniel, Jackson, Newton, Randleman and Walters:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE.

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

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By Senator Rabon:

S.B. 382, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE NORTH CAROLINA VETERINARY MEDICAL BOARD TO AMEND THE BOARD'S LAWS PERTAINING TO LICENSURE FEES, LICENSE REINSTATEMENT, AND THE CONFIDENTIALITY OF IDENTIFYING INFORMATION.

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

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

S.B. 383, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CAREER PREP ADULT HIGH SCHOOLS AT COMMUNITY COLLEGES.

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

By Senators Tucker and Walters (Primary Sponsors):

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS REGARDING THE PRESENT-USE VALUE PROPERTY TAX DEFERRAL.

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

By Senator Randleman:

S.B. 385, A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES.

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

By Senators Barefoot, Rabin, Walters (Primary Sponsors); Brock, Jackson and Jenkins:

S.B. 386, A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS; TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION; AND TO PROVIDE THAT PERSONS WHOSE ACTIONS LED TO A LICENSE SUSPENSION OR REVOCATION MAY NOT WORK FOR A GRAIN DEALER IN A CAPACITY RELATED TO GRAIN SALES.

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

By Senators Barefoot, Cook, Walters (Primary Sponsors); Brock, Daniel, Jackson and Newton:

S.B. 387, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES.

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

By Senators Rabin, Cook, Walters (Primary Sponsors); Brock and Jackson:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING.

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

By Senators Brown (Primary Sponsor); Apodaca, Daniel, Meredith, Pate and Sanderson:

S.B. 389, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.

Referred to the **Commerce Committee**.

By Senators Meredith and Bingham (Primary Sponsors):

S.B. 390, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE REGULATION AND LICENSING OF PERSONS WHO PERFORM AND ADMINISTER RADIOLOGIC IMAGING AND RADIATION THERAPY PROCEDURES.

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

By Senators Daniel, Brock (Primary Sponsors) and Newton:

S.B. 391, A BILL TO BE ENTITLED AN ACT TO DECLARE THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES HAS WAIVED ITS RIGHT TO ISSUE A 401 CERTIFICATION AFTER PASSAGE OF A CERTAIN TIME AND TO FORBID THE DEPARTMENT FROM REQUIRING OR ISSUING A CERTIFICATION IN THAT CASE.

Referred to the **Agriculture/Environment/Natural Resources 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
March 21, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to, **H.R. 81**, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the House has elected the following persons to serve for a four-year term:

Rodney E. Hood
Henry Williams Hinton
William Graham Champion Mitchell
Laura I. Wiley
R. Doyle Parrish
Roger H. Aiken
Dr. Joan Perry
James Edward (Jim) Nance

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS UNDER EIGHTEEN YEARS OF AGE FROM USING TANNING EQUIPMENT.

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

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS.

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

H.B. 230, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS.

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

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H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER.

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

H.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE.

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

H.B. 257, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS.

Referred to the **Finance Committee**.

H.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN.

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

S.B. 45 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, March 25.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 334, A BILL TO BE ENTITLED AN ACT TO CONDEMN THE LEASEHOLD INTEREST IN THE DOROTHEA DIX CAMPUS PROPERTY CONVEYED TO THE CITY OF RALEIGH AND ALLOCATE IT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MENTAL

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HEALTH PURPOSES, AS PROVIDED IN THE STATUTE AUTHORIZING ITS ACQUISITION AND IN THE DEEDS CONVEYING THE PROPERTY TO THE STATE, TO PROVIDE FOR IMPLEMENTATION OF THE 2007 STATE GOVERNMENT MASTER FACILITIES MASTER PLAN, INCLUDING LEASE OF A PORTION OF THE PROPERTY AT FAIR MARKET VALUE TO THE CITY OF RALEIGH FOR A PUBLIC PARK, AND TO PROVIDE FOR USE OF ANY LEASE PROCEEDS FOR MENTAL HEALTH 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, 35190, is adopted and engrossed.

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

THIRTY-SECOND DAY

Senate Chamber
Monday, March 25, 2013

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 Honorable Jim Davis, Senator from Macon County, as follows:

"Almighty God, thank you for the blessing of this glorious day. Thank you for the privilege of being servants to your children and our beloved state of North Carolina. Give us the heart of true servants, give us the mind of true servants, and give us love for your children so that we will rightly represent you to them. Remembering your servant Paul, who counsels us in his first letter to the Corinthians, 'Let all things be done decently and in order,'* we strive to do what is right because it is right. This body honors all faith traditions; I ask this prayer in the name of Jesus. Amen."

*1 Corinthians 14:40, KJV

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

The Chair extends privileges of the floor to B. J. Lee from Holly Springs, North Carolina, who is serving the Senate as Nurse of the Day.

March 25, 2013

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. 72, AN ACT TO AMEND UNIFORM COMMERCIAL CODE ARTICLE 4A, FUNDS TRANSFERS, TO CONTINUE THE APPLICABILITY OF THAT ARTICLE TO REMITTANCE TRANSFERS THAT ARE NOT ELECTRONIC FUND TRANSFERS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, March 22, 2013 - S.L. 2013-14.)

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to tonight's calendar:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, March 26.

S.B. 334 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDEMN THE LEASEHOLD INTEREST IN THE DOROTHEA DIX CAMPUS PROPERTY CONVEYED TO THE CITY OF RALEIGH AND ALLOCATE IT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MENTAL HEALTH PURPOSES, AS PROVIDED IN THE STATUTE AUTHORIZING ITS ACQUISITION AND IN THE DEEDS CONVEYING THE PROPERTY TO THE STATE, TO PROVIDE FOR IMPLEMENTATION OF THE 2007 STATE GOVERNMENT MASTER FACILITIES MASTER PLAN, INCLUDING LEASE OF A PORTION OF THE PROPERTY AT FAIR MARKET VALUE TO THE CITY OF RALEIGH FOR A PUBLIC PARK, AND TO PROVIDE FOR USE OF ANY LEASE PROCEEDS FOR MENTAL HEALTH PURPOSES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, March 26.

S.B. 45 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, March 26.

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WITHDRAWALS FROM COMMITTEES

S.B. 67, A BILL TO BE ENTITLED AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 11.

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, and the Chair so orders.

S.B. 194, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT MOTOR VEHICLES REGISTERED IN THIS STATE HAVE AN ANNUAL SAFETY INSPECTION, TO ELIMINATE THE REQUIREMENT THAT WINDOW TINTING BE INSPECTED AT AN INSPECTION STATION BY A LICENSED SAFETY INSPECTOR, TO ELIMINATE THE AFFIRMATIVE DEFENSE TO AN UNSAFE TIRES CHARGE, TO ELIMINATE THE REQUIREMENT THAT A VEHICLE BE SUBJECT TO A SAFETY INSPECTION BEFORE A CHARGE FOR TINTED WINDOWS MAY BE MADE, TO DEVELOP AND IMPLEMENT A MANAGEMENT IMPROVEMENT PLAN FOR THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM, ADMINISTERED BY THE DIVISION OF MOTOR VEHICLES, WHICH WILL INCREASE EFFICIENCY, REDUCE COSTS, AND IMPROVE CUSTOMER SERVICE, AND TO REQUIRE THE FISCAL RESEARCH DIVISION OF THE GENERAL ASSEMBLY TO CONDUCT A FISCAL REVIEW OF THE DIVISION OF MOTOR VEHICLES EMISSIONS INSPECTION PROGRAM, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, referred to the **Commerce Committee** on March 6.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 349, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA NATUROPATHIC DOCTORS LICENSURE ACT, referred to the **Health Care Committee** on March 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Health Care Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING ACT, referred to the **Health Care Committee** on February 20.

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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, and the Chair so orders.

Upon motion of Senator Apodaca, seconded by Senator Brown, the Senate adjourns at 7:05 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, March 26, at 2:00 p.m.

INTRODUCTION OF BILLS

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

By Senators Clark (Primary Sponsor); Newton and Rabin:

S.B. 392, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM INCOME TAX MILITARY RETIREMENT INCOME.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter (Primary Sponsor); Bingham, Brock, Clark, Ford, Hartsell, Hise, Jenkins, Meredith, Rabin, Rabon, Rucho, Tarte and Walters:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ADOPT A BIPARTISAN TAX REFORM PLAN TO PROMOTE ECONOMIC DEVELOPMENT IN NORTH CAROLINA BY ESTABLISHING A SOUND STATE TAX STRUCTURE THAT REVISES THE EXISTING STRUCTURE ON A REVENUE-NEUTRAL BASIS, LOWERS ALL MAJOR TAX RATES, TAXES ALL INCOME AT THE SAME RATE, AND MAKES THE STRUCTURE SIMPLER, FAIRER, AND CONSISTENT WITH THE MODERN ECONOMY, AS RECOMMENDED BY PAST TAX STUDIES.

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

By Senators Meredith (Primary Sponsor); Clark, Newton and Pate:

S.B. 395, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRICARE SUPPLEMENT FOR FLEXIBLE COMPENSATION PLANS OFFERED BY THE STATE.

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

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By Senator Meredith:

S.B. 396, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX THE PRODUCTS OF MINES IN THEIR ORIGINAL OR UNMANUFACTURED STATE WITHOUT RESPECT TO WHO MAKES THE SALE.

Referred to the **Finance Committee**.

By Senator Newton:

S.B. 397, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

Referred to the **Commerce Committee**.

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

S.B. 398, 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 Senator Brunstetter:

S.B. 399, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE.

Referred to the **Judiciary II Committee**.

By Senator Allran:

S.B. 400, A BILL TO BE ENTITLED AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

Referred to the **Commerce Committee** and upon a favorable report, re-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
March 21, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has reconsidered the UNC Board of Governors

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confirmation and re-tabulated the ballots. The following persons have been elected to serve for a four-year term:

Rodney E. Hood
Henry Williams Hinton
William Graham Champion Mitchell
Laura I. Wiley
R. Doyle Parrish
Roger H. Aiken
Dr. Joan Perry
George A. (G.A.) Sywassink, Jr.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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

THIRTY-THIRD DAY

Senate Chamber
Tuesday, March 26, 2013

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

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

“Almighty God, we are thankful that you have gathered us back together for a new week. As we come to you, we lift up Senator Sanderson and his mother who has gone now to be with you, Jesus. We thank you for her life and for the service of all these senators. We come before you confessing that we often fritter our lives away; that we often follow our own dreams, we follow our own policies and our own thought process. We need you to take our hands back and remind us that you are the strong rock beneath us. You are the strong mother that holds us in your arms. For this reason I ask you, Lord, to ‘fan into flame’ the gift of God which is in these friends gathered. ‘For God gave us a spirit not of fear or timidity but of power, and love, and discipline.’* In Jesus’ name we pray. Amen.”

*2 Timothy 1:7, ESV

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Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, March 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 Elizabeth "Lisa" Elliott from Sanford, North Carolina, who is serving the Senate as Nurse of the Day.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 368, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL AND TO PROVIDE FOR THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS TO BE AN APPLICATION FEE, with a favorable report.

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

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

S.B. 159, A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, with a favorable report.

S.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE, with a favorable report.

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

S.B. 209, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES BY REGULAR MAIL AND POSTING, with a favorable report.

CALENDAR

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

S.B. 177, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE, upon third reading.

March 26, 2013

The bill passes its third reading, by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---50.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 223, A BILL TO BE ENTITLED AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT, upon second reading.

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

S.B. 231, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, upon second reading.

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

S.B. 334 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONDEMN THE LEASEHOLD INTEREST IN THE DOROTHEA DIX CAMPUS PROPERTY CONVEYED TO THE CITY OF RALEIGH AND ALLOCATE IT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR MENTAL HEALTH PURPOSES, AS PROVIDED IN THE STATUTE AUTHORIZING ITS ACQUISITION AND IN THE DEEDS CONVEYING THE PROPERTY TO THE STATE, TO PROVIDE FOR IMPLEMENTATION OF THE 2007 STATE GOVERNMENT MASTER FACILITIES MASTER PLAN, INCLUDING LEASE OF A PORTION OF THE PROPERTY AT FAIR MARKET VALUE TO THE CITY OF RALEIGH FOR A PUBLIC PARK, AND TO PROVIDE FOR USE OF ANY LEASE PROCEEDS FOR MENTAL HEALTH PURPOSES, upon second reading.

Senator Pate offers Amendment No. 1, which is adopted (30-20).

The Committee Substitute bill, as amended, passes its second reading (29-21) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

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S.B. 45 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Randleman, the Senate concurs in the House Committee Substitute bill (50-0) and the bill is ordered enrolled and sent to the Governor.

SENATE PAGES

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

Dee Dee Anthony, Wake Forest; Regan Booth, Fairview; Rebecca Chisholm, Jacksonville; Davis Culton, Durham; Sarah Finney, Monroe; Maya Finoh, Durham; Jacquelyn Grilli, Marshville; Katie Honaker, Raleigh; Spence Hutcheson, Durham; Jenna Johnson, Benson; Tim Jordan, Jr., Winston-Salem; Christina Stone, Cary; Mattie Tart, Benson; Matt Taylor, Wilson; Nick Thomas, Gastonia; Roslyn Ward, Garner; Cole Wicker, Bear Creek; and Jackson Yelverton II, Eureka.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 228, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER'S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85132, which changes the title to read **S.B. 228** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER'S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY

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RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER AND CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING AMENDMENT OF A RECORDED DECLARATION, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Soucek, the Senate adjourns at 3:31 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, March 27, at 2:00 p.m.

A SENATORIAL STATEMENT

Submitted by Senator Peter S. Brunstetter

Supporting Transverse Myelitis Awareness Day

WHEREAS, Transverse Myelitis is a neurological disorder caused by inflammation across both sides of one level, or segment, of the spinal cord; and

WHEREAS, symptoms of Transverse Myelitis include a loss of spinal cord function over several hours to several weeks, usually beginning as a sudden onset of lower back pain, muscle weakness, or abnormal sensations in the toes and feet that may rapidly progress to more severe symptoms; and

WHEREAS, while some patients recover from Transverse Myelitis with minor or no residual problems, others suffer permanent impairments that affect their ability to perform ordinary tasks of daily living; and

WHEREAS, only one-third of those diagnosed with the Transverse Myelitis make a full recovery; and

WHEREAS, there are approximately 34,000 persons with Transverse Myelitis in the United States; and

WHEREAS, Transverse Myelitis has not been publicized by the media as widely as other spinal cord injuries; and

WHEREAS, increased awareness of Transverse Myelitis will help accomplish improvements in diagnosis and further scientific research;

NOW, THEREFORE, June 9, 2013, should be recognized as Transverse Myelitis Awareness Day in North Carolina.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-sixth day of March, 2013.

S/Senator Peter S. Brunstetter

S/Sarah Lang
Senate Principal Clerk

March 26, 2013

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

March 22, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2008
Raleigh, North Carolina 27601-2008

Dear Ms. Lang:

Pursuant to North Carolina General Statute §115C-10, I am pleased to recommend the following individuals to serve as members of the North Carolina Board of Education for confirmation by the North Carolina General Assembly:

- Dr. Olivia Oxendine of Robeson County to the Fourth Educational District
- Mr. A.L. "Buddy" Collins of Forsyth County to the Fifth Educational District
- Ms. Marcella Ramirez Savage of Union County as an at-large member of the Board of Education

Included you will find biographical information for each appointee. Please feel free to contact my staff for any additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Education/Higher Education Committee**.

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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 Tucker (Primary Sponsor); Goolsby, Hise, Randleman and Soucek:

S.B. 401, A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO CONDUCT A CRIMINAL CHECK ON APPLICANTS FOR OR RECIPIENTS OF TEMPORARY ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS, TO REQUIRE DSS TO SHARE INFORMATION WITH A LOCAL LAW ENFORCEMENT AGENCY REGARDING AN APPLICANT FOR OR RECIPIENT OF TANF OR FNS BENEFITS WHO HAS AN OUTSTANDING ARREST WARRANT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT SUBJECT TO AN OUTSTANDING WARRANT FOR A FELONY OR FOR A PROBATION OR PAROLE VIOLATION.

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

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

S.B. 402, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

By Senator Bingham:

S.B. 403, A BILL TO BE ENTITLED AN ACT TO AMEND THE UNIFORM PRUDENT INVESTOR ACT AND TO MAKE CONFORMING CHANGES TO THE LAWS REGULATING CEMETERIES AND THE PRACTICE OF FUNERAL SERVICE AS RELATED TO TRUST FUNDS.

Referred to the **Commerce Committee**.

By Senators Bingham (Primary Sponsor) and Brock:

S.B. 404, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO ADOPT POLICIES ALLOWING STUDENTS TO ATTEND OFF-CAMPUS RELIGIOUS INSTRUCTION, AND TO AUTHORIZE LOCAL BOARDS OF EDUCATION TO AWARD ELECTIVE CREDIT FOR OFF-CAMPUS RELIGIOUS INSTRUCTION.

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

By Senators Bingham (Primary Sponsor); Brock and Rabin:

S.B. 405, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COUNCIL OF STATE MEMBER WHO HAS A CONCEALED HANDGUN

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PERMIT MAY POSSESS OR CARRY A HANDGUN ON STATE PROPERTY WHILE DISCHARGING THE MEMBER'S OFFICIAL DUTIES.

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

By Senators Brunstetter and Brock (Primary Sponsors):

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965.

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

By Senators Brunstetter, Rabon (Primary Sponsors) and Clark:

S.B. 407, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTEREST AND CERTIFICATE OF TITLE DATA.

Referred to the **Transportation Committee** and upon a favorable report, referred to the **Commerce Committee**.

By Senators Tarte, Randleman, and Brock (Primary Sponsors):

S.B. 408, A BILL TO BE ENTITLED AN ACT TO EXPAND AREAS IN WHICH LAWFUL CONCEALED HANDGUN PERMIT HOLDERS MAY CARRY OR KEEP FIREARMS FOR SELF PROTECTION.

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

By Senators Tarte (Primary Sponsor) and J. Davis:

S.B. 409, A BILL TO BE ENTITLED AN ACT TO REPEAL ELEMENTS OF THE CIVIL NO-CONTACT LAWS PERTAINING TO STALKING.

Referred to the **Judiciary II Committee**.

By Senators Tarte, Randleman, Brock (Primary Sponsors) and Rabin:

S.B. 410, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES, CHILDREN, AND OTHERS FROM CRIMINALS AND VIOLENT SOCIOPATHS BY AMENDING LAWS THAT PROHIBIT CARRYING OF CONCEALED WEAPONS AND WEAPONS ON EDUCATIONAL PROPERTY.

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

By Senators Rabon, Harrington (Primary Sponsors); Daniel and J. Davis:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO ETHICS PROVISIONS OF STATE GOVERNMENT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

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

By Senator Hartsell:

S.B. 412, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WATER AND WASTEWATER INFRASTRUCTURE AUTHORITY TO ADMINISTER THE STATE'S FUNDING FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO TRANSFER THE CONSTRUCTION GRANTS AND LOANS SECTION OF THE DIVISION OF WATER QUALITY AND THE FINANCIAL SERVICES UNIT IN THE PUBLIC WATER SUPPLY SECTION OF THE DIVISION OF ENVIRONMENTAL HEALTH FROM THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE AUTHORITY, TO PROVIDE THAT THE CLEAN WATER MANAGEMENT TRUST FUND SHALL NOT FUND WASTEWATER PROJECTS, TO TRANSFER ANNUALLY THE SUM OF TWENTY-FIVE MILLION DOLLARS FROM THE CLEAN WATER MANAGEMENT TRUST FUND TO THE WATER INFRASTRUCTURE FUND TO PROVIDE GRANT AND LOAN FUNDS FOR WATER AND WASTEWATER INFRASTRUCTURE PROJECTS, TO DIRECT THE AUTHORITY AND THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO DEVELOP A TRANSITION PLAN TO MOVE THE WATER AND WASTEWATER PROGRAMS FROM THE NORTH CAROLINA RURAL ECONOMIC DEVELOPMENT CENTER TO THE AUTHORITY, AND TO MAKE CONFORMING STATUTORY CHANGES.

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

By Senator Hartsell:

S.B. 413, A BILL TO BE ENTITLED AN ACT REQUIRING THE INTERCONNECTION OF PUBLIC WATER SYSTEMS OR WASTEWATER SYSTEMS TO REGIONAL SYSTEMS WHEN NECESSARY TO PROMOTE PUBLIC HEALTH, PROTECT THE ENVIRONMENT, AND ENSURE COMPLIANCE WITH DRINKING WATER RULES AND TO REQUIRE THAT AN ANALYSIS OF REASONABLE ALTERNATIVES BE DONE BEFORE CONSTRUCTING OR ALTERING A PUBLIC WATER SYSTEM.

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

By Senators Hartsell (Primary Sponsor) and Jenkins:

S.B. 414, A BILL TO BE ENTITLED AN ACT TO CONVERT THE SALES TAX REFUND FOR CERTAIN FUEL PURCHASES OF AN INTERSTATE PASSENGER AIR CARRIER INTO A SALES TAX EXEMPTION.

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

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By Senators Hartsell (Primary Sponsor) and Newton:

S.B. 415, A BILL TO BE ENTITLED AN ACT TO DEFINE BY STATUTE MINIMUM QUALIFICATIONS FOR DIRECTORS OF COUNTY DEPARTMENTS OF SOCIAL SERVICES.

Referred to the **Health Care Committee**.

By Senator Hartsell:

S.B. 416, A BILL TO BE ENTITLED AN ACT TO REQUIRE LICENSED GEOLOGISTS TO OBTAIN A STATE PRIVILEGE TAX AND THUS PROHIBIT CITIES FROM IMPOSING A LOCAL PRIVILEGE TAX.

Referred to the **Finance Committee**.

By Senator Hartsell:

S.B. 417, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE QUALITY AND ACCOUNTABILITY OF THE PUBLIC HEALTH SYSTEM, TO REORGANIZE THE DIVISION OF PUBLIC HEALTH, AND TO STRENGTHEN THE PUBLIC HEALTH INFRASTRUCTURE BY THE DEVELOPMENT AND IMPLEMENTATION OF REGIONAL PUBLIC HEALTH AUTHORITIES.

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

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

THIRTY-FOURTH DAY

Senate Chamber
Wednesday, March 27, 2013

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

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

“Lord, we give you thanks for this day that you have made. Lord, you have been our dwelling place generation after generation, and you dwell here with us today. You call us through your grace and guidance, you that do all the work of grace. ‘And after we have suffered just a little while, you will yourself restore us. And He will make you strong, firm, and steadfast.’* We, Lord, your people, stand before you today, and we put our trust in you again, because we know that your grace is within us. It’s in Jesus’ name that we pray. Amen.”

*Adapted from 1 Peter 5:10, NIV

March 27, 2013

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

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, March 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. Larry Lawrence from Morehead City, North Carolina, who is serving the Senate as Doctor of the Day, and to Karen Lemmons from Asheboro, 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. 45, AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

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

S.B. 306, A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 85131, is adopted and engrossed.

Upon motion of Senator Apodaca, without objection, the Committee Substitute is placed on the calendar of Wednesday, April 3.

March 27, 2013

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

S.B. 355, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MEANING OF THE TERMS “PLANTING AND HARVESTING SEASON” AND “PLANTING AND HARVESTING PERIOD” FOR PURPOSES OF APPLYING FEDERAL LAWS OR REGULATIONS RELATING TO HOURS-OF-SERVICE RULES FOR CERTAIN DRIVERS TRANSPORTING AGRICULTURAL PRODUCTS, with a favorable report.

S.B. 411, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO ETHICS PROVISIONS OF STATE GOVERNMENT, AS RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, with a favorable report.

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

CALENDAR

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

S.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, March 28, upon third reading.

S.B. 159, A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: Senator Tillman---1.

The bill remains on the calendar for Thursday, March 28, upon third reading.

S.B. 209, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF OVERGROWN VEGETATION ORDINANCES BY REGULAR MAIL AND POSTING, 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. 228 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER'S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER AND CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING AMENDMENT OF A RECORDED DECLARATION, 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

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

S.B. 280, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85150, is adopted and engrossed.

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MODIFICATION OF BILL SPONSORSHIPS

Upon motion of Senator Apodaca, without objection, the following bill sponsorship changes are made:

Senator J. Davis is removed as a co-sponsor and subsequently added as a primary sponsor of S.B. 444, which was filed Tuesday, March 26, and is pending introduction.

Senator Hartsell, Senator Jenkins, and Senator Meredith are removed as co-sponsors and subsequently added as additional primary sponsors to previously introduced legislation:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO ADOPT A BIPARTISAN TAX REFORM PLAN TO PROMOTE ECONOMIC DEVELOPMENT IN NORTH CAROLINA BY ESTABLISHING A SOUND STATE TAX STRUCTURE THAT REVISES THE EXISTING STRUCTURE ON A REVENUE-NEUTRAL BASIS, LOWERS ALL MAJOR TAX RATES, TAXES ALL INCOME AT THE SAME RATE, AND MAKES THE STRUCTURE SIMPLER, FAIRER, AND CONSISTENT WITH THE MODERN ECONOMY, AS RECOMMENDED BY PAST TAX STUDIES.

WITHDRAWAL FROM COMMITTEE

S.B. 222, A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, referred to the **Health Care Committee** on March 7.

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 **Judiciary II Committee**, while maintaining its sequential referral to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

BILL FILING DEADLINE

Upon motion of Senator Apodaca, without objection, the bill filing deadline for all public bills is extended to Tuesday, April 2, at 3:00 p.m.

Upon motion of Senator Berger, seconded by Senator Ford, the Senate adjourns at 2:31 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, March 28, at 11:00 a.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

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

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

S.B. 418, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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

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

S.B. 419, 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 Senator Clark:

S.B. 420, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EMPLOYMENT SECURITY LAWS RELATING TO REQUIRED CONTRIBUTIONS.

Referred to the **Commerce Committee**.

By Senators Parmon (Primary Sponsor); Bryant, Kinnaird and Woodard:

S.B. 421, 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 Parmon (Primary Sponsor) and Bryant:

S.B. 422, A BILL TO BE ENTITLED AN ACT TO RESTORE THE LOCAL GOVERNMENT HOLD HARMLESS FOR REPEALED REIMBURSEMENTS.

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

By Senator Parmon:

S.B. 423, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO FORSYTH TECHNICAL COMMUNITY COLLEGE TO BE USED FOR OPERATING COSTS FOR CERTAIN PROGRAMS OFFERED BY THE COLLEGE.

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

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 424, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN-STATE HIGH SCHOOL STUDENTS ENROLLED AT THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS MAY BE CHARGED FEES TO ASSIST WITH THE EXPENSES OF THE INSTITUTION.

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

By Senators Blue (Primary Sponsor) and J. Davis:

S.B. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ALLOCATION OF FUNDS FROM THE COLLEGIATE AND CULTURAL ATTRACTION PLATE ACCOUNT THAT ARE DERIVED FROM THE SALE OF OLYMPIC GAMES PLATES.

Referred to the **Finance Committee**.

By Senator J. Davis:

S.B. 426, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEADLINE FOR AN AUDITEE'S RESPONSE TO A PERFORMANCE AUDIT.

Referred to the **Program Evaluation Committee**.

By Senators Tillman, Parmon (Primary Sponsors); Barefoot, Brock, Bryant, Daniel, D. Davis, J. Davis, Goolsby, Hise, Jackson, Pate, Randleman and Woodard:

S.R. 427, A SENATE RESOLUTION HONORING THE LEADERSHIP AND FORESIGHT OF THOSE NORTH CAROLINIANS WHO CREATED AND ESTABLISHED THE COMMUNITY COLLEGES AND JOINING NORTH CAROLINA'S FIFTY-EIGHT COMMUNITY COLLEGES AND THE COMMUNITY COLLEGES SYSTEM OFFICE WHILE OBSERVING THE FIFTIETH ANNIVERSARY OF THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM.

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

By Senators Tillman (Primary Sponsor); Brock, Daniel, Hise and Randleman:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO REFORM NORTH CAROLINA'S VOTING PROCESS.

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

By Senators Brown (Primary Sponsor) and Brock:

S.B. 429, A BILL TO BE ENTITLED AN ACT TO LIMIT ASBESTOS-RELATED LIABILITIES FOR CERTAIN SUCCESSOR CORPORATIONS.

Referred to the **Judiciary I Committee**.

By Senator Brown:

S.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES AND CITIES.

Referred to the **Commerce Committee**.

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By Senator Brown:

S.J.R. 431, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S APPOINTMENT OF RAY GRACE TO THE OFFICE OF COMMISSIONER OF BANKS.

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

By Senators Brown (Primary Sponsor); Brock, Daniel, D. Davis, J. Davis, Goolsby, Hise, Jackson, Pate, Randleman and Woodard:

S.R. 432, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES.

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

By Senator Rabon:

S.B. 433, A BILL TO BE ENTITLED AN ACT TO PREVENT CERTAIN PROPERTY-CARRYING VEHICLES FROM PAYING FOR A DECLARED WEIGHT THAT EXCEEDS THE STATUTORY ALLOWANCE.

Referred to the **Transportation Committee**.

By Senator Rabon:

S.B. 434, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANYONE WHO IS CONVICTED OF DRIVING WHILE IMPAIRED, DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, OR ANY OTHER IMPAIRED DRIVING OFFENSE, OR ANY PERSON WHO REFUSES A CHEMICAL ANALYSIS, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH AN IGNITION INTERLOCK SYSTEM AND CREATE AN IGNITION INTERLOCK DEVICE FUND TO ASSIST INDIGENT PERSONS.

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

By Senators Hartsell and Blue (Primary Sponsors):

S.B. 435, A BILL TO BE ENTITLED AN ACT TO AMEND LAWS PERTAINING TO DISPENSING OPTICIANS AND TO RAISE THE CEILING ON FEES AUTHORIZED BY THE NORTH CAROLINA STATE BOARD OF OPTICIANS.

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

By Senator Hartsell:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCOPE OF THE STATE BUDGET ACT AND THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

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

March 27, 2013

By Senators Clodfelter (Primary Sponsor); J. Davis and Goolsby:

S.B. 437, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT THE DEPARTMENT OF REVENUE DOES NOT CHANGE ITS LONGSTANDING INTERPRETATION OF THE FAILURE TO FILE PENALTY IN A MANNER THAT WOULD MAKE THE PENALTY HARSHER THAN THE COMPARABLE FEDERAL PENALTY AND WOULD IMPOSE A PENALTY ON A TAXPAYER EVEN WHEN THE TAXPAYER PAID TAX TIMELY AND IS DUE A REFUND.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO PROVIDE EQUAL ACCESS TO COURT SERVICES AND FULLY FUND INTERPRETER NEEDS IN THE COURTS.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter, Barringer, and Brunstetter (Primary Sponsors):

S.B. 439, A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary I Committee**.

By Senators Stein (Primary Sponsor) and Woodard:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA.

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

By Senators Bingham, Goolsby (Primary Sponsors); Daniel, J. Davis, Hise and Randleman:

S.B. 441, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A MEMBER OF THE STATE HIGHWAY PATROL SHALL NOT BE REQUIRED TO RESIDE IN THE COUNTY OF THEIR ASSIGNED DUTY STATION.

Referred to the **Judiciary II Committee**.

By Senators Brock (Primary Sponsor); J. Davis and Hise:

S.B. 442, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

Referred to the **Commerce Committee**.

By Senator Brock:

S.B. 443, A BILL TO BE ENTITLED AN ACT TO TRANSFER ABANDONED FIREARMS FROM LOCAL LAW ENFORCEMENT AGENCIES TO THE STATE FOR DISPOSITION.

Referred to the **Judiciary II Committee**.

By Senators Brock and J. Davis (Primary Sponsors):

S.B. 444, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION.

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

By Senator Brock:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE.

Referred to the **Commerce Committee**.

By Senator Brock:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

Referred to the **Program Evaluation Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

By Senators Brock (Primary Sponsor); Daniel and Newton:

S.B. 447, A BILL TO BE ENTITLED AN ACT REQUIRING APPLICANTS FOR PUBLIC ASSISTANCE TO UNDERGO DRUG TESTING BEFORE THE APPLICANT IS ELIGIBLE FOR PUBLIC ASSISTANCE.

Referred to the **Health Care Committee**.

By Senators Brock (Primary Sponsor) and Hise:

S.B. 448, A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

Referred to the **Program Evaluation Committee**.

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By Senator Goolsby:

S.B. 449, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL BREATH-TESTING SITES AND LAW ENFORCEMENT VEHICLES ENGAGED IN TRAFFIC ENFORCEMENT TO BE EQUIPPED WITH A VIDEO RECORDING DEVICE AND TO REQUIRE THE RECORDING OF ALL IMPAIRED DRIVING OFFENSES AT THE INCIDENT SITE AND THE BREATH-TESTING SITE UNLESS SUCH RECORDING IS IMPOSSIBLE, AND TO REQUIRE A FEE BE ASSESSED TO A PERSON CONVICTED OF DRIVING WHILE IMPAIRED TO OFFSET THE COST OF OPERATING THE VIDEO RECORDING SYSTEMS.

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

By Senators Goolsby (Primary Sponsor) and Daniel:

S.B. 450, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO PROVIDE FOR THE ANNUAL ADJUSTMENT OF THE BENEFIT FOR PERMANENT INJURY TO AN IMPORTANT BODILY ORGAN.

Referred to the **Commerce Committee**.

By Senator Goolsby:

S.B. 451, A BILL TO BE ENTITLED AN ACT TO REVISE THE MANNER IN WHICH RESTITUTION DAMAGES ARE CALCULATED SO THAT VICTIMS IN PERSONAL INJURY CASES MAY RECEIVE FULL COMPENSATION FOR THEIR DAMAGES.

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

By Senator Goolsby:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL.

Referred to the **Judiciary II Committee**.

By Senator Kinnaird:

S.B. 453, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION.

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

By Senators Cook, Barefoot, and Rabin (Primary Sponsors):

S.B. 454, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS.

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

By Senators Cook, Rabin, Barefoot (Primary Sponsors) and Jackson:

S.B. 455, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW.

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

By Senators Pate, Bingham, Wade (Primary Sponsors); Brock, D. Davis, Goolsby and Hise:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to the **Health Care Committee**.

By Senators Pate and D. Davis (Primary Sponsors):

S.B. 457, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A STATE VETERANS' CEMETERY IN GOLDSBORO.

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

By Senator Pate:

S.R. 458, A SENATE RESOLUTION CREATING AWARENESS ABOUT THE BENEFITS OF ELIMINATING EXCESSIVE DIETARY SODIUM INTAKE AND RELATED SUPPORTING MEASURES AIMED AT DECREASING THE RATES OF HYPERTENSION, HEART DISEASE, AND STROKE IN NORTH CAROLINA.

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

By Senators Walters (Primary Sponsor); Daniel, Jackson and Jenkins:

S.J.R. 459, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF HECTOR MACLEAN, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 17 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND PISTOL PURCHASE PERMITS.

Referred to the **Judiciary I Committee**.

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H.B. 199, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT IN CONTROVERSY FOR CIVIL ACTIONS IN DISTRICT COURT.

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

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS.

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

A SENATORIAL STATEMENT

Submitted by Senator Dan Blue

Commending Southeast Raleigh Magnet High School

WHEREAS, Southeast Raleigh Magnet High School (SRMHS) is a unique Wake County magnet school that has received recognition from the National Magnet Schools of America for three consecutive years; and

WHEREAS, the school's Center for Leadership and Technology is the First STEM School in Wake County and, as Wake County's only New Tech High School, SRMHS provides classes that are taught solely through Project-Based Learning and the integration of Technology for true 21st Century Learning; and

WHEREAS, SRMHS has found success by incorporating into the curriculum an Engineering Academy, which provides students with hands-on experiential learning in small focus groups, and Principal David Schwenker hopes to improve upon the school's success by adding new programs such as a Biomedical Academy; and

WHEREAS, SRMHS also has a successful Choral Music program, which enables students to immerse themselves in many styles of music and is currently directed by Mr. Devin Hocutt; and

WHEREAS, once students have taken an entry level choral class, they may audition for advanced groups or ensembles and later have the opportunity to audition for the honor's choir; and

WHEREAS, over the years, SRMHS choirs have received many invitations to perform throughout Wake County and across the State and have received many honors during annual choral competitions, with two ensembles earning superior ratings between 1998 and 2013;

NOW, THEREFORE, the students, teachers, and administrative staff at SRMHS should be commended for their dedication and hard work.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-seventh day of March, 2013.

S/Senator Dan Blue

S/Sarah Lang
Senate Principal Clerk

March 27, 2013

A SENATORIAL STATEMENT
Submitted by Senator Clark Jenkins

Honoring the Town of Conway on its 100th Anniversary

WHEREAS, the Town of Conway in eastern Northampton County was settled around 1835; and

WHEREAS, the area was first known as Martin Crossroads and then as Kirby; and

WHEREAS, in 1888, a small depot was built in the area and named Conway in honor of the wife of an officer of the railroad; and

WHEREAS, in the late 1880s the residents of Conway petitioned the government to establish a post office in the area; and

WHEREAS, the Town of Conway was incorporated by an act of the General Assembly in 1913; and

WHEREAS, the Town's first officers included Mayor J.E. Taylor, Constable J.P. Garriss, and Commissioners Abner Lassiter, W.T. Bridges, R.T. White, J.O. Flythe, and D.C. Bridges; and

WHEREAS, Conway has always been primarily an agricultural community, producing such crops as peanuts, cotton, corn, and soybeans; and

WHEREAS, Conway's citizens are very proud of their heritage and small town friendly atmosphere; and

WHEREAS, Conway has continued to prosper through the continued dedication, insight, and planning of the Town's leaders and citizens;

NOW, THEREFORE, the 100th anniversary of the Town of Conway is an occasion worthy of celebration by all North Carolinians;

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-seventh day of March, 2013.

S/Senator Clark Jenkins

S/Sarah Lang
Senate Principal Clerk

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

March 27, 2013

THIRTY-FIFTH DAY

Senate Chamber
Thursday, March 28, 2013

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

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

“Father in heaven, as we come to the end of this week and grow closer towards Good Friday and Easter, may we hear the words of a Christian martyr: ‘We cannot do everything, and there is a sense of liberation in realizing that. This enables us to do something and to do it very, very well. It may be incomplete, but it is the beginning, a step along the way, an opportunity for the Lord’s grace to enter and do the rest. We may never see the end results, but that is the difference between the master builder and the worker. We are workers, not master builders; ministers, not messiahs. We are prophets of a future that is not our own.’* We pray in Jesus’ name. Amen.”

*Written by Bishop Ken Untener of Saginaw, 1979, attributed to Archbishop Oscar Romero

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

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

The Chair extends privileges of the floor to Dr. Haresh Kathard from Louisburg, North Carolina, who is serving the Senate as Doctor of the Day.

ENROLLED BILLS

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

S.B. 44, AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS’ COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS’ COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

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S.B. 97, AN ACT TO REQUIRE RELEASE OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hise for the **Health Care Committee**:

S.B. 208, A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35245, is adopted and engrossed.

By Senator Tillman for the **Education/Higher Education Committee**:

NORTH CAROLINA GENERAL ASSEMBLY
NORTH CAROLINA SENATE
Raleigh, North Carolina 27601-2808

March 28, 2013

MEMORANDUM

TO: Members of the Senate

FROM: Senators Soucek and Tillman, Co-Chairs, Senate
Education/Higher Education Committee

RE: State Board of Community Colleges Election Nominees

The Senate must elect **one** member from the State at-large for a six-year term beginning July 1, 2013 to the State Board of Community Colleges.

The Senate Education/Higher Education Committee has met and screened the proposed candidate as to his qualifications, background, lack of statutory disabilities, and willingness and ability to serve if elected. The following candidate was selected as the nominee. A copy of the nominee's vita is attached.

Edward Lynn Raye

STATE BOARD OF COMMUNITY COLLEGES' ELECTION

Pursuant to the report received today from the **Education/Higher Education Committee**, the Committee places in nomination the name of Edward Lynn Raye for a six-year term on the State Board of Community Colleges, effective July 1, 2013, and ending June 30, 2019.

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Senator Tillman is recognized and outlines the procedures to be followed and announces that pursuant to G.S. 115D-2.1(b)(4)f, no further nominations shall be received. He further moves that the Senate elect Edward Lynn Raye to the State Board of Community Colleges for a term of six years, beginning July 1, 2013.

The President orders a voice-vote to elect Edward Lynn Raye to the State Board of Community Colleges, with all members in favor of election responding "aye" and all members against election responding "no." Edward Lynn Raye is unanimously elected.

In compliance with G.S. 115-2.1(b)(4)f, the election of Edward Lynn Raye to the State Board of Community Colleges for a six-year term beginning July 1, 2013, and expiring June 30, 2019, is confirmed by an electronically recorded vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

The President declares Edward Lynn Raye duly elected to the State Board of Community Colleges for a six-year term, effective July 1, 2013, and ending June 30, 2019. The President orders a message sent to the House of Representatives informing that honorable body of such action and orders that Mr. Raye be notified of his election.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 268 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 316, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35220, which changes the title to read **S.B. 316** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL, AND TO AMEND CERTAIN BOND PROVISIONS, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 159, A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED

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MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, April 2.

CALENDAR *(continued)*

S.B. 355, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MEANING OF THE TERMS "PLANTING AND HARVESTING SEASON" AND "PLANTING AND HARVESTING PERIOD" FOR PURPOSES OF APPLYING FEDERAL LAWS OR REGULATIONS RELATING TO HOURS-OF-SERVICE RULES FOR CERTAIN DRIVERS TRANSPORTING AGRICULTURAL PRODUCTS, upon second reading.

The bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

WITHDRAWAL FROM A FUTURE CALENDAR

S.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, upon second reading, placed on the calendar of Tuesday, April 2.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from the calendar of Tuesday, April 2, and placed on today's calendar for immediate consideration.

CALENDAR *(continued)*

S.B. 280 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, 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.

MOTION PERTAINING TO A FUTURE CALENDAR

Upon motion of Senator Apodaca, without objection, all bills having been placed on the calendar of Monday, April 1, are withdrawn from that calendar and placed on the calendar of Tuesday, April 2.

REMOVAL OF BILL CO-SPONSOR

Senator Meredith requests that he be removed as a sponsor of S.B. 489, which was filed Wednesday, March 27, and is pending introduction.

Upon motion of Senator Berger, seconded by Senator Harrington, the Senate adjourns at 11:37 a.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, April 1, at 12:00 p.m.

A SENATORIAL STATEMENT

Submitted by Senator Don Davis

Commemorating the 300th Anniversary of The Battle at Fort Nooherooka

WHEREAS, on March 21-23, 1713, a battle took place at Fort Nooherooka; and

WHEREAS, the Tuscarora Indians built the fort near present-day Snow Hill in Greene County; and

WHEREAS, during the battle, hundreds of Tuscarora Indians lost their lives, some were captured, and others fled; and

WHEREAS, prior to this battle, the Tuscarora Indians had lived and farmed in the area for about 1,000 years; and

WHEREAS, the site of Fort Nooherooka is listed as a National Historic Landmark in the National Register of Historic Places; and

WHEREAS, to commemorate the 300th anniversary of this historic battle, a monument has been dedicated near the site, and several activities will be held in honor of this significant historical event in Greene County;

NOW, THEREFORE, the battle at Fort Nooherooka should be remembered and observed as part of North Carolina's history.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-eighth day of March, 2013.

S/Senator Don Davis

S/Sarah Lang
Senate Principal Clerk

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rabon (Primary Sponsor) and Harrington:

S.B. 460, A BILL TO BE ENTITLED AN ACT TO REPEAL OUTDATED AND OBSOLETE DEPARTMENT OF TRANSPORTATION REPORTING REQUIREMENTS.

Referred to the **Transportation Committee**.

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By Senators Wade, Tillman, Bingham (Primary Sponsors); Cook and Sanderson:

S.B. 461, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO NINETY DAYS.

Referred to the **Transportation Committee**.

By Senator Woodard:

S.B. 462, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR WAIVER OF THE FEES ASSOCIATED WITH EXECUTION ON JUDGMENTS OBTAINED THROUGH LAWSUITS IN WHICH THE PLAINTIFF WAS AUTHORIZED TO SUE AS AN INDIGENT.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Woodard and McKissick (Primary Sponsors):

S.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR MINIMUM STANDARDS FOR JAIL DORMITORIES TO ALLOW COUNTIES WITH POPULATIONS IN EXCESS OF TWO HUNDRED FIFTY THOUSAND INMATES TO HOUSE SIXTY-FOUR INMATES PER DORMITORY SO LONG AS CERTAIN MINIMUM STANDARDS ARE MET.

Referred to the **Finance Committee**.

By Senators McKissick, Parmon (Primary Sponsors); Kinnaird and Woodard:

S.B. 464, 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 McKissick, Brown, Daniel (Primary Sponsors); Brock, Clark, Cook and Jackson:

S.B. 465, 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.

Referred to the **Judiciary II Committee**.

By Senators McKissick, Brown, Daniel (Primary Sponsors); Clark, Harrington, Hise, McLaurin, Pate, Randleman and Woodard:

S.B. 466, A BILL TO BE ENTITLED AN ACT CREATING AN ALZHEIMER'S DISEASE TASK FORCE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Health Care Committee**.

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By Senator Jenkins:

S.B. 467, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FORECLOSURE MEDIATION PROGRAM.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Jenkins (Primary Sponsor); Jackson, McLaurin and Walters:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED.

Referred to the **Commerce Committee**.

By Senator Brunstetter:

S.B. 469, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATE BUDGET ACT.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Wade, Gunn (Primary Sponsors); Brock, Meredith, Pate and Woodard:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE OWNER OF THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

Referred to the **Commerce Committee**.

By Senators Tucker (Primary Sponsor) and Jackson:

S.B. 471, A BILL TO BE ENTITLED AN ACT TO LIMIT THE ABILITY OF STATE AGENCIES OR STATE ENTITIES TO ENTER INTO DEBT OR DEBT-LIKE ARRANGEMENTS OUTSIDE OF THE PURVIEW OF THE GENERAL ASSEMBLY.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Blue:

S.B. 472, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT.

Referred to the **Judiciary I Committee**.

By Senators Rucho, Brown (Primary Sponsors); Barefoot, Brock, Hise, Hunt, Jackson, Meredith, Pate, Rabin and Tillman:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO

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TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO PROHIBIT HOSPITALS AND AMBULATORY SURGICAL FACILITIES FROM CHARGING MULTIPLE TIMES FOR OUTPATIENT RADIOLOGY SERVICES RENDERED ONLY ONCE; TO MODIFY THE HOSPITAL PROVIDER ASSESSMENT ACT; AND TO ENCOURAGE COMMUNITY CARE OF NORTH CAROLINA TO ADJUST ITS CORPORATE GOVERNANCE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Meredith, Walters (Primary Sponsors); Clark and Kinnaird:

S.B. 474, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSTRUCTION, LEASING, AND OPERATION OF NET-ZERO ENERGY SCHOOL FACILITIES THAT WILL PRODUCE RENEWABLE ENERGY SUFFICIENT TO RETURN ENERGY BACK TO THE UTILITY GRID EQUAL TO THAT CONSUMED BY THE SCHOOL.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Meredith:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND OTHER CHANGES TO THE PROFESSIONAL EMPLOYER ORGANIZATION STATUTES.

Referred to the **Insurance Committee**.

By Senators Meredith, Apodaca (Primary Sponsors); Goolsby and Rucho:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT.

Referred to the **Insurance Committee**.

By Senators Meredith, Newton, Walters (Primary Sponsors) and Clark:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPHTHALMOLOGIST OR OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPHTHALMOLOGIST OR OPTOMETRIST.

Referred to the **Insurance Committee**.

By Senators Barefoot, Tillman, Newton (Primary Sponsors); Barringer, Daniel, D. Davis, Meredith, Pate, Rabin and Randleman:

S.B. 478, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITIES IN SCHOOLS OF NORTH CAROLINA, INC., PROGRAMS AND SERVICES AND TO PLACE NO FEWER THAN FIFTY

GRADUATION COACHES IN ELEMENTARY, MIDDLE, OR HIGH SCHOOLS AND FOR STARTUP FUNDING FOR UP TO THREE PERFORMANCE LEARNING CENTERS OR INNOVATIVE HIGH SCHOOLS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Clark:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE INTENT OF THE GENERAL ASSEMBLY REGARDING THE AMOUNT OF DEBT THE STATE MAY ISSUE TO A PERCENTAGE OF GENERAL FUND REVENUE.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Apodaca:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Apodaca:

S.B. 481, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE.

Referred to the **Insurance Committee**.

By Senator Apodaca:

S.B. 482, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE REGULATION OF CERTIFIED FOOD PROTECTION MANAGERS.

Referred to the **Commerce Committee**.

By Senators Apodaca (Primary Sponsor) and Meredith:

S.B. 483, A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE PROCESS OF LEASING SPACE FOR STATE AGENCIES UNDER VERY LIMITED CIRCUMSTANCES.

Referred to the **State and Local Government Committee**.

By Senators Apodaca (Primary Sponsor) and Harrington:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senator Apodaca:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Tarte, Pate, and Hise (Primary Sponsors):

S.B. 486, A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE.

Referred to the **Health Care Committee**.

By Senators Brown, Hunt, and Brunstetter (Primary Sponsors):

S.B. 487, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Tucker:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Gunn, Newton, Clodfelter (Primary Sponsors); Barringer, Bingham, Brock, Brown, Cook, Daniel, D. Davis, J. Davis, Goolsby, Hise, Hunt, Jackson, Jenkins, Parmon, Pate, Rabin, Randleman, Rucho, Tarte and Tucker:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT.

Referred to the **Commerce Committee**.

By Senators Gunn, Barefoot, Walters (Primary Sponsors) and Meredith:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CORRECT ERRORS IN CALCULATING PROPERTY TAX LIABILITY ON COMPUTER SOFTWARE.

Referred to the **Finance Committee**.

March 28, 2013

By Senators Brown (Primary Sponsor); D. Davis, Kinnaird, Meredith, Pate, Rabin and Sanderson:

S.B. 491, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF PERMITS FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Stein (Primary Sponsor); Clark, Kinnaird and Woodard:

S.B. 492, A BILL TO BE ENTITLED AN ACT TO FOSTER WISE STEWARDSHIP OF PUBLIC FUNDS BY ESTABLISHING A SYSTEM OF ENERGY AND WATER USE BENCHMARKING FOR CERTAIN BUILDINGS OWNED OR LEASED BY THE STATE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Walters:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF MOTOR VEHICLES WITH CERTAIN HEADLAMPS.

Referred to the **Transportation Committee**.

By Senator Apodaca:

S.B. 494, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION.

Referred to the **Judiciary I Committee**.

By Senators Apodaca (Primary Sponsor); Cook and Meredith:

S.B. 495, A BILL TO BE ENTITLED AN ACT TO FURTHER REFORM NORTH CAROLINA'S ELECTION LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Apodaca:

S.B. 496, A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO OPTIONALLY OFFER TO PAY INSURANCE PREMIUMS FOR RETIREES FOR ALTERNATIVE COVERAGE IN LIEU OF COVERAGE UNDER THE STATE HEALTH PLAN.

Referred to the **Insurance Committee**.

By Senator Daniel:

S.B. 497, A BILL TO BE ENTITLED AN ACT TO DIRECT, AND APPROPRIATE FUNDS FOR, THE ESTABLISHMENT OF A WESTERN CRIME LABORATORY FACILITY IN MORGANTON AND TO APPROPRIATE FUNDS TO PROVIDE STAFFING FOR THE LABORATORY.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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By Senator Daniel:

S.B. 498, A BILL TO BE ENTITLED AN ACT TO MODIFY RELIGIOUS EMPLOYER EXCEPTION.

Referred to the **Insurance Committee**.

By Senators Hartsell, Randleman, Stein (Primary Sponsors); Cook, D. Davis, Kinnaird and Pate:

S.B. 499, A BILL TO BE ENTITLED AN ACT TO UPDATE AND MODERNIZE THE MIDWIFERY PRACTICE ACT.

Referred to the **Health Care Committee**.

By Senators Hartsell (Primary Sponsor) and Ford:

S.B. 500, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hartsell:

S.B. 501, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA.

Referred to the **Transportation Committee**.

By Senators Bingham, Goolsby, Newton (Primary Sponsors); Brown, Daniel, D. Davis, Ford, Harrington, Hise, Jackson, Meredith, Pate and Randleman:

S.B. 502, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE STATE HIGHWAY PATROL SHALL BE ALLOWED TO ENGAGE IN CERTAIN SECONDARY EMPLOYMENT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clark:

S.B. 503, A BILL TO BE ENTITLED AN ACT TO EXEMPT START-UP ENTITIES FROM PRIVILEGE TAXES.

Referred to the **Finance Committee**.

By Senators Jackson (Primary Sponsor) and Pate:

S.B. 504, A BILL TO BE ENTITLED AN ACT TO LOWER PRIVILEGE LICENSE TAXES FOR BUSINESSES SELLING AGRICULTURAL PRODUCTS.

Referred to the **Finance Committee**.

By Senators Jackson, Cook (Primary Sponsors); Meredith and Rabin:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES.

Referred to the **Commerce Committee**.

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By Senators Jackson, Brock, Cook (Primary Sponsors) and Meredith:

S.B. 506, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SCOPE OF THE EXEMPTION FROM THE OCCUPATIONAL HEALTH AND SAFETY ACT GENERAL INDUSTRY STANDARD PERTAINING TO CERTAIN FOOD PROCESSING FACILITIES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jackson, Brock, Cook (Primary Sponsors) and Meredith:

S.B. 507, A BILL TO BE ENTITLED AN ACT TO REMOVE OUTDATED OR UNNECESSARY ENVIRONMENTAL REPORTING REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jackson, Brock (Primary Sponsors) and Meredith:

S.B. 508, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENTS FOR PRESENT-USE VALUE PROPERTY THAT RELATE TO INITIAL LENGTH OF OWNERSHIP.

Referred to the **Finance Committee**.

By Senators Jackson, Barefoot, Brock (Primary Sponsors); Cook and Meredith:

S.B. 509, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REBUTTABLE PRESUMPTION THAT CERTAIN AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

By Senator Jackson:

S.B. 510, A BILL TO BE ENTITLED AN ACT TO MODIFY THE BERNARD ALLEN MEMORIAL EMERGENCY DRINKING WATER FUND TO ALLOW GREATER FLEXIBILITY FOR USE OF MONIES IN THE FUND, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Jackson, Cook, Tillman (Primary Sponsors) and Meredith:

S.B. 511, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PRESENT-USE VALUE PROPERTY TAX DEFERRAL PROGRAM AS IT RELATES TO AGRICULTURAL LAND.

Referred to the **Finance Committee**.

By Senators Woodard (Primary Sponsor) and Kinnaird:

S.B. 512, A BILL TO BE ENTITLED AN ACT TO ALLOW A PAYROLL DEDUCTION FOR STATE EMPLOYEES TO PAY FOR DISCRETIONARY TRANSPORTATION AND PARKING PRIVILEGES AND REQUIRE THE DEPARTMENT OF ADMINISTRATION TO OFFER BUS PASSES BY PAYROLL DEDUCTION.

Referred to the **Rules and Operations of the Senate Committee**.

March 28, 2013

By Senators Clodfelter (Primary Sponsor) and Clark:

S.B. 513, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE SECURITY OF NORTH CAROLINA'S WATER RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Clodfelter (Primary Sponsor) and D. Davis:

S.B. 514, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE PROCESS FOR FILLING OF VACANCIES IN LOCAL OFFICES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Gunn and Wade (Primary Sponsors):

S.B. 515, A BILL TO BE ENTITLED AN ACT TO REVISE THE NUTRIENT MANAGEMENT STANDARDS APPLICABLE TO THE JORDAN LAKE WATERSHED.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Tillman (Primary Sponsor); Cook, Hise and Meredith:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

ADDITIONAL SPONSORS

Senator Harrington requests to be added as a sponsor of previously introduced legislation:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO PROHIBIT HOSPITALS AND AMBULATORY SURGICAL FACILITIES FROM CHARGING MULTIPLE TIMES FOR OUTPATIENT RADIOLOGY SERVICES RENDERED ONLY ONCE; TO MODIFY THE HOSPITAL PROVIDER ASSESSMENT ACT; AND TO ENCOURAGE COMMUNITY CARE OF NORTH CAROLINA TO ADJUST ITS CORPORATE GOVERNANCE.

Senator Barefoot requests to be added as a sponsor of previously introduced legislation:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT.

March 28, 2013

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for concurrence in House Amendment No. 1.

The Committee Substitute bill, with House Amendment No. 1, is placed on the calendar of Tuesday, April 2.

H.B. 170 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE.

Referred to the **Insurance Committee**.

H.B. 181 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CONFIRM THAT NORTH CAROLINA LAW REQUIRES PHYSICIAN SUPERVISION OF ALL NURSES PROVIDING ANESTHESIA SERVICES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

March 28, 2013

House of Representatives
March 28, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 138**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND THE SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, the House of Representatives has confirmed William H. Collins, Jr. to serve on the State Board of Community Colleges for a term of six years beginning July 1, 2013, and ending June 30, 2019.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-SIXTH DAY

Senate Chamber
Monday, April 1, 2013

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:

"Lord, we give you thanks for this amazing day of light and for this time to come and gather here. Bless us in what we do here, and may we love one another with the love you have given us in Christ. Amen."

Senator Barefoot announces that the Senate Journal of Thursday, March 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

April 1, 2013

S.B. 11, AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS/DONATE LIFE MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED “DUFFY’S LAW.”

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. 50, AN ACT TO PREVENT IDENTITY THEFT OF DISCHARGED VETERANS BY RESTRICTING THE RELEASE OF MILITARY SERVICE DISCHARGE DOCUMENTS. (Became law upon approval of the Governor, March 28, 2013 - S.L. 2013-15.)

H.B. 180, AN ACT TO MAKE VARIOUS TECHNICAL CORRECTIONS TO THE LAWS GOVERNING MECHANICS LIENS. (Became law upon approval of the Governor, March 28, 2013 - S.L. 2013-16.)

S.B. 84, AN ACT TO REQUIRE THE CANCELLATION OF AN AIRCRAFT LABOR AND STORAGE LIEN WHEN A SURETY BOND IN AN AMOUNT EQUAL TO ONE AND ONE-FOURTH TIMES THE AMOUNT OF THE LIEN CLAIMED IS DEPOSITED WITH THE CLERK OF COURT. (Became law upon approval of the Governor, March 28, 2013 - S.L. 2013-17.)

Upon motion of Senator Blue, seconded by Senator Rabin, the Senate adjourns at 12:02 p.m., subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, April 2, 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 Senators Allran (Primary Sponsor) and Rabin:

S.B. 517, A BILL TO BE ENTITLED AN ACT TO ESTABLISH “HERO CREWS” TO COMBAT THE INCREASE IN ROADSIDE LITTER AND DEBRIS PLAGUING THE STATE.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Allran (Primary Sponsor); Daniel and Sanderson:

S.B. 518, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO DIVORCE TO ESTABLISH A TWO-YEAR WAITING PERIOD TO FILE FOR AN ABSOLUTE DIVORCE; TO ALLOW A

April 1, 2013

COUPLE TO LIVE TOGETHER DURING THE TWO-YEAR WAITING PERIOD; AND TO REQUIRE UNDER CERTAIN CIRCUMSTANCES THAT PRIOR TO FILING FOR AN ABSOLUTE DIVORCE A COUPLE COMPLETE COURSES ON COMMUNICATION AND THE IMPACT OF DIVORCE ON CHILDREN.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Robinson, Wade, Barringer (Primary Sponsors) and Randleman:

S.B. 519, A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO NOTIFY EACH PATIENT WITH DENSE BREAST TISSUE OF THE SIGNIFICANCE OF BREAST DENSITY LEVELS IN THE SUMMARY OF THE WRITTEN MAMMOGRAPHY EXAMINATION REPORT PROVIDED TO THE PATIENT.

Referred to the **Health Care Committee**.

By Senator Daniel:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Gunn:

S.B. 522, A BILL TO BE ENTITLED AN ACT TO ENACT NEW MARKETS JOBS INITIATIVE.

Referred to the **Finance Committee**.

By Senators Rucho, Rabon, Rabin (Primary Sponsors) and Meredith:

S.B. 523, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REDUCE THE PENALTIES FOR A TAXPAYER'S FAILURE TO FILE A RETURN FOR WHICH A REFUND IS DUE.

Referred to the **Finance Committee**.

By Senators Sanderson and Cook (Primary Sponsors):

S.B. 524, A BILL TO BE ENTITLED AN ACT TO REMOVE MANDATORY FERRY TOLLING AND TO PROVIDE THE DEPARTMENT WITH EXPANDED AUTHORIZATION TO GENERATE RECEIPTS TO SUPPORT ONGOING OPERATION OF THE FERRY SYSTEM.

Referred to the **Transportation Committee**.

By Senators Tarte, Rabon, Harrington (Primary Sponsors) and Meredith:

S.B. 525, A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES.

Referred to the **Appropriations/Base Budget Committee**.

April 1, 2013

By Senators Bingham (Primary Sponsor); Rabin and Sanderson:

S.B. 526, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE NORTH CAROLINA DEPARTMENT OF LABOR.

Referred to the **Finance Committee**.

By Senator Bingham:

S.B. 527, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS 1 MISDEMEANOR TO TRESPASS ON SCHOOL GROUNDS.

Referred to the **Judiciary II Committee**.

By Senator Goolsby:

S.B. 528, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS.

Referred to the **Judiciary I Committee**.

By Senators Goolsby, Daniel (Primary Sponsors) and Barefoot:

S.B. 529, A BILL TO BE ENTITLED AN ACT TO REQUIRE A SEARCH WARRANT TO OBTAIN THE LOCATION INFORMATION OF A CELL PHONE OR OTHER ELECTRONIC DEVICE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Goolsby (Primary Sponsor); Kinnaird, Meredith and Woodard:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS.

Referred to the **Health Care Committee**.

By Senators Daniel, Hise (Primary Sponsors); Meredith and Sanderson:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES TO OFFER AN OPTIONAL HEALTH SAVINGS ACCOUNT.

Referred to the **Insurance Committee**.

By Senator Parmon:

S.B. 532, A BILL TO BE ENTITLED AN ACT APPROPRIATING CDBG FUNDS TO THE DEPARTMENT OF COMMERCE FOR HOUSING AND MIXED-USE PROJECTS IN REDEVELOPMENT AREAS.

Referred to the **Appropriations/Base Budget Committee**.

April 1, 2013

By Senator Parmon:

S.B. 533, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CREATE AN INTERAGENCY TASK FORCE TO STUDY THE EXPANSION OF TELEMEDICINE IN THIS STATE AND THE IMPLEMENTATION OF A HEALTH HOME INITIATIVE FOR PATIENTS WITH CHRONIC CONDITIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Parmon:

S.B. 534, A BILL TO BE ENTITLED AN ACT APPROPRIATING CDBG FUNDS TO THE DEPARTMENT OF COMMERCE FOR SCATTERED SITE HOUSING.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Kinnaird, Parmon, and Bryant (Primary Sponsors):

S.B. 535, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS TO PROVIDE RELIEF FOR CAREGIVERS IN THIS STATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Kinnaird, Parmon, and Bryant (Primary Sponsors):

S.B. 536, A BILL TO BE ENTITLED AN ACT PROVIDING FOR HEALTHY FAMILIES AND HEALTHY WORKPLACES BY ENSURING THAT ALL WORKERS HAVE PAID SICK DAYS TO ADDRESS THEIR OWN HEALTH NEEDS AND THE HEALTH NEEDS OF THEIR FAMILIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Kinnaird:

S.B. 537, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING THE SENTENCE THAT MAY BE IMPOSED ON CERTAIN PERSONS CONVICTED OF A DRUG TRAFFICKING OFFENSE.

Referred to the **Judiciary II Committee**.

By Senators Clodfelter and Tucker (Primary Sponsors):

S.B. 538, A BILL TO BE ENTITLED AN ACT TO GRANT A TAXPAYER'S REQUEST FOR A REFUND OR TO REMOVE A PROPOSED ASSESSMENT BY OPERATION OF LAW IF THE DEPARTMENT OF REVENUE HAS NOT ISSUED A FINAL DETERMINATION WITHIN THE STATUTORY TIME FRAME.

Referred to the **Finance Committee**.

By Senators Clodfelter and Tarte (Primary Sponsors):

S.B. 539, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO OBTAIN ACCESS TO DATE OF BIRTH INFORMATION FOR PURPOSES OF ADDING A UNIQUE IDENTIFIER THAT CAN BE USED TO REMOVE DUPLICATE JUROR RECORDS WHEN PREPARING THE MASTER JURY LIST.

Referred to the **Judiciary I Committee**.

April 1, 2013

By Senator Clodfelter:

S.B. 540, A BILL TO BE ENTITLED AN ACT AMENDING THE EXEMPTION LAWS AND CONFORMING THE STATUTE GOVERNING THE ATTACHMENT OF INSURANCE BENEFITS PAID BY FRATERNAL BENEFIT SOCIETIES TO THAT FOR LIFE INSURANCE.

Referred to the **Judiciary II Committee**.

By Senators Cook and Rabin (Primary Sponsors):

S.B. 541, A BILL TO BE ENTITLED AN ACT TO REPEAL THE NORTH CAROLINA PUBLIC CAMPAIGN FINANCING FUND AND THE VOTER-OWNED ELECTIONS FUND.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Cook, Jackson, Rabin (Primary Sponsors) and Meredith:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES.

Referred to the **Health Care Committee**.

By Senators Pate, Meredith, Rabin (Primary Sponsors); Barefoot, Brock, Daniel, Harrington, Hise, Jackson, Sanderson, Soucek, Tucker and Woodard:

S.R. 543, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Stein (Primary Sponsor) and Woodard:

S.B. 544, A BILL TO BE ENTITLED AN ACT AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Rabin:

S.B. 545, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME.

Referred to the **Commerce Committee**.

By Senators Ford, Tarte (Primary Sponsors); Kinnaird and Rabin:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MERIT SCHOLARSHIP TO PROVIDE ADDITIONAL FUNDS FOR NEEDY STUDENTS WHO DEMONSTRATE ACADEMIC EXCELLENCE.

Referred to the **Education/Higher Education Committee**.

April 1, 2013

By Senator Hunt:

S.B. 547, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Soucek (Primary Sponsor) and Hise:

S.B. 548, A BILL TO BE ENTITLED AN ACT TO GIVE QUALIFYING LOCAL BOARDS OF EDUCATION THE ABILITY TO BETTER MANAGE INSTRUCTIONAL TIME LOST DUE TO INCLEMENT WEATHER OR OTHER EMERGENCY SITUATIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Tucker, Meredith (Primary Sponsors); Barringer, Hise, Jackson, Rabin and Sanderson:

S.B. 549, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LIST OF PERSONS WHO OBTAIN A PERMIT TO PURCHASE A PISTOL OR A CONCEALED HANDGUN PERMIT AND THE IDENTIFYING INFORMATION REGARDING THOSE PERSONS IS CONFIDENTIAL AND IS NOT A PUBLIC RECORD.

Referred to the **Judiciary I Committee**.

By Senator Tucker:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY THE PROCEDURE FOR PROCESSING AN IMPAIRED DRIVING SUSPECT AND TO MAKE RECOMMENDATIONS AS TO HOW TO REDUCE THE AMOUNT OF PAPERWORK INVOLVED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hise:

S.B. 551, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO MEDICAID.

Referred to the **Health Care Committee**.

By Senator Hise:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER TRANSPARENCY AND ACCOUNTABILITY THROUGH ACCESS TO DATA ON MENTAL HEALTH CLAIMS PAID BY THE STATE AND FEDERAL GOVERNMENTS UNDER THE MEDICAID PROGRAM.

Referred to the **Health Care Committee**.

April 1, 2013

By Senator Hise:

S.B. 553, A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR MEDICAID ENROLLEES OF LOCAL MANAGEMENT ENTITIES THAT HAVE BEEN APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE AS A MANAGED CARE ORGANIZATION UNDER THE 1915(B)/(C) MEDICAID WAIVER.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

By Senator Hise:

S.B. 554, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY AND PUBLIC HEALTH.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

By Senators Hise (Primary Sponsor) and Kinnaird:

S.B. 555, A BILL TO BE ENTITLED AN ACT AMENDING THE NURSING PRACTICE ACT TO AUTHORIZE THE BOARD OF NURSING TO REGULATE NURSE PRACTITIONERS AND TO ESTABLISH CERTAIN NEW FEES RELATED TO REGULATING NURSE PRACTITIONERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Hise:

S.B. 556, A BILL TO BE ENTITLED AN ACT TO WIND UP THE NORTH CAROLINA HEALTH INSURANCE RISK POOL.

Referred to the **Insurance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hise:

S.B. 557, A BILL TO BE ENTITLED AN ACT TO AMEND THE DATE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION, IS TO REPORT ON A PILOT PROGRAM FOR FUNDING OF THE NC PREKINDERGARTEN PROGRAM.

Referred to the **Education/Higher Education Committee**.

By Senator Hise:

S.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER'S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER.

Referred to the **Pensions & Retirement and Aging Committee**.

April 1, 2013

By Senator Hise:

S.B. 559, A BILL TO BE ENTITLED AN ACT TO ALLOW A DEALER LICENSE PLATE TO BE DISPLAYED ON A MOTOR VEHICLE DRIVEN BY CERTAIN PERSONS EMPLOYED BY AN INDEPENDENT CAR DEALER OR RELATED TO A PERSON EMPLOYED BY AN INDEPENDENT CAR DEALER.

Referred to the **Transportation Committee**.

By Senator Hise:

S.B. 560, A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH INSURANCE PREMIUM ASSISTANCE FOR LOWER-INCOME, UNINSURED PREGNANT WOMEN.

Referred to the **Insurance Committee**.

By Senators Hise (Primary Sponsor) and Sanderson:

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REENACT A LAW CONCERNING HEALTH BENEFIT PLAN CO-PAYMENTS FOR CHIROPRACTIC SERVICES.

Referred to the **Insurance Committee**.

By Senators Hise (Primary Sponsor) and Rabin:

S.B. 562, A BILL TO BE ENTITLED AN ACT REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, TO DEVELOP AND ESTABLISH A STATEWIDE TELEPSYCHIATRY PROGRAM.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 191, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 194, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS.

Referred to the **Rules and Operations of the Senate Committee**.

April 1, 2013

H.B. 195, A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS.

Referred to the **State and Local Government Committee**.

H.B. 223, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS.

Referred to the **Commerce Committee**.

H.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.

Referred to the **Insurance Committee**.

H.B. 285 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RESPIRATORY CARE PRACTICE ACT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 297, 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.

Referred to the **Rules and Operations of the Senate Committee**.

BILL HELD AS FILED

A bill filed is disposed of as follows:

By Senators Rabon (Primary Sponsor) and Daniel:

S.B. 521, A BILL TO BE ENTITLED AN ACT TO CLARIFY DEPARTMENT OF TRANSPORTATION TOLL CONTRACTING, COLLECTION, AND ENFORCEMENT.

Held as filed in the Senate Principal Clerk's Office.

Pursuant to Senator Blue's motion to adjourn having prevailed, the Senate stands adjourned.

April 1, 2013

THIRTY-SEVENTH DAY

Senate Chamber
Tuesday, April 2, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Jimmy Moore from First Baptist Church in Washington, N.C., as follows:

“Almighty and Eternal God, we pause to give you thanks today for this great nation and state where we are privileged to live and work. We thank you for the plan you gave to our forebearers by which to govern our nation and state; for the division of powers so that our destiny does not rest in the hands of one person or even just a few. We acknowledge today your sovereign power over all. In praying for those in authority, we therefore lift up our elected leadership to you, O Lord. We pray today for the governor, the lieutenant governor, the judicial branch, the General Assembly, and, in particular, those senators who sit in this very chamber. We pray that by your Holy Power, our legislative bodies would make laws that are fair and just. Father, we ask you to give them wisdom to make decisions that would strengthen and prosper us as a people. We desire that they would make right decisions concerning the politics, the social welfare, and the economics of this great state. O God, we pray today that all of us will be motivated by your hand and not our own personal concerns. We offer this prayer in the name of the Father and the Son and the Holy Spirit. 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.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dustin Williams from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

April 2, 2013

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Goolsby for the **Judiciary I Committee**:

S.B. 358, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35296, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Commerce Committee**.

H.B. 139, A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30278, is adopted and engrossed.

By Senator Meredith for the **Commerce Committee**:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE, with a favorable report.

WITHDRAWAL FROM COMMITTEE

S.R. 543, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS, referred to the **Rules and Operations of the Senate Committee** on April 1.

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 before the Senate for immediate consideration, which motion prevails with unanimous consent, and the Chair so orders.

April 2, 2013

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.R. 543, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS, for adoption.

Upon motion of Senator Bingham, the words spoken about S.R. 543 are spread upon the journal as follows:

SENATOR PATE: "Ladies and Gentlemen of the Senate, in times of war and peace, our nation has depended greatly on her young men and women to defend our homeland from any enemy, either foreign or domestic, and I think it is very fitting that we, as a state, take this day to recognize the veterans who are in our midst today. Some of us here sitting in the Senate, some of those who are sitting in the gallery, we welcome them all, and today is their day, and we salute them. I urge your support of this resolution."

SENATOR RABIN: "I was asked to do this, and it is my pleasure to do this, by one of the gentlemen now in the gallery. We in this chamber, we in this state, and we in this nation all enjoy the privileges afforded us by the Bill of Rights and by the Constitution. We have these privileges because people like those in the balcony served our country: the veterans of this country and nation. I'm proud to be one. I hope that this day goes down well with them, and I wish them great, good fortune in the future. Thank you."

SENATOR WOODARD: "Just a note of personal privilege and personal pride that among the veterans with us today is my father, Master Sergeant James E. Woodard, retired from the U. S. Air Force, who is the guiding force in my life, and I honor his service along with our other veterans. Thank you."

Upon motion of Senator Pate, the Senate Resolution is adopted (49-0).

S.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER, upon second reading.

Senator Tucker offers Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (35-14) 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. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL, AND TO AMEND CERTAIN BOND PROVISIONS, upon second reading.

April 2, 2013

Without objection, Senator Apodaca is excused from voting on the bill due to a possible conflict of interest.

The Committee Substitute bill passes its second reading (48-0).

Senator Goolsby objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Wednesday, April 3, upon third reading.

S.B. 33 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for concurrence in House Amendment No. 1.

Upon motion of Senator Hartsell, the Senate concurs in House Amendment No. 1 (49-0) and the bill is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Haley Ashley, Burlington; Courtney Baptiste, Chapel Hill; Garrett Boyd, Pinetown; Sterrett Brook, Raleigh; Riana Burton, Raleigh; Elizabeth Fisher, Charlotte; Alec Harbin, Gastonia; Gina Higgins, Wendell; Sam Jones, Winston-Salem; Prakash Kadiri, Concord; Caroline Kerns, Burlington; Jordan Keyes, Raleigh; Griffin Matsuo, Cary; Jazsmin McNeil, Raleigh; Ciaira Metz, Mooresville; Ariel Perry, Raleigh; Shauna Pointer, Durham; Catherine Potter, Wilson; Harrison Rhoades, Raleigh; Miles Wiggins, Nashville; and Leah Wills, Burlington.

HONORING VETERANS

Upon motion of Senator Bingham, the words spoken by Senator Tillman, Senator Goolsby, and Senator Rabin, honoring our Veterans through a point of personal privilege, are spread upon the Journal as follows:

SENATOR TILLMAN: “I would like for us to adjourn today in honor of and the memory of veterans who have and are still serving us today. I must say, Colonel Senator Rabin, I read your bio there, and I did not realize that you were such a decorated military hero, and many of these highest order of military awards, Merit and Valor, and so forth, that have come your way. I congratulate you on that, Colonel, and salute you and thank you for your service and many others in here. I think—Senator Dannelly is not here anymore, but I believe he served in the Civil War, but I’m not sure. I’m kidding there, but he had a great military career, too, and some of the others of you that I don’t know that well. If you can rank with what I read about Colonel Rabin you’re up there among the elite. Congratulations. Thank you.”

April 2, 2013

SENATOR GOOLSBY: “I want to apologize, Mr. Rules Chair, I did not put my name on this. I am the one who had this passed out. I know the rules, but somehow my name didn’t get put on it. I wanted to make sure—Senator Tillman beat me to the punch. I had this printed up. I found it online, actually, regarding Senator Rabin at his Alma Mater, Mississippi Southern College, at the time he attended. It’s now Mississippi Southern University. You can see that our eldest senator, and also one of our freshmen, has quite a distinguished military career, as Senator Tillman pointed out. He actually went into the Army Special Forces back when nobody knew what Special Forces was in the 1960’s, actually in 1960. You can see that after completing that school he was sent over to Vietnam, I’m sorry, to Laos, where he served. Upon his return, he ended up going to the Special Warfare Center where he learned of all languages, and probably the only one in the Senate Chamber, or maybe in this part of North Carolina, that can speak Burmese. Then in 1964, he got his regular Army Commission. You can see that, starting in 1965, he was sent back to Southeast Asia, where he served in the highlands of Vietnam. He went on search and destroy missions, and during that time period he actually earned the first of his four Legions of Merit and the first of his three Bronze Stars. All those Bronze Stars were for valor in the field. They weren’t the Bronze Stars like you see given out today sometimes to people who pilot drone aircraft. The Colonel earned his in combat. Next, Colonel Rabin was sent back and became the Aide de Camp to Lt. General Stanley Larson. He got his second Legion of Honor at that point and the Meritorious Service Medal. Then in 1969, the good Colonel volunteered yet again to return to Vietnam. He got his third Legion of Merit, his second Bronze Star, and then in 1970, when he was Commanding Officer of the First Battalion, 22nd Infantry, he demonstrated outstanding leadership and received the Silver Star, which you can see the medal ribbon he many times wears on his jacket. I believe—Colonel, you correct me if I’m wrong—I think that’s the third highest award in our country for valor given only for gallantry in combat. The Colonel earned that in 1970. He got also during that same tour his third Legion of Merit and his third Bronze Star. He then returned to the United States. His active combat operations were done at that point, and at that time he was assigned as Executive Officer and Special Assistant for the Modern Volunteer Army, and the Colonel led the way and laid the groundwork for today’s all-volunteer Armed Forces. His awards are listed on the back of this page, and they are numerous, starting with the Army General Chief of Staff identification badge going up through the Ranger Badge, Parachutist’s Badge, you can see them all the way up through his three air medals with oak leaf clusters, his two Bronze Stars, his Meritorious Service medal, his three Legions of Merit with oak leaf clusters, and a Silver Star. Colonel, I’d just like to thank you for your service to our country and am glad that we have this opportunity today. I’m sorry that all the other veterans aren’t here, but it’s my pleasure to read out this great life and this incredible contribution you’ve given to our country. We are proud of you, and I’m proud to serve with you. Thank you, sir.”

April 2, 2013

SENATOR RABIN: “Maybe I can hold together through this. First of all, I’m proud to have served with the men up in the balcony, my brothers in arms. I’m equally proud to be here serving again with a great group of people who I know are positively motivated to do great things for our country that we all love and pledge allegiance to, one nation, under God. Thank you very much for today.”

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the **State and Local Government Committee:**

H.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN, with a favorable report.

S.B. 258, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO, with a favorable report.

REMOVAL OF BILL CO-SPONSOR

Senator Bingham requests that he be removed as a sponsor of previously introduced legislation:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT.

ADDITIONAL SPONSOR

Senator Blue requests to be added as a sponsor of previously introduced legislation:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS.

Upon motion of Senator Berger, seconded by Senator Meredith, the Senate adjourns at 3:02 p.m., in honor of and in memory of our Veterans, subject to the introduction of bills and resolutions, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, April 3, at 8:45 a.m.

April 2, 2013

INTRODUCTION OF BILLS

Bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Stein (Primary Sponsor) and Woodard:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA INFRASTRUCTURE DEVELOPMENT AUTHORITY TO ENCOURAGE AND ENABLE PUBLIC-PRIVATE PARTNERSHIPS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Stein (Primary Sponsor); D. Davis and Robinson:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION IMPROVEMENT ACT OF 2013.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Stein:

S.B. 565, A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY CAN BE CONVENED AND TO AUTHORIZE THE OFFICE OF GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WHETHER THE STATE'S LAW SCHOOLS SHOULD OFFER CLINICS AND CLASSES FOR EDUCATION AND TRAINING OF FUTURE PROSECUTORS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Stein (Primary Sponsor) and Robinson:

S.B. 566, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND TEEN COURT PROGRAMS AND RESTORE FUNDING FOR DRUG TREATMENT COURT PROGRAMS.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Stein:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA STATEWIDE REENTRY ADVISORY COUNCIL.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Brock:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF BIOPTIC LENSES WHEN TESTING FOR A DRIVERS LICENSE AND THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST.

Referred to the **Transportation Committee**.

April 2, 2013

By Senators Brock (Primary Sponsor); Barringer, Hise, Jackson and Rabin:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, HOME SCHOOL, OR CHARTER SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT OR PARTICULAR EXTRACURRICULAR ACTIVITY TO PARTICIPATE IN THAT ACTIVITY AT A PUBLIC HIGH SCHOOL.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brock (Primary Sponsor); Hise and Rabin:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR TRANSMITTING ELECTRONIC PRESCRIPTIONS FOR CONTROLLED SUBSTANCES TO PHARMACIES AND TO ESTABLISH STANDARDS FOR ELECTRONIC PRESCRIBING SOFTWARE AND HARDWARE.

Referred to the **Health Care Committee**.

By Senators Brock (Primary Sponsor) and Rabin:

S.B. 571, 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**.

By Senator Randleman:

S.B. 572, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES REQUIRING SCREENING FOR KRABBE DISEASE UNDER THE NEWBORN SCREENING PROGRAM ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES; TO INCREASE THE LABORATORY FEE FOR NEWBORN SCREENING TESTS PERFORMED BY THE STATE LABORATORY OF PUBLIC HEALTH TO ACCOMMODATE THE COST OF THIS NEW SCREENING REQUIREMENT; TO REQUIRE HEALTH BENEFIT PLANS TO COVER TESTING FOR KRABBE DISEASE; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO IMPLEMENT THIS NEW SCREENING REQUIREMENT.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Randleman, Barringer, and Robinson (Primary Sponsors):

S.B. 573, A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES.

Referred to the **Health Care Committee**.

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By Senator Randleman:

S.B. 574, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPEARANCE BOND FOR A DEFENDANT CHARGED WITH CERTAIN MISDEMEANORS IS ONLY VALID FOR A CERTAIN PERIOD OF TIME.

Referred to the **Judiciary II Committee**.

By Senators Tucker (Primary Sponsor); Daniel, Goolsby, Hise, Newton and Rabin:

S.B. 575, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTY GOVERNMENTS TO PROVIDE FUNDS FOR CAPITAL EXPENSES OF CHARTER SCHOOLS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senator Clark:

S.B. 576, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF PUBLIC INSTRUCTION TO EXAMINE AND BROADEN, IF NECESSARY, THE COURSES OFFERED TO HIGH SCHOOL STUDENTS IN CAREER AND TECHNICAL EDUCATION.

Referred to the **Education/Higher Education Committee**.

By Senators Clark (Primary Sponsor); Daniel and Newton:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO ALLOW INDIVIDUALS TO CONTRIBUTE TAX REFUNDS TO CERTAIN ENTITIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clark:

S.B. 578, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO EXTEND ITS COVERAGE TO COMPANIONS BY REPEALING THE EXEMPTION RELATING TO THOSE WORKERS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clark:

S.B. 579, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE PAYMENT OF BENEFITS TO DISPLACED WORKERS IN THE EVENT OF MASS LAYOFFS DESIGNATED BY THE GOVERNOR AS A MAJOR DISTRESS EVENT.

Referred to the **Rules and Operations of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 20 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON

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EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, April 3.

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

Referred to the **State and Local Government Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-EIGHTH DAY

Senate Chamber
Wednesday, April 3, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Without objection, the prayer is postponed until after recess.

The Chair grants leaves of absence for today to Senator McLaurin and Senator Stein.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 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.

April 3, 2013

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 24, AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS WASTE UNDER CERTAIN CONDITIONS.

S.B. 33, AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

SPECIAL MESSAGE TO THE HOUSE OF REPRESENTATIVES

The President orders a message sent to the House of Representatives informing that honorable body that the Senate stands ready to repair to the Hall of the House of Representatives, there to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 3, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to **H.J.R. 20**, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION OF THE GENERAL ASSEMBLY TO ACT ON A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS BY THE GOVERNOR OF NEW MEMBERS TO THE STATE BOARD OF EDUCATION, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

April 3, 2013

In accordance with H.J.R. 20, Senator Berger offers a motion that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education. Senator Berger further moves that upon dissolution of the Joint Session, the Senate will stand in recess, subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, and the receipt of messages from the Governor, to reconvene in the Senate Chamber at 2:00 p.m.

The President declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

With members of the House of Representatives standing, the Senate is received in the Hall of the House of Representatives. Speaker Tillis calls the Joint Session to order.

The roll of the House of Representatives is called electronically to determine a quorum, and the following members answer the call:

Speaker Tillis, Representatives Adams, Arp, Avila, Baskerville, J. Bell, L. Bell, Blackwell, Blust, Brandon, R. Brawley, W. Brawley, Brisson, Brody, B. Brown, R. Brown, Bryan, Bumgardner, Burr, Carney, Catlin, Cleveland, Collins, Conrad, Cotham, Cunningham, Daughtry, Davis, Dixon, Dobson, Dockham, Dollar, Earle, Elmore, Faircloth, Farmer-Butterfield, Fisher, Floyd, Ford, Foushee, Fulghum, Gill, Glazier, Goodman, C. Graham, G. Graham, Hager, D. Hall, L. Hall, Hanes, Hardister, Harrison, Hastings, Holley, Hollo, Holloway, Horn, Howard, Hurley, Iler, Insko, Jackson, Jeter, Johnson, Jones, Jordan, Lambeth, Langdon, Lucas, Luebke, Malone, Martin, McElraft, McGrady, McManus, McNeill, Michaux, Millis, Mobley, Moffitt, R. Moore, T. Moore, Murry, Pierce, Pittman, Presnell, Queen, Ramsey, Richardson, Riddell, S. Ross, Saine, Schaffer, Setzer, Shepard, Speciale, Stam, Starnes, Stevens, Stone, Szoka, Terry, Tine, Tolson, Torbett, Turner, Waddell, Warren, Wells, West, and Whitmire--110.

Speaker Tillis directs the Reading Clerk of the Senate to call the roll of the Senate to determine a quorum, and the following members answer the call:

Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade, Walters, and Woodard--47.

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Speaker Tillis declares a quorum of each body present and announces the Joint Session shall proceed with the business for which it convened, the confirmation of the appointments by the Governor of members to the State Board of Education, as outlined in H.J.R. 21, and directs the Reading Clerk of the House of Representatives to read the resolution.

H.J.R. 21 (Committee Substitute No. 2), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF GREGORY M. ALCORN, WILLIAM W. COBEY, JR., REBECCA H. TAYLOR, A.L. COLLINS, OLIVIA OXENDINE, AND MARCELLA RAMIREZ SAVAGE TO THE STATE BOARD OF EDUCATION, upon second reading.

Representative Luebke offers Amendment No. 1.

Representative Moore from Cleveland County offers a motion that Amendment No. 1 do lie upon the table, seconded by Representative Starnes, which motion prevails (76-37).

The House of Representatives passes the Joint Resolution on its second reading (81-32).

Without objection, the Joint Resolution remains before the House of Representatives for further consideration upon third reading. The Joint Resolution passes its third reading (81-32) and is ordered sent to the Senate by special message.

Speaker Tillis relinquishes the gavel to the President of the Senate, Lieutenant Governor Dan Forest, who presides and calls the Senate to order.

The President calls for messages from the House of Representatives and directs the Reading Clerk of the Senate to read as follows:

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

H.J.R. 21 (Committee Substitute No. 2), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF GREGORY M. ALCORN, WILLIAM W. COBEY, JR., REBECCA H. TAYLOR, A.L. COLLINS, OLIVIA OXENDINE, AND MARCELLA RAMIREZ SAVAGE TO THE STATE BOARD OF EDUCATION.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar for immediate consideration.

April 3, 2013

CALENDAR

The President directs the Reading Clerk of the Senate to read as follows:

H.J.R. 21 (Committee Substitute No. 2), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF GREGORY M. ALCORN, WILLIAM W. COBEY, JR., REBECCA H. TAYLOR, A.L. COLLINS, OLIVIA OXENDINE, AND MARCELLA RAMIREZ SAVAGE TO THE STATE BOARD OF EDUCATION, upon second reading.

The Senate passes the Joint Resolution on its second reading (42-5).

Without objection, the Joint Resolution remains before the Senate for further consideration upon third reading. The Joint Resolution passes its third reading and is ordered enrolled.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following Joint Resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 21, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF APPOINTMENTS BY THE GOVERNOR OF GREGORY M. ALCORN, WILLIAM W. COBEY, JR., REBECCA H. TAYLOR, A.L. COLLINS, OLIVIA OXENDINE, AND MARCELLA RAMIREZ SAVAGE TO THE STATE BOARD OF EDUCATION. (Res. 2013-8)

The President of the Senate announces that the Senate and the House of Representatives, sitting in Joint Session, have confirmed the appointments of Gregory M. Alcorn, William W. Cobey, Jr., Rebecca H. Taylor, A.L. Collins, Olivia Oxendine, and Marcella Ramirez Savage to the State Board of Education. He further orders the Principal Clerks of the Senate and the House of Representatives to make notification of the action.

Upon motion of Senator Phil Berger, President *Pro Tempore*, seconded by Representative Thom Tillis, Speaker of the House of Representatives, the Joint Session is dissolved, and pursuant to the motion prevailing earlier in the Senate, the Senate recesses at 9:32 a.m., subject to the receipt of messages from the House of Representatives, the receipt of committee reports, the introduction of bills and resolutions, and the receipt of messages from the Governor, to reconvene in the Senate Chamber at 2:00 p.m.

RECESS

April 3, 2013

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

S.B. 369, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35306, which changes the title to read **S.B. 369** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD, is adopted and engrossed.

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN PROVISIONS REGARDING THE PRESENT-USE VALUE PROPERTY TAX DEFERRAL, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Judiciary II Committee**.

S.B. 386, A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS; TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION; AND TO PROVIDE THAT PERSONS WHOSE ACTIONS LED TO A LICENSE SUSPENSION OR REVOCATION MAY NOT WORK FOR A GRAIN DEALER IN A CAPACITY RELATED TO GRAIN SALES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75273, which changes the title to read **S.B. 386** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION, is adopted and engrossed.

April 3, 2013

S.B. 387, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85200, is adopted and engrossed.

By Senator Pate for the **Health Care Committee**:

S.B. 240, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS, with a favorable report.

INTRODUCTION OF BILLS

The co-sponsors for the following bills were modified on Thursday, April 4, to reflect the extension of the co-sponsorship deadline to Thursday, April 4, at 1:00 p.m.

Bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Tarte (Primary Sponsor); J. Davis and Goolsby:

S.B. 580, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PUBLIC-PRIVATE PARTNERSHIP FOR THE REMEDIATION OF PRE-1983 LANDFILLS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senator Bingham:

S.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO STUDY THE CURRENT STANDARDS FOR MAINTENANCE OF HISTORICAL BOILERS AND THE LICENSURE OF HISTORICAL BOILER OPERATORS.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Tucker (Primary Sponsor); Hise, Jackson, Meredith, Newton, Pate, Rabin, Sanderson and Tarte:

S.B. 582, A BILL TO BE ENTITLED AN ACT TO PROTECT FROM DISCLOSURE AS A PUBLIC RECORD CERTAIN INFORMATION CONCERNING LAW ENFORCEMENT OFFICERS.

Referred to the **Judiciary I Committee**.

April 3, 2013

By Senators Tucker (Primary Sponsor); Hise, Jackson, Jenkins, Newton, Pate, Rabin and Rabon:

S.B. 583, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS.

Referred to the **Commerce Committee**.

By Senators Tucker (Primary Sponsor); Apodaca and Meredith:

S.B. 584, A BILL TO BE ENTITLED AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE.

Referred to the **Judiciary I Committee**.

By Senators Clodfelter, Tarte (Primary Sponsors) and Goolsby:

S.B. 585, A BILL TO BE ENTITLED AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES, TO MAKE DRIVING WHILE LICENSE REVOKED A NONMOVING VIOLATION FOR CERTAIN PURPOSES, AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

By Senator Rabin:

S.B. 586, A BILL TO BE ENTITLED AN ACT DIRECTING LOCAL BOARDS OF EDUCATION ACQUIRING SITES FOR SCHOOL FACILITIES OR ERECTING SCHOOL FACILITIES TO PLAN FOR THE FUTURE EXPANSION OF THOSE FACILITIES.

Referred to the **Education/Higher Education Committee**.

By Senators Curtis (Primary Sponsor); Allran, Clark, Daniel, J. Davis, Hise, Meredith, Pate, Rabin, Rucho, Sanderson and Tarte:

S.B. 587, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA OPTOMETRY EDUCATION GRANT PROGRAM TO PROVIDE STATE GRANTS TO STUDENTS WHO ARE NORTH CAROLINA RESIDENTS ATTENDING CERTAIN APPROVED OUT-OF-STATE EDUCATIONAL INSTITUTIONS TO PURSUE A DOCTORATE OF OPTOMETRY DEGREE AND TO APPROPRIATE FUNDS FOR THE GRANTS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Hartsell (Primary Sponsor) and Jackson:

S.B. 588, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE ALLOCATION OF LOTTERY PROCEEDS FOR PUBLIC SCHOOLS ON A POINT OF SALE BASIS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

April 3, 2013

By Senators Stein (Primary Sponsor); Barringer, Bryant, McLaurin and Parmon:

S.B. 589, A BILL TO BE ENTITLED AN ACT TO ENSURE THE SAFETY OF CHILDREN IN THE PUBLIC SCHOOLS BY INCREASING THE NUMBER OF SCHOOL RESOURCE OFFICERS, BY ENHANCING THE EFFECTIVENESS OF SCHOOL RESOURCE OFFICERS, AND BY IMPLEMENTING OTHER CRITICAL MEASURES TO ENHANCE CAMPUS SAFETY.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Stein, Brunstetter (Primary Sponsors); Bryant, Clark, D. Davis, McLaurin and Parmon:

S.B. 590, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A PERSON WHO CONSTRUCTS OR OPERATES AN ELECTRIC GENERATING FACILITY FOR THE PRIMARY PURPOSE OF PRODUCING ELECTRICITY, HEAT, OR STEAM FOR SALE TO OR FOR THE USE OF THE ARMED FORCES OF THE UNITED STATES IS NOT A PUBLIC UTILITY AND IS NOT SUBJECT TO REGULATION BY THE UTILITIES COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Allran:

S.B. 591, A BILL TO BE ENTITLED AN ACT TO EXCLUDE A PERSON WHO HAS BEEN CONVICTED OF A CLASS A1 MISDEMEANOR FROM ELIGIBILITY FOR A CONDITIONAL DISCHARGE FROM A GUILTY PLEA TO, OR A FINDING OF GUILT OF, A CONTROLLED SUBSTANCE OFFENSE.

Referred to the **Judiciary I Committee**.

By Senators Bryant, Hartsell, Barringer (Primary Sponsors); Barefoot, D. Davis, Parmon, Randleman and Tarte:

S.B. 592, A BILL TO BE ENTITLED AN ACT PERMITTING LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH THOSE OF COMMUNITY COLLEGES SERVING THEIR COMMUNITIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator J. Davis:

S.B. 593, A BILL TO BE ENTITLED AN ACT TO ALLOW PRESIDING JUDGES IN CIVIL ACTIONS TO AWARD COSTS OR ATTORNEYS' FEES UPON ISSUANCE OF WRITTEN FINDINGS OF FACT.

Referred to the **Judiciary I Committee**.

April 3, 2013

By Senators J. Davis (Primary Sponsor); Allran, Brock, Cook, Hise, Jackson, Meredith, Pate, Rabin and Randleman:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.

Referred to the **Judiciary II Committee**.

By Senators Apodaca (Primary Sponsor) and Tarte:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CALENDARS FOR THE PUBLIC SCHOOLS AND COMMUNITY COLLEGES.

Referred to the **Education/Higher Education Committee**.

By Senator Pate:

S.B. 596, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMISSION ON THE SERVICE NEEDS OF INDIVIDUALS WITH TRAUMATIC BRAIN INJURY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Tarte, Ford (Primary Sponsors); Bryant, Cook and Parmon:

S.B. 597, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DROPOUT PREVENTION AND RECOVERY PILOT PROGRAM FOR LOCAL BOARDS OF EDUCATION AND CHARTER SCHOOLS.

Referred to the **Education/Higher Education Committee**.

By Senators Meredith (Primary Sponsor); Brock, Clark, J. Davis, Goolsby, Jackson, Newton, Pate, Rabin, Sanderson and Tarte:

S.B. 598, A BILL TO BE ENTITLED AN ACT TO REAUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE SPECIAL FORCES ASSOCIATION.

Referred to the **Finance Committee**.

By Senator Apodaca:

S.B. 599, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senator Apodaca:

S.B. 600, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES.

Referred to the **Insurance Committee**.

By Senators Rabon, Harrington (Primary Sponsors) and Meredith:

S.B. 601, A BILL TO BE ENTITLED AN ACT TO CLARIFY DEPARTMENT OF TRANSPORTATION TOLL CONTRACTING, COLLECTION, AND ENFORCEMENT.

Referred to the **Transportation Committee**.

By Senators Rabon, Harrington (Primary Sponsors); Hise and Meredith:

S.B. 602, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY LAW ENFORCEMENT AGENCY REPORTING ONE HUNDRED OR MORE ACCIDENT REPORTS ANNUALLY TO THE DIVISION OF MOTOR VEHICLES SHALL SUBMIT THE REPORT TO THE DIVISION OF MOTOR VEHICLES BY ELECTRONIC MEANS.

Referred to the **Transportation Committee**.

By Senators Rabon, Harrington (Primary Sponsors) and Meredith:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG.

Referred to the **Transportation Committee**.

By Senators Hise and Pate (Primary Sponsors):

S.B. 604, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO MEDICAID.

Referred to the **Health Care Committee**.

By Senators Hise, Barringer (Primary Sponsors) and Meredith:

S.B. 605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA CHILD TREATMENT PROGRAM.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Hise, Barringer (Primary Sponsors); Meredith, Pate and Tarte:

S.B. 606, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE.

Referred to the **Health Care Committee**.

By Senator Hise:

S.B. 607, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT.

Referred to the **Commerce Committee**.

April 3, 2013

By Senator Clark:

S.B. 608, A BILL TO BE ENTITLED AN ACT TO CREATE A TAX CREDIT FOR CORPORATIONS MAKING DONATIONS TO FUND DIVERSITY SCHOLARSHIPS.

Referred to the **Finance Committee**.

By Senator Clodfelter:

S.B. 609, A BILL TO BE ENTITLED AN ACT TO REORGANIZE THE STATUTES RELATING TO REGIONAL PUBLIC TRANSPORTATION AND TO AUTHORIZE UNITS OF LOCAL GOVERNMENT TO CREATE REGIONAL TRANSPORTATION FUNDING AGREEMENTS AND TO PROVIDE FOR FINANCING.

Referred to the **Transportation Committee**.

By Senators Clodfelter (Primary Sponsor) and Bryant:

S.B. 610, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO CHILD CUSTODY TO INCORPORATE A PRESUMED SHARED PARENTING STANDARD.

Referred to the **Judiciary II Committee**.

By Senators Brown (Primary Sponsor) and Meredith:

S.B. 611, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS.

Referred to the **Commerce Committee**.

By Senators Brown, Jackson, Brock (Primary Sponsors); Cook, Hise, Rabin, Randleman, Soucek and Tucker:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING WHAT TYPES OF DEBRIS MAY BE USED AS STRUCTURAL FILL; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PROHIBITION ON MASTER METERING TO PERMIT AN ALL-INCLUSIVE LEASE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; AND BY PROVIDING THE RULES REVIEW COMMISSION THE AUTHORITY TO REVIEW EXISTING RULES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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By Senators Brown (Primary Sponsor); Barefoot, D. Davis, Hise, McLaurin, Parmon, Pate, Rabin and Sanderson:

S.B. 613, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brown (Primary Sponsor) and Jackson:

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS RELATING TO THE NOTICE REQUIRED FOR CANCELLATION OF WORKERS' COMPENSATION INSURANCE POLICIES AND TO AMEND THE WORKERS' COMPENSATION ACT CONCERNING THE STATUS OF TRUCK DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS AND RELATING TO OUT-OF-STATE ACCIDENTS AND STATE RECIPROCITY OF CLAIMS.

Referred to the **Insurance Committee**.

By Senators Brown (Primary Sponsor); Goolsby, Jackson and Jenkins:

S.B. 615, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF PROPERTY INSURANCE RATE MAKING IN NORTH CAROLINA BY REQUIRING THAT CERTAIN PROPERTY INSURANCE DATA BE MADE AVAILABLE TO THE PUBLIC; BY PROVIDING THE COMMISSIONER WITH THE AUTHORITY TO ORDER A DECREASE IN RATES IN A PROPERTY INSURANCE RATE-MAKING PROCEEDING; BY LIMITING THE COMMISSION ON POLICIES ISSUED UNDER THE BEACH PLAN TO TEN PERCENT; BY INCREASING THE BEACH PLAN'S NONRECOUPABLE ASSESSMENT CAP; AND BY EXEMPTING PREMIUMS PAID FOR BEACH PLAN POLICIES FROM THE GROSS PREMIUM TAX.

Referred to the **Insurance Committee**.

By Senators Brown (Primary Sponsor); Cook and Goolsby:

S.B. 616, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

Referred to the **Pensions & Retirement and Aging Committee**.

By Senators Tucker (Primary Sponsor); Goolsby and Meredith:

S.B. 617, A BILL TO BE ENTITLED AN ACT TO ADDRESS THE COSTS OF REPRODUCING PUBLIC RECORDS BY ALLOWING THE RECOVERY OF PERSONNEL COSTS ASSOCIATED WITH PROVIDING COPIES.

Referred to the **Judiciary I Committee**.

April 3, 2013

By Senators Tucker, J. Davis, Curtis (Primary Sponsors); Cook, Hise, Jackson and Tarte:

S.B. 618, A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE STATE PERSONNEL ACT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator McKissick:

S.B. 619, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON WATER QUALITY COST SHARE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Daniel (Primary Sponsors); Bryant, Goolsby, Jackson, Meredith, Newton and Parmon:

S.B. 620, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT, IN ITS DISCRETION, MAY ALLOW A PERSON WHO WAS CHARGED WITH A NONVIOLENT CRIME WHEN THE PERSON WAS LESS THAN 26 YEARS OLD AND LATER HAD THE CHARGES EXPUNGED AND WHO IS CHARGED WITH A SUBSEQUENT NONVIOLENT CRIME THAT WAS DISMISSED OR FOR WHICH THERE ARE FINDINGS OF NOT GUILTY TO EXPUNGE THE SUBSEQUENT CRIMINAL CHARGES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Daniel (Primary Sponsors); Bryant and Parmon:

S.B. 621, A BILL TO BE ENTITLED AN ACT TO PROHIBIT EMPLOYMENT DISCRIMINATION ON THE BASIS OF CREDIT HISTORY OR CREDIT RATING.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick (Primary Sponsor) and Bryant:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIVIDUALS WITH AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER TO OBTAIN A DRIVERS LICENSE; AND TO IMPOSE A FEE FOR A DRIVERS LICENSE OBTAINED BY SUCH AN APPLICANT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick and Bingham (Primary Sponsors):

S.B. 623, A BILL TO BE ENTITLED AN ACT TO REGULATE THE USE OF AUTOMATIC LICENSE PLATE READER SYSTEMS.

Referred to the **Transportation Committee**.

By Senators McKissick, Daniel, Meredith (Primary Sponsors); Bryant, D. Davis, Parmon and Pate:

S.B. 624, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR OR THE GENERAL ASSEMBLY TO GRANT UP TO FIVE DAYS OF LEAVE ANNUALLY TO STATE EMPLOYEES AFFECTED BY EMERGENCIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Bingham (Primary Sponsors) and Goolsby:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF SECRECY ORDERS AND CONFIDENTIALITY AGREEMENTS IN CERTAIN CIVIL ACTIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Jackson, Meredith (Primary Sponsors) and Woodard:

S.B. 626, A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators McKissick (Primary Sponsor); Bryant, Goolsby, Parmon and Woodard:

S.B. 627, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE JOINT LEGISLATIVE STUDY COMMITTEE ON GRANDPARENT VISITATION RIGHTS AND CHILD CUSTODY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Wade, Tillman, and Barringer (Primary Sponsors):

S.B. 628, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO REFUSE REGISTRATION OR ISSUANCE OF A CERTIFICATE OF TITLE OR ANY TRANSFER OF REGISTRATION IF A CITY HAS NOTIFIED THE DIVISION OF MOTOR VEHICLES THAT THE OWNER OF THE MOTOR VEHICLE HAS UNPAID PARKING FINES OR PENALTIES.

Referred to the **Transportation Committee**.

By Senators Bingham (Primary Sponsor); Cook and Jackson:

S.B. 629, A BILL TO BE ENTITLED AN ACT TO CLARIFY ELIGIBILITY FOR UNEMPLOYMENT FOR PARTICIPANTS IN THE NORTH CAROLINA BACK-TO-WORK PROGRAM AND TO DIRECT THE DEPARTMENT OF COMMERCE, DIVISION OF EMPLOYMENT SECURITY, IN COLLABORATION WITH THE STATE BOARD OF COMMUNITY COLLEGES, TO DISSEMINATE INFORMATION ON THE PROGRAM.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Commerce Committee**.

By Senators Newton (Primary Sponsor) and Goolsby:

S.B. 630, 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.

Referred to the **Judiciary I Committee**.

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By Senators Newton (Primary Sponsor); Meredith and Rabin:

S.B. 631, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE NC SPORTSMEN'S CAUCUS.

Referred to the **Finance Committee**.

By Senators Newton (Primary Sponsor); Goolsby and Randleman:

S.B. 632, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS' FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER.

Referred to the **Judiciary I Committee**.

By Senators Newton (Primary Sponsor); Goolsby, Hise, Rabin and Randleman:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR DISQUALIFICATION FROM VOTING OF THOSE ADJUDICATED INCOMPETENT AND WHO HAVE NOT BEEN RESTORED TO COMPETENCY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Newton (Primary Sponsor); Hise, McLaurin and Woodard:

S.B. 634, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR NATURAL GAS THEFT.

Referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Transportation Committee**:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, with a favorable report.

S.B. 379, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS, with a favorable report.

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S.B. 407, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTEREST AND CERTIFICATE OF TITLE DATA, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Commerce Committee**.

S.B. 433, A BILL TO BE ENTITLED AN ACT TO PREVENT CERTAIN PROPERTY-CARRYING VEHICLES FROM PAYING FOR A DECLARED WEIGHT THAT EXCEEDS THE STATUTORY ALLOWANCE, with a favorable report.

INTRODUCTION OF BILLS

The co-sponsors for the following bills were modified on Thursday, April 4, to reflect the extension of the co-sponsorship deadline to Thursday, April 4, at 1:00 p.m.

Bills filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Newton:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE.

Referred to the **Commerce Committee**.

By Senator Newton:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE PENALTIES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

By Senator Jackson:

S.B. 637, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT A LANDOWNER ENTERING INTO AN AGREEMENT UNDER THE CONSERVATION RESERVE PROGRAM MAY TERMINATE THE AGREEMENT UPON TAKING CERTAIN ACTIONS.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senators Jackson, Brock (Primary Sponsors); Barefoot, Barringer, Cook, Hise, Jenkins, McLaurin, Meredith, Pate, Rabin, Sanderson, Tillman and Walters:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jackson (Primary Sponsor); Barefoot, Brock, Jenkins, McLaurin, Rabin and Walters:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jackson and Brock (Primary Sponsors):

S.B. 640, A BILL TO BE ENTITLED AN ACT TO EXEMPT COMPENSATION PAID TO AN H-2A AGRICULTURAL WORKER FROM STATE INCOME TAX WITHHOLDING TO THE EXTENT THE COMPENSATION IS EXEMPT FROM FEDERAL INCOME TAX WITHHOLDING.

Referred to the **Finance Committee**.

By Senators Jackson (Primary Sponsor); Brock and Rabon:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO REQUIRE NORTH CAROLINA STATE UNIVERSITY TO REPORT ANNUALLY TO THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES ON NATURAL AND ECONOMIC RESOURCES REGARDING THE TEACHERS IN THE AGRICULTURAL EDUCATION PROGRAM DEPARTMENT WHO MEET TWELVE-MONTH EMPLOYMENT QUALIFICATIONS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Jackson, Cook, Brock (Primary Sponsors); Jenkins, McLaurin and Walters:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE.

Referred to the **Commerce Committee**.

By Senator Barringer:

S.B. 643, A BILL TO BE ENTITLED AN ACT TO RAISE THE CEILING FOR FEES UNDER THE PSYCHOLOGY PRACTICE ACT.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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By Senators Hartsell, Wade (Primary Sponsors) and Rabin:

S.B. 644, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES UNLESS THE SERVICES ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST.

Referred to the **Insurance Committee**.

By Senator Hartsell:

S.B. 645, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WORK SHARING OPTION FOR EMPLOYERS UNDER THE UNEMPLOYMENT SECURITY LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Robinson (Primary Sponsor); D. Davis and Parmon:

S.B. 646, A BILL TO BE ENTITLED AN ACT TO REQUIRE NORTH CAROLINA COMMUNITY COLLEGES AND THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO OFFER A DISABILITIES SERVICES PROGRAM AND INDIVIDUAL HIGHER EDUCATION PLANS TO STUDENTS WITH DISABILITIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Tillman (Primary Sponsor); Brock and McLaurin:

S.B. 647, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL TRANSFER THE MONEY IN THE COLLEGIATE AND CULTURAL ATTRACTION PLATE ACCOUNT DERIVED FROM THE SALE OF STOCK CAR RACING THEME PLATES TO THE NORTH CAROLINA MOTORSPORTS FOUNDATION, INC., OR SPEEDWAY CHILDREN'S CHARITIES.

Referred to the **Finance Committee**.

By Senators Jackson, Meredith, J. Davis, (Primary Sponsors) and Tillman:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF EMPLOYMENT FRAUD, TO PROHIBIT PREDATORY THIRD-PARTY FINANCING OF LITIGATION BY ASSIGNMENT OF PLAINTIFF'S RIGHT TO RECEIVE PROCEEDS, AND TO CREATE TRANSPARENCY IN CONTRACTS THE ATTORNEY GENERAL ENTERS INTO WITH PRIVATE ATTORNEYS TO REPRESENT THE STATE.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

By Senators Jackson, Rabon, Brock (Primary Sponsors); Cook, Jenkins, McLaurin, Tillman and Walters:

S.B. 649, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS

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ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS, ONCE THOSE PRODUCTS HAVE BEEN ACCEPTED BY A PROCESSOR OR RESELLER.

Referred to the **Judiciary I Committee**.

By Senators Jackson (Primary Sponsor); Allran, Brock, Cook, Hise, Meredith, Pate, Rabin, Rabon and Randleman:

S.B. 650, A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR OR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Jackson, Rabin, Newton (Primary Sponsors); Brock and Tillman:

S.B. 651, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE SECRETARY OF COMMERCE, COMMISSIONER OF AGRICULTURE, AND THE CHAIRMAN OF THE UTILITIES COMMISSION SHALL ESTABLISH STANDARDS, PROCEDURES, AND AGENCY RESPONSIBILITIES TO FACILITATE NATURAL GAS SERVICE TO CRITICAL ECONOMIC OPPORTUNITY PROJECTS IN THE STATE.

Referred to the **Commerce Committee**.

By Senator Stein:

S.B. 652, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR RESEARCH REGARDING MODERN ELECTRIC GRID TECHNOLOGIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Parmon (Primary Sponsor) and Kinnaird:

S.B. 653, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP DESIGN AND CONSTRUCTION STANDARDS SPECIFIC TO GREENWAYS.

Referred to the **Transportation Committee**.

By Senators Parmon and Robinson (Primary Sponsors):

S.B. 654, A BILL TO BE ENTITLED AN ACT TO PROVIDE SALARY INCREASES FOR PUBLIC SCHOOL EMPLOYEES.

Referred to the **Appropriations/Base Budget Committee**.

By Senator Parmon:

S.B. 655, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PROHIBITIONS AND REQUIREMENTS REGARDING PYROTECHNICS DO NOT APPLY TO THEATRICAL PERFORMANCES, FILM PRODUCTIONS, AND OTHER THEATRICAL PRESENTATIONS

PRODUCED, PRESENTED, OR SPONSORED BY THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS THAT ARE PRESENTED ON PROPERTY OWNED OR LEASED BY THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS.

Referred to the **Education/Higher Education Committee**.

By Senators Parmon, Robinson (Primary Sponsors) and Bryant:

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ADDRESS FUNDING DEFICIENCIES AND NEEDED ENHANCEMENTS IN NORTH CAROLINA'S PUBLIC SCHOOLS.

Referred to the **Appropriations/Base Budget Committee**.

By Senators Curtis (Primary Sponsor); Clark, Cook, J. Davis, Hise, Jackson, Meredith, Pate, Rabin, Rabon and Tucker:

S.B. 657, A BILL TO BE ENTITLED AN ACT TO CLASSIFY EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE AS SCHEDULE III CONTROLLED SUBSTANCES AND TO PROVIDE FOR TESTING OF ANY PRODUCT CONTAINING PSEUDOEPHEDRINE THAT MAY BE RESISTANT TO USE IN THE MANUFACTURE OF ANY CONTROLLED SUBSTANCE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Curtis, Clark, Barefoot (Primary Sponsors); Allran, Brock, Cook, Daniel, D. Davis, J. Davis, Hise, Hunt, McLaurin, Meredith, Newton, Pate, Rabin, Sanderson, Soucek, Tarte and Tucker:

S.B. 658, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE UNIVERSITY OF NORTH CAROLINA SHALL PROHIBIT THE ASSIGNMENT OF MEMBERS OF THE OPPOSITE SEX TO THE SAME DORMITORY ROOM, DORMITORY SUITE, OR CAMPUS APARTMENT UNLESS THE STUDENTS ARE SIBLINGS OR LEGALLY MARRIED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Harrington, Rabon (Primary Sponsors) and Meredith:

S.B. 659, A BILL TO BE ENTITLED AN ACT TO CONFORM THE MOTOR VEHICLE LAW OF NORTH CAROLINA TO SECTIONS 154 AND 164 OF THE FEDERAL HIGHWAY BILL.

Referred to the **Transportation Committee**.

By Senators Harrington, Rabon (Primary Sponsors); Hise and Meredith:

S.B. 660, A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM FERRY TOLLING THROUGHOUT NORTH CAROLINA.

Referred to the **Transportation Committee**.

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By Senator Kinnaird:

S.B. 661, A BILL TO BE ENTITLED AN ACT PROVIDING THAT A WATER, SEWER, ELECTRIC, THERMAL, OR A CENTRAL DISTRICT HEATING AND COOLING SYSTEM OWNED OR LEASED BY A HOMEOWNERS ASSOCIATION OR A COMMERCIAL ASSOCIATION THAT PROVIDES WATER, SEWER, ELECTRIC, OR THERMAL SERVICE, OR ANY COMBINATION OF THESE SERVICES, ONLY TO MEMBERS OR LEASEHOLDS OF MEMBERS IS NOT A PUBLIC UTILITY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Kinnaird (Primary Sponsors) and Parmon:

S.B. 662, A BILL TO BE ENTITLED AN ACT AMENDING THE LABOR LAWS OF NORTH CAROLINA RELATING TO AGRICULTURAL WORKERS' HOUSING AND EMPLOYMENT CONDITIONS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hise (Primary Sponsor) and Pate:

S.B. 663, A BILL TO BE ENTITLED AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE HOUSING SUBCOMMITTEE OF THE BLUE RIBBON COMMISSION ON TRANSITIONS TO COMMUNITY LIVING (1) TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM AND AN ASSISTIVE TECHNOLOGY REUTILIZATION PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, (2) TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THESE PROGRAMS, AND (3) TO CREATE A TRANSITIONS TO COMMUNITY LIVING HOUSING BUDGET WITHIN THE TRANSITIONS TO COMMUNITY LIVING FUND TO INTEGRATE INDIVIDUALS WITH MENTAL ILLNESS INTO COMMUNITY-BASED SUPPORTED HOUSING.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Cook, Rabin, and Jackson (Primary Sponsors):

S.B. 664, A BILL TO BE ENTITLED AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

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By Senators Cook, Pate, and Rabin (Primary Sponsors):

S.B. 665, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEVELOPMENT AND IMPLEMENTATION OF A SAFETY AND TRAINING PROGRAM FOR THE PREVENTION AND TREATMENT OF EXERTIONAL HEAT ILLNESS IN STUDENTS.

Referred to the **Education/Higher Education Committee**.

By Senators Cook, Sanderson, Rabin (Primary Sponsors); Hunt, Randleman and Soucek:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DEPENDENCY DEDUCTIONS FOR QUALIFYING CHILDREN WHO HAVE REGISTERED TO VOTE AT A DIFFERENT ADDRESS; CLARIFY RESIDENTIAL ADDRESSES THAT MAY BE USED FOR VOTING; PROHIBIT VOTER REGISTRATIONS THAT LACK REQUIRED INFORMATION; CLARIFY THE RIGHTS OF ELECTION OBSERVERS; REPEAL SAME DAY VOTER REGISTRATION; LIMIT EARLY VOTING TO TEN DAYS; AND ELIMINATE SATELLITE EARLY VOTING SITES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Cook, Sanderson, Rabin (Primary Sponsors); Hunt, Randleman and Soucek:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A CHILD REGISTERS TO VOTE AT AN ADDRESS OTHER THAN THAT OF A PARENT, THAT PARENT MAY NOT CLAIM A PERSONAL EXEMPTION ON ACCOUNT OF SUCH CHILD, AND TO INFORM NEW VOTERS OF THEIR CIVIC AND TAX DUTIES.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Cook, Rabin (Primary Sponsors); Newton and Randleman:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO DISQUALIFY THOSE ADJUDICATED MENTALLY INCOMPETENT FROM VOTING.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Rucho, Rabon, Berger (Primary Sponsors); Apodaca, Barefoot, Brock, Cook, Daniel, Goolsby, Hise, Hunt, Newton, Pate, Rabin and Soucek:

S.B. 669, A BILL TO BE ENTITLED AN ACT TO PHASE-IN A REDUCTION OF THE INDIVIDUAL INCOME TAX RATE AND TO DIRECT THE REVENUE LAWS STUDY COMMITTEE TO STUDY AN ELIMINATION OF THE INDIVIDUAL INCOME TAX.

Referred to the **Finance Committee**.

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By Senators Tucker (Primary Sponsor); Jackson and Meredith:

S.B. 670, A BILL TO BE ENTITLED AN ACT MODIFYING THE ALLOCATION OF THE PROCEEDS FROM THE GROSS PREMIUM TAX ON INSURANCE COMPANIES TO INCLUDE DEDICATED FUNDING FOR THE WORKERS' COMPENSATION FUND FOR THE BENEFIT OF VOLUNTEER SAFETY WORKERS.

Referred to the **Commerce Committee**.

By Senators Tucker, J. Davis (Primary Sponsors); Brock, Goolsby and Rabin:

S.B. 671, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE ENFORCEMENT OF THE LOBBYING LAWS UNDER THE GOVERNANCE OF THE STATE ETHICS COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Tucker (Primary Sponsor) and Meredith:

S.B. 672, A BILL TO BE ENTITLED AN ACT TO ESTABLISH CRITERIA FOR SCHOOL BUS REPLACEMENT AND TO PROVIDE INCENTIVES TO LOCAL SCHOOL ADMINISTRATIVE UNITS THAT OPERATE BUSES WITH HIGHER MILEAGE.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senators Tucker, Soucek (Primary Sponsors) and Meredith:

S.B. 673, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMISSION TO STUDY THE IMPLEMENTATION OF A STRUCTURED ENGLISH IMMERSION PROGRAM IN THE NORTH CAROLINA PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**.

By Senators Daniel, Hise, Brown (Primary Sponsors); Cook and Meredith:

S.B. 674, A BILL TO BE ENTITLED AN ACT TO PROHIBIT COSTLY LITIGATION BETWEEN COUNTY GOVERNMENT AND LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to the **Education/Higher Education Committee**.

By Senators Daniel, Randleman, Newton (Primary Sponsors) and Barefoot:

S.B. 675, A BILL TO BE ENTITLED AN ACT TO ELIMINATE CERTAIN EXCEPTIONS FOR PARENTAL CONSENT FOR MEDICAL TREATMENT OF UNEMANCIPATED MINORS UNDER THE LAWS PERTAINING TO THE PRACTICE OF MEDICINE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

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By Senators Daniel (Primary Sponsor); Barringer, Goolsby, Newton, Rabin, Randleman and Tarte:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Rucho, Rabon (Primary Sponsors); Brock, Cook, Daniel, Hise, Hunt, Pate, Rabin and Tarte:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO REFORM THE CORPORATE INCOME TAX AND REDUCE THE CORPORATE INCOME TAX RATE BY MOVING TO SINGLE SALES FACTOR APPORTIONMENT AND ELIMINATING CORPORATE TAX EXPENDITURES.

Referred to the **Finance Committee**.

By Senator D. Davis:

S.B. 678, A BILL TO BE ENTITLED AN ACT TO ALLOW STATE OR LOCAL LAW ENFORCEMENT AGENCIES TO AUTHORIZE ANY PERSON WHO HOLDS AN APPOINTED OFFICE WITH A STATE OR LOCAL LAW ENFORCEMENT AGENCY TO HOLD CONCURRENTLY NO MORE THAN TWO ADDITIONAL APPOINTIVE OFFICES WITH ANOTHER AGENCY AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator D. Davis:

S.B. 679, A BILL TO BE ENTITLED AN ACT TO DIRECT THAT THE PRESCRIBED WATER USE REDUCTION RATE FOR CERTAIN AREAS OF THE CENTRAL COASTAL PLAIN CAPACITY USE AREA SHALL BE CAPPED AT TWENTY-FIVE PERCENT UNLESS THE WATER LEVELS DROP BELOW THE WATER LEVELS OF JANUARY 1, 2012, AND TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DO A DETAILED STUDY AND ASSESSMENT OF THE CURRENT STATE OF THE ENTIRE CENTRAL COASTAL PLAIN CAPACITY USE AREA.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Apodaca:

S.B. 680, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS FOR THE ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

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By Senator J. Davis:

S.B. 681, A BILL TO BE ENTITLED AN ACT RELATING TO THE ADMISSIBILITY OF FORENSIC EVIDENCE.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor) and Meredith:

S.B. 682, 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 **Rules and Operations of the Senate Committee**.

By Senators Goolsby, Barringer, Kinnaird (Primary Sponsors); Apodaca, Barefoot, Brock, Cook, Daniel, Jackson, Meredith, Newton, Parmon, Rabin, Rabon, Randleman, Tarte and Woodard:

S.B. 683, A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS.

Referred to the **Judiciary I Committee**.

By Senators Goolsby (Primary Sponsor); Cook, Rabin and Randleman:

S.B. 684, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION OF TAX ON A TAX RETURN BY AN INDIVIDUAL TO A POLITICAL PARTY FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Goolsby (Primary Sponsor); Barefoot, Brock, Cook, Hise, Newton, Pate, Rabin, Randleman and Tarte:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Goolsby (Primary Sponsor); Barringer, Hise, Meredith, Pate and Rabin:

S.B. 686, A BILL TO BE ENTITLED AN ACT TO ENHANCE EFFICIENCY IN GOVERNMENT BY PROTECTING PUBLIC EMPLOYEES WHO REPORT WASTE, MISMANAGEMENT, AND WRONGDOING AND

AUTHORIZING COMPENSATION BONUSES BASED UPON THE AMOUNT OF PUBLIC FUNDS SAVED DUE TO AN EMPLOYEE'S REPORT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Parmon and Brunstetter (Primary Sponsors):

S.B. 687, A BILL TO BE ENTITLED AN ACT ALLOWING A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

By Senators Bryant, Parmon, McKissick (Primary Sponsors) and D. Davis:

S.B. 688, A BILL TO BE ENTITLED AN ACT TO ALLOW VOTERS WITH DRIVERS LICENSES OR IDENTIFICATION CARDS AND VERIFIABLE SOCIAL SECURITY NUMBERS TO REGISTER TO VOTE ONLINE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Sanderson (Primary Sponsor); Goolsby and Jackson:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAW RELATING TO CONIBEAR TYPE TRAPS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

By Senators Sanderson, Cook (Primary Sponsors); Goolsby and Jenkins:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF THE PROPERTY INSURANCE RATE-MAKING PROCESS BY PROVIDING FOR GREATER TRANSPARENCY REGARDING THE ROLE OF CATASTROPHE MODELING IN PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING THAT COSTS OF REINSURANCE INCLUDED IN A PROPERTY RATE FILING BE PROPERLY ALLOCABLE TO NORTH CAROLINA; AND BY ESTABLISHING A TWO-TIERED RATE THAT PROVIDES FOR A STATEWIDE RATE AND AN ADDITIONAL CATASTROPHE RATE BASED ON ACTUAL HISTORICAL LOSSES AS WELL AS CATASTROPHE MODELING.

Referred to the **Insurance Committee**.

By Senators Sanderson, Brock, Cook (Primary Sponsors); Barefoot, Daniel, Jackson, Meredith, Newton, Rabin and Soucek:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO MAKE IT UNLAWFUL TO ASSIST ANOTHER TO COMMIT SUICIDE.

Referred to the **Health Care Committee**.

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By Senator Sanderson:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE A+ SCHOOLS SPECIAL FUND IN THE DEPARTMENT OF CULTURAL RESOURCES, THE NORTH CAROLINA ARTS COUNCIL.

Referred to the **Rules and Operations of the Senate Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Sanderson:

S.B. 693, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE DEPARTMENT OF CULTURAL RESOURCES FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Sanderson:

S.B. 694, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL PROCEEDS FROM THE SALE OF PROPERTY HELD IN THE EXECUTIVE MANSION TO BE DEPOSITED IN THE EXECUTIVE MANSION SPECIAL FUND IN KEEPING WITH MUSEUM STANDARDS, AS PROMULGATED BY AMERICAN ALLIANCE OF MUSEUMS, THE MAJOR INSTITUTIONAL ACCREDITATION AGENCY FOR MUSEUMS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Sanderson:

S.B. 695, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES TO GENERATE REVENUE BY PROVIDING FOOD AND VENDING SERVICES AT MUSEUMS AND HISTORIC SITES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Sanderson:

S.B. 696, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE DEPARTMENT OF CULTURAL RESOURCES AND THE TRYON PALACE COMMISSION FROM CERTAIN RULE-MAKING REQUIREMENTS WHEN CHANGING ADMISSION AND ACTIVITY FEES AT STATE HISTORIC SITES, MUSEUMS, AND TRYON PALACE HISTORIC SITES AND GARDENS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Sanderson:

S.B. 697, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF CULTURAL RESOURCES, OFFICE OF ARCHIVES AND HISTORY, TO USE THE NET PROCEEDS OF THE SALE OF ARTIFACTS FOR MAINTENANCE OR CONSERVATION OF OTHER

ARTIFACTS AND TO CLARIFY THE PROCESS FOR TRANSFERRING TITLE OF UNCLAIMED OR UNDOCUMENTED PROPERTY LOANED TO MUSEUMS AND HISTORICAL REPOSITORIES TO THOSE MUSEUMS AND HISTORICAL REPOSITORIES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Sanderson:

S.B. 698, A BILL TO BE ENTITLED AN ACT TO SHORTEN THE REVIEW PERIOD FOR POTENTIAL DISPOSITIONS OF STATE-OWNED REAL PROPERTY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Clodfelter:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REPLACE THE PRESENT PRACTICE OF SELECTING JUSTICES AND JUDGES OF THE APPELLATE DIVISION AND JUDGES OF THE SUPERIOR COURT GENERALLY BY GUBERNATORIAL APPOINTMENT, FOLLOWED BY ELECTIONS, WITH A METHOD BY WHICH (1) TWO CANDIDATES FOR JUSTICE AND JUDGE WILL BE NOMINATED BY A JUDICIAL NOMINATING COMMISSION, THE GOVERNOR WILL APPOINT ONE OF THEM, AND AT THE NEXT ELECTION THE VOTERS WILL CHOOSE IN A NONPARTISAN ELECTION BETWEEN THE TWO PERSONS, (2) AT THE END OF THE TERM OF A JUSTICE OR JUDGE WHO HAS SUCCESSFULLY WON AN ELECTION, THE QUESTION OF THE JUSTICE'S OR JUDGE'S RETENTION IN OFFICE IS SUBMITTED FOR APPROVAL OR DISAPPROVAL BY NONPARTISAN VOTE OF THE PEOPLE, (3) PROVISION IS MADE FOR THE CASE OF WITHDRAWAL OF A CANDIDATE BEFORE THE ELECTION, AND (4) PROVISION IS MADE FOR APPOINTMENT OF THE CHIEF JUSTICE FROM AMONG THE ASSOCIATE JUSTICES.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Brock (Primary Sponsor); Cook, Jackson, Newton and Tarte:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO PROVIDE FOR A SUPPLY OF EMERGENCY EPINEPHRINE AUTO-INJECTORS ON SCHOOL PROPERTY FOR USE IN AN EMERGENCY.

Referred to the **Health Care Committee**.

By Senators Brock, Hise, Tarte (Primary Sponsors) and Newton:

S.B. 701, A BILL TO BE ENTITLED AN ACT RELATING TO STATE INFORMATION TECHNOLOGY AND INTELLECTUAL PROPERTY ASSETS.

Referred to the **State and Local Government Committee**.

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By Senators Brock (Primary Sponsor) and Rabin:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, ETHICS, AND LOBBYING INTO ONE STATE AGENCY.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Newton, Jackson, and Brock (Primary Sponsors):

S.B. 703, A BILL TO BE ENTITLED AN ACT PROHIBITING LOCAL GOVERNMENTS AND LOCAL COMMUNITY COLLEGES FROM REGULATING OUTDOOR SMOKING IN A MANNER THAT IS MORE RESTRICTIVE THAN STATE LAW.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **State and Local Government Committee**.

By Senators Clark (Primary Sponsor) and Goolsby:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE INFORMATION TECHNOLOGY ADVISORY BOARD.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clark (Primary Sponsor) and Goolsby:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT THOSE WHOSE PROPERTY IS BEING TAKEN BY EMINENT DOMAIN BY PROVIDING THAT WHEN A LOCAL GOVERNMENT CONDEMNOR IS NOT AN ELECTED BOARD, A MAJORITY OF THE ELECTED BOARDS APPOINTING IT MUST APPROVE FILING OF THE CONDEMNATION ACTION.

Referred to the **Judiciary I Committee**.

By Senators McKissick (Primary Sponsor) and Parmon:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAX CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO ALLOW CERTAIN INDIVIDUAL TAXPAYERS A CARRYFORWARD GREATER THAN FIVE YEARS.

Referred to the **Finance Committee**.

By Senators McKissick, Kinnaird (Primary Sponsors) and Parmon:

S.B. 707, A BILL TO BE ENTITLED AN ACT TO PROTECT CHILDREN FROM INJURY AND DEATH AT AGRICULTURAL ESTABLISHMENTS AND TO PRESERVE THE TRADITIONAL ROLE OF EMPLOYMENT ON THE FAMILY FARM.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators McKissick, Robinson, Bryant (Primary Sponsors); D. Davis, and Parmon:

S.B. 708, A BILL TO BE ENTITLED AN ACT TO IMPROVE VOTING IN NORTH CAROLINA BY ENACTING THE ELLA BAKER VOTER EMPOWERMENT ACT.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hunt, Rabon, Harrington (Primary Sponsors); Cook, Jackson, Meredith, Rabin and Soucek:

S.B. 709, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE SPEED LIMIT ON CERTAIN INTERSTATE HIGHWAYS TO A MAXIMUM OF SEVENTY-FIVE MILES PER HOUR.

Referred to the **Transportation Committee**.

By Senators Hunt, Rabon, Harrington (Primary Sponsors); Hise, Jackson, Newton and Soucek:

S.B. 710, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO IMPOSE AN ANNUAL FEE ON THE OWNER OF A PLUG-IN ELECTRIC VEHICLE THAT DOES NOT RELY ON A NONELECTRIC SOURCE OF POWER.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

By Senators Hunt (Primary Sponsor) and Tarte:

S.B. 711, A BILL TO BE ENTITLED AN ACT TO IMPROVE COORDINATION OF TRANSPORTATION INVESTMENTS WITH ECONOMIC DEVELOPMENT AND JOB CREATION INITIATIVES BY STUDYING THE DISTRIBUTION AND TARGETING OF TRANSPORTATION INVESTMENTS THROUGH THE HIGHWAY TRUST FUND.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Hunt (Primary Sponsor); Goolsby, Rabin and Soucek:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES.

Referred to the **Transportation Committee**.

By Senators Bryant (Primary Sponsor) and Kinnaird:

S.B. 713, A BILL TO BE ENTITLED AN ACT TO PROHIBIT AUTOMATED TELLER MACHINES AT FIXED SITES OCCUPIED BY SECONDARY METALS RECYCLERS.

Referred to the **Commerce Committee**.

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By Senators Bryant, Newton (Primary Sponsors) and D. Davis:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE PERMANENT REGISTRATION PLATES TO RESCUE UNITS OR RESCUE SQUADS.

Referred to the **Finance Committee**.

By Senator Bryant:

S.B. 715, A BILL TO BE ENTITLED AN ACT TO TRANSFER OVERSIGHT OF THE LEASES AT THE INDIAN CULTURAL CENTER SITE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO PROVIDE NECESSARY TECHNICAL ASSISTANCE TO THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., TO ENSURE THAT THE INTENDED GOALS OF THE LEASE ARE REALIZED.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Rabon (Primary Sponsor); Daniel, Harrington, Hise, Jackson, Meredith and Newton:

S.B. 716, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN PROJECTS FROM THE LIST OF TURNPIKE AUTHORITY PROJECTS; TO TRANSFER THE FUNDING TO THE MOBILITY FUND; AND TO PREVENT THE EXPENDITURE OF ANY FURTHER STATE FUNDS ON THOSE PROJECTS.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

By Senator Rabon:

S.B. 717, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO GIVE TIMELY NOTICE TO CERTAIN LICENSE HOLDERS OF INSPECTION LAW VIOLATIONS.

Referred to the **Transportation Committee**.

By Senator Graham:

S.B. 718, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE A SPECIAL REGISTRATION PLATE FOR THE IMPROVED BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE WORLD (I.B.P.O.E.W.).

Referred to the **Finance Committee**.

By Senators Soucek (Primary Sponsor); Barefoot, Daniel, Meredith, Newton and Rabin:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION.

Referred to the **Education/Higher Education Committee**.

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By Senators Newton (Primary Sponsor) and Bryant:

S.B. 720, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE NORTH CAROLINA EASTERN MUNICIPAL ELECTRIC POWER AGENCY SHALL ACTIVELY ENGAGE IN NEGOTIATIONS TO SELL OR TRANSFER ITS ELECTRIC GENERATION ASSETS TO DUKE ENERGY OR ANOTHER INVESTOR-OWNED UTILITY AND SHALL ENGAGE IN NEGOTIATIONS WITH DUKE ENERGY FOR THE PURPOSE OF RENEGOTIATING ITS CONTRACTUAL OBLIGATIONS TO PURCHASE ELECTRICITY EXCLUSIVELY FROM DUKE ENERGY.

Referred to the **Commerce Committee**.

By Senators Newton (Primary Sponsor); Barefoot, Bingham, Brock, Cook, Daniel, Hise, Jackson, Rabin, Randleman, Soucek and Tucker:

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHOTO IDENTIFICATION TO VOTE, TO PROVIDE PROCEDURES FOR RESTORATION OF CITIZENSHIP AFTER CONVICTION OF A FELONY, AND TO REVISE THE EARLY VOTING AND SAME-DAY REGISTRATION LAWS.

Referred to the **Rules and Operations of the Senate Committee**.

By Senator Graham:

S.B. 722, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH THE HAMILTON C. HORTON, JR. INDEPENDENT REDISTRICTING COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

By Senators Clark (Primary Sponsor) and Bryant:

S.B. 723, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROTECT THOSE WHOSE PROPERTY IS BEING TAKEN BY EMINENT DOMAIN BY PROVIDING THAT WHEN A LOCAL GOVERNMENT CONDEMNOR IS NOT AN ELECTED BOARD, A MAJORITY OF THE ELECTED BOARDS APPOINTING IT MUST APPROVE FILING OF THE CONDEMNATION ACTION, TO ALSO REQUIRE APPROVAL OF THE GOVERNING BOARD OF THE COUNTY WHERE THE PROPERTY IS LOCATED, AND TO PROVIDE THAT A BOARD CONSISTING OF APPOINTED PERSONS MAY NOT LEVY AD VALOREM TAXES WITHOUT APPROVAL OF THE COUNTY WHERE THE PROPERTY SUBJECT TO TAXATION IS LOCATED.

Referred to the **Judiciary I Committee**.

By Senators J. Davis (Primary Sponsor); Cook, Hise, Jackson and Rabin:

S.B. 724, A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF CERTAIN IMITATION CONTROLLED SUBSTANCES UNLAWFUL.

Referred to the **Health Care Committee**.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 89, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO SUPPORT THE APPLICATION OF A REGIONAL WATER SUPPLY SYSTEM FOR ALL REQUIRED FEDERAL APPROVALS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS.

Referred to the **State and Local Government Committee**.

H.B. 326, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

Referred to the **State and Local Government Committee**.

H.J.R. 444, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ANDREW T. HEATH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

Prayer is offered by Dr. Ruffin Snow, Pastor of Tri-City Baptist Church in Conover, North Carolina, as follows:

“Heavenly Father, we come before you humbly confessing our sins, acknowledging that without you we can do nothing that is righteous. Lord, how I thank you for these senators, for their families, for the sacrifices that they make in order to serve others. Lord, I know that each one has challenges that have nothing to do with legislation: family, friends, finances, health. I pray that you will minister to each one in a special way. Now, Lord, we ask your blessing upon this session. I pray, O Lord, that you would sanctify this time, by your truth, for your word is truth. You are the one who raises one up and brings

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another down. It is to you that we shall all give account. We're not playing. So, we pray the prayer of our second president, John Adams, when he said, 'May none but those who are wise and honest ever rule under this roof.' We proclaim to all who would hear and to the world that is seen and the world that is not seen that Jesus Christ is Lord of this habitation. We pray these things in the name of Him who said, 'I am the way, the truth, and the life. No man cometh unto the Father but by me.' In the name of Jesus, Amen."

The Chair grants a leave of absence for today to Senator Woodard.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hise for the **Health Care Committee**:

S.B. 336, A BILL TO BE ENTITLED AN ACT REQUIRING THE DIVISION OF MEDICAL ASSISTANCE OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DIVISION OF PUBLIC HEALTH OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE DEPARTMENT OF THE STATE TREASURER TO COLLABORATE WITH ONE ANOTHER REGARDING ACTIVITIES AND PROGRAMS AIMED AT DIABETES PREVENTION, CONTROL, AND CARE AND TO REQUIRE A REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION REGARDING THESE PROGRAMS ADDRESSING DIABETES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35309, which changes the title to read **S.B. 336** (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DIVISIONS OF MEDICAL ASSISTANCE AND PUBLIC HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE STATE HEALTH PLAN DIVISION WITHIN THE DEPARTMENT OF THE STATE TREASURER, TO COORDINATE THE DIABETES PROGRAMS THEY EACH ADMINISTER; TO EACH DEVELOP PLANS TO REDUCE THE INCIDENCE OF DIABETES, TO IMPROVE CARE, AND TO CONTROL COMPLICATIONS; AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION, is adopted and engrossed.

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 337, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC SCHOOL CHARTER BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, 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, 85201, which changes the title to read **S.B. 337** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC CHARTER SCHOOLS BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Apodaca, the referral to the **Appropriations/Base Budget Committee** is stricken, and the Committee Substitute bill is re-referred to the **Finance Committee**, and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

REMOVAL OF BILL SPONSOR

Upon motion of Senator Apodaca, without objection, Senator Bingham is removed as a primary sponsor of previously introduced legislation:

S.B. 622, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIVIDUALS WITH AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER TO OBTAIN A DRIVERS LICENSE; AND TO IMPOSE A FEE FOR A DRIVERS LICENSE OBTAINED BY SUCH AN APPLICANT.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 258, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO, 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.

H.B. 270, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN, 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. 306 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION

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DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES, upon second reading.

Senator Parmon offers Amendment No. 1, which fails (14-33).

Senator Bryant moves to divide the question, which motion fails (14-33).

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.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Thursday, April 4.

H.B. 139 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, April 4.

CALENDAR *(continued)*

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL, AND TO AMEND CERTAIN BOND PROVISIONS, upon third reading.

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Without objection, Senator Apodaca is excused from voting on the bill due to a possible conflict of interest.

The Committee Substitute bill passes its third reading (46-0) and is ordered sent to the House of Representatives.

S.B. 20 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON, 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.

BILL CO-SPONSOR DEADLINE EXTENSION

Upon motion of Senator Apodaca, without objection, the rules are suspended to the end that senators may electronically co-sponsor bills introduced today, Wednesday, April 3, until 1:00 p.m. on Thursday, April 4.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

S.B. 290, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35307, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

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ADDITIONAL SPONSOR

Senator Barefoot requests to be added as a sponsor of previously introduced legislation:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO PERMIT STUDENTS WHO ATTEND A PUBLIC SCHOOL, PRIVATE SCHOOL, HOME SCHOOL, OR CHARTER SCHOOL WITHOUT AN INTERSCHOLASTIC ATHLETICS PROGRAM IN A GIVEN SPORT OR PARTICULAR EXTRACURRICULAR ACTIVITY TO PARTICIPATE IN THAT ACTIVITY AT A PUBLIC HIGH SCHOOL.

Upon motion of Senator Pate, seconded by Senator Sanderson, the Senate adjourns at 3:43 p.m., subject to the introduction of bills and resolutions, the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Thursday, April 4, at 11:00 a.m.

A SENATORIAL STATEMENT

Submitted by Senator J. Michael Woodard

Memorializing Thomas W. Buck

WHEREAS, Thomas W. Buck bravely served his country in World War I on the battlefields of France, suffering a severe wound during the Battle of Argonne Forest; and

WHEREAS, Mr. Buck returned to Caswell County after his honorable discharge and began his career as a farmer on the outskirts of Milton; and

WHEREAS, Mr. Buck accepted the Town of Milton's invitation to serve as its Constable in 1938; and

WHEREAS, on April 3, 1963, Constable Buck attempted to flag down a reckless driver, was intentionally struck by the vehicle, and succumbed to his injuries; and

WHEREAS, Constable Buck has been the only law enforcement officer in Caswell County history to lose his life in the line of duty; and

WHEREAS, Constable Buck was a loving husband, father, and grandfather, and became one of the most respected and beloved citizens of Milton in the Town's history; and

WHEREAS, the State of North Carolina will memorialize Constable Buck by renaming the County Line Creek Bridge to become the Thomas W. Buck Bridge on April 3, 2013;

NOW, THEREFORE, Constable Thomas W. Buck is memorialized for his service to the Town of Milton on the fiftieth anniversary of his death in the line of duty.

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IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the third day of April, 2013.

S/Senator J. Michael Woodard

S/Sarah Lang
Senate Principal Clerk

Pursuant to Senator Pate's motion to adjourn having prevailed, the Senate stands adjourned.

THIRTY-NINTH DAY

Senate Chamber
Thursday, April 4, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend James Gailliard from Word Tabernacle Church in Rocky Mount, North Carolina, as follows:

“Good morning. For those of you that may pray a little differently than I do, or for those of you that may not pray at all, I would like to start with just a moment of silence. Let us pray. Our Father and our God, we thank you for being a prayer answering God and a covenant keeping God. I thank you for giving us access to you who alone holds all power, majesty, and authority. Thank you for the promise that if we abide in you, and your words abide in us, we can ask what we desire and we shall receive them. Thank you for the promise that the effective, fervent prayer of a righteous person avails much. I pray today, God, for our lieutenant governor and our governor, for this body of officials, senators, legislators—specifically, God, this North Carolina General Assembly. I pray for every elected and appointed official to assemble in this chamber today. I pray, God, for the most senior statesman here to the most newly elected. I pray for their families, I pray for the desires of their hearts. I pray, God, that you would keep them in good health and in sound mind. I thank you, God, for this nation we live in. I thank you, God, for the vision of our forefathers that we might be governed by a division of powers so that our destiny does not rest in the hands of one person. To that end, God, I pray that our destiny will not be controlled by special interest or personal agenda or by racial prejudice or injustice. I pray, God, for policies, discussions, outcomes that are compassionate and also good for the common good. I pray, God, that decisions will be made in this place to

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empower people to do great things. I pray, God, that decisions will be made in this place, God, that people would not be able to live irresponsibly. I pray for wisdom to make decisions that would strengthen and prosper our state. I pray, God, for both social and capital entrepreneurship. I pray, God, for policies that will benefit those who wear a Timex or a Rolex. I pray, God, for policies that will benefit those in public housing as well as in gated communities. I pray, God, for those with a PhD as well as those with a GED. I pray for every business, every belief, every burden. I pray for healthcare that is affordable and accessible. I pray for an education system that results in our children being critical thinkers and not reduced to good test takers. I pray for the wealthiest and the poorest of our state. I pray for those of us who govern that we might realize that our blessings—our prosperity—that we might acknowledge that we are the beneficiaries many years removed of the entitlements of land grants, GI Bills, and the Homestead Act. I pray for the common good. I pray that no select group of people would feel entitled, God, that their own comfort and their own convenience would have an adverse effect on the masses. I pray, God, that we would embrace what G.K. Chesterton wrote in 1909 when he stated, ‘The first principle of democracy is this: that the things common to all men are more important than the things peculiar to any man.’ I pray for a spirit of gratitude that we were not born in Burundi or Madagascar or Afghanistan, but we were born in the greatest nation and the greatest state to ever exist. Help those who are in this chamber to be thankful for the opportunity you have given them to lead and to govern and remind each of us as we deliberate today, God, that for every vote, every meeting, every e-mail, we will be held accountable for the decisions and the deeds done in these offices. Give us a productive day that you may be pleased and be able to say, ‘well done.’ In Jesus’ name I pray. Amen.”

The Chair grants a leave of absence for today to Senator Stein.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, April 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Kimberly Sadler from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 20, AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL

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ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 270, AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN.

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. 45, AN ACT TO AMEND THE LAWS GOVERNING INCAPACITY TO PROCEED. (Became law upon approval of the Governor, April 3, 2013 - S.L. 2013-18.)

S.B. 97, AN ACT TO REQUIRE RELEASE OF PROPERTY TAXES IN ANY AREA THAT WAS PART OF A MUNICIPALITY FOR SIX MONTHS OR LESS AND THEN DEANNEXED. (Became law upon approval of the Governor, April 3, 2013 - S.L. 2013-19.)

S.B. 44, AN ACT TO PERMIT DISCLOSURE OF CERTAIN INFORMATION PERTAINING TO WORKERS' COMPENSATION COVERAGE BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION. (Became law upon approval of the Governor, April 3, 2013 - S.L. 2013-20.)

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MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 353, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Monday, April 8.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 240, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS, 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 sent to the House of Representatives.

S.B. 336 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE DIVISIONS OF MEDICAL ASSISTANCE AND PUBLIC HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE STATE HEALTH PLAN DIVISION WITHIN THE DEPARTMENT OF THE STATE TREASURER, TO COORDINATE THE DIABETES PROGRAMS THEY EACH ADMINISTER; TO EACH DEVELOP PLANS TO REDUCE THE INCIDENCE OF DIABETES, TO IMPROVE CARE, AND TO CONTROL COMPLICATIONS; AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 369 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD, upon second reading.

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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. 379, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS, 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. 386 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION, 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. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES, 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. 433, A BILL TO BE ENTITLED AN ACT TO PREVENT CERTAIN PROPERTY-CARRYING VEHICLES FROM PAYING FOR A DECLARED WEIGHT THAT EXCEEDS THE STATUTORY ALLOWANCE, 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. 445, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ANY PERSON ISSUED AN ALCOHOLIC BEVERAGE PERMIT BE LAWFULLY PRESENT IN THE UNITED STATES; TO PREVENT THE ABC COMMISSION FROM ISSUING A SPECIAL ONETIME PERMIT TO ANY PERSON LESS THAN TEN BUSINESS DAYS FROM THE PLANNED

EVENT; AND TO GIVE NOTICE TO THE ALCOHOL LAW ENFORCEMENT DIVISION OF ALL SPECIAL ONETIME PERMITS ISSUED WITHIN THREE BUSINESS DAYS OF THE PERMIT'S ISSUANCE, upon second reading.

Senator Brock 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. 139 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT, 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.

WITHDRAWALS FROM COMMITTEES

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES, referred to the **State and Local Government Committee** on March 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 372, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CONSULTATION WITH COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS; AND TO STUDY THE E911 SYSTEM AND ITS RELATIONSHIP WITH LOCAL 911 SYSTEMS, referred to the **Agriculture/Environment/Natural Resources Committee** on March 20.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Agriculture/Environment/Natural Resources Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 557, A BILL TO BE ENTITLED AN ACT TO AMEND THE DATE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION, IS TO REPORT

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ON A PILOT PROGRAM FOR FUNDING OF THE NC PREKINDERGARTEN PROGRAM, referred to the **Education/Higher Education Committee** on April 1.

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 **Health Care Committee**, which motion prevails with unanimous consent, and the Chair so orders.

ADDITIONAL SPONSORS

Senator Kinnaird requests to be added as a sponsor of previously introduced legislation:

S.B. 592, A BILL TO BE ENTITLED AN ACT PERMITTING LOCAL BOARDS OF EDUCATION TO ALIGN THEIR SCHOOL CALENDARS WITH THOSE OF COMMUNITY COLLEGES SERVING THEIR COMMUNITIES.

S.B. 597, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DROPOUT PREVENTION AND RECOVERY PILOT PROGRAM FOR LOCAL BOARDS OF EDUCATION AND CHARTER SCHOOLS.

S.B. 605, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA CHILD TREATMENT PROGRAM.

S.B. 622, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INDIVIDUALS WITH AN INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER TO OBTAIN A DRIVERS LICENSE; AND TO IMPOSE A FEE FOR A DRIVERS LICENSE OBTAINED BY SUCH AN APPLICANT.

S.B. 624, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNOR OR THE GENERAL ASSEMBLY TO GRANT UP TO FIVE DAYS OF LEAVE ANNUALLY TO STATE EMPLOYEES AFFECTED BY EMERGENCIES.

S.B. 652, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR RESEARCH REGARDING MODERN ELECTRIC GRID TECHNOLOGIES.

S.B. 654, A BILL TO BE ENTITLED AN ACT TO PROVIDE SALARY INCREASES FOR PUBLIC SCHOOL EMPLOYEES.

S.B. 663, A BILL TO BE ENTITLED AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE HOUSING SUBCOMMITTEE OF THE BLUE RIBBON COMMISSION ON TRANSITIONS TO COMMUNITY LIVING (1) TO REQUIRE THE DEPARTMENT OF HEALTH AND

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HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM AND AN ASSISTIVE TECHNOLOGY REUTILIZATION PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, (2) TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THESE PROGRAMS, AND (3) TO CREATE A TRANSITIONS TO COMMUNITY LIVING HOUSING BUDGET WITHIN THE TRANSITIONS TO COMMUNITY LIVING FUND TO INTEGRATE INDIVIDUALS WITH MENTAL ILLNESS INTO COMMUNITY-BASED SUPPORTED HOUSING.

S.B. 687, A BILL TO BE ENTITLED AN ACT ALLOWING A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY.

S.B. 706, A BILL TO BE ENTITLED AN ACT TO MODIFY THE TAX CREDIT FOR INVESTING IN RENEWABLE ENERGY PROPERTY TO ALLOW CERTAIN INDIVIDUAL TAXPAYERS A CARRYFORWARD GREATER THAN FIVE YEARS.

S.B. 708, A BILL TO BE ENTITLED AN ACT TO IMPROVE VOTING IN NORTH CAROLINA BY ENACTING THE ELLA BAKER VOTER EMPOWERMENT ACT.

Senator Sanderson requests to be added as a sponsor of previously introduced legislation:

S.B. 594, A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.

S.B. 639, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS.

S.B. 641, A BILL TO BE ENTITLED AN ACT TO REQUIRE NORTH CAROLINA STATE UNIVERSITY TO REPORT ANNUALLY TO THE SENATE AND HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEES ON NATURAL AND ECONOMIC RESOURCES REGARDING THE TEACHERS IN THE AGRICULTURAL EDUCATION PROGRAM DEPARTMENT WHO MEET TWELVE-MONTH EMPLOYMENT QUALIFICATIONS.

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S.B. 650, A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR OR RECIPIENTS OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS.

S.B. 677, A BILL TO BE ENTITLED AN ACT TO REFORM THE CORPORATE INCOME TAX AND REDUCE THE CORPORATE INCOME TAX RATE BY MOVING TO SINGLE SALES FACTOR APPORTIONMENT AND ELIMINATING CORPORATE TAX EXPENDITURES.

S.B. 683, A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS.

S.B. 685, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

S.B. 686, A BILL TO BE ENTITLED AN ACT TO ENHANCE EFFICIENCY IN GOVERNMENT BY PROTECTING PUBLIC EMPLOYEES WHO REPORT WASTE, MISMANAGEMENT, AND WRONGDOING AND AUTHORIZING COMPENSATION BONUSES BASED UPON THE AMOUNT OF PUBLIC FUNDS SAVED DUE TO AN EMPLOYEE'S REPORT.

S.B. 721, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHOTO IDENTIFICATION TO VOTE, TO PROVIDE PROCEDURES FOR RESTORATION OF CITIZENSHIP AFTER CONVICTION OF A FELONY, AND TO REVISE THE EARLY VOTING AND SAME-DAY REGISTRATION LAWS.

REMOVAL OF BILL CO-SPONSOR

Senator Hunt requests that he be removed as a sponsor of previously introduced legislation:

S.B. 666, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DEPENDENCY DEDUCTIONS FOR QUALIFYING CHILDREN WHO HAVE REGISTERED TO VOTE AT A DIFFERENT ADDRESS; CLARIFY RESIDENTIAL ADDRESSES THAT MAY BE USED FOR VOTING; PROHIBIT VOTER REGISTRATIONS THAT LACK REQUIRED

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INFORMATION; CLARIFY THE RIGHTS OF ELECTION OBSERVERS; REPEAL SAME DAY VOTER REGISTRATION; LIMIT EARLY VOTING TO TEN DAYS; AND ELIMINATE SATELLITE EARLY VOTING SITES.

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A CHILD REGISTERS TO VOTE AT AN ADDRESS OTHER THAN THAT OF A PARENT, THAT PARENT MAY NOT CLAIM A PERSONAL EXEMPTION ON ACCOUNT OF SUCH CHILD, AND TO INFORM NEW VOTERS OF THEIR CIVIC AND TAX DUTIES.

Upon motion of Senator Berger, seconded by Senator Ford, the Senate adjourns at 11:39 a.m., subject to the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Monday, April 8, at 7:00 p.m.

A SENATORIAL STATEMENT

Submitted by Senator Gladys A. Robinson

Recognizing April 2013 as Public Health Month

WHEREAS, it is important to recognize and acknowledge public health's 133 years of service to the residents of North Carolina and the immeasurable contribution of these services to the quality of life in our State; and

WHEREAS, the Guilford County Department of Public Health became the State's first and the nation's second full-time health department; and

WHEREAS, North Carolina's public health system is a critical component of the State's emergency response to natural and man-made disasters and widespread disease outbreaks in North Carolina; and

WHEREAS, public health measures to control and eliminate infectious diseases, improve environmental sanitation, and promote healthy lifestyle practices have been the greatest cause of improved health status and increased life expectancy for North Carolina's residents, such that North Carolinians now have an average life expectancy at birth of more than 78 years; and

WHEREAS, public health plays a critical role in eliminating health inequities and preventing chronic diseases and injuries, resulting in improved productivity and decreased health care costs for all North Carolinians; and

WHEREAS, a continued focus on promoting public health programs that provide accessible, high-quality medical care and that promote healthy lifestyles for women of childbearing age has resulted in a more than 16% decline in infant mortality; and

WHEREAS, communities, individuals, employers, hospitals and health care providers, insurers, policymakers, schools, and child care facilities must work together to identify and develop innovative solutions to health problems facing the people of North Carolina;

NOW, THEREFORE, April 2013 should be recognized as Public Health Month.

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IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fourth day of April, 2013.

S/Senator Gladys A. Robinson

S/Sarah Lang
Senate Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 11 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF PRIMARY IN EVEN-NUMBERED YEARS, ON THE DATE OF THE GENERAL ELECTION, OR ON THE DATE OF THE MUNICIPAL GENERAL ELECTION, EXCEPT IN CASES OF A PUBLIC HEALTH OR SAFETY EMERGENCY OR FOR RECALL ELECTIONS OF MUNICIPAL INCORPORATIONS GOVERNED BY LOCAL ACT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 211, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS.

Referred to the **Transportation Committee**.

H.B. 224 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE.

Referred to the **State and Local Government Committee**.

H.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, AND TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.

Referred to the **Judiciary I Committee**.

H.B. 252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114.

Referred to the **Finance Committee**.

April 4, 2013

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE.

Referred to the **Finance Committee**.

H.J.R. 259, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

S.B. 140 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35310, which changes the title to read **S.B. 140** (Committee Substitute No. 2), AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

S.B. 505, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES, referred to the **Commerce Committee** on March 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Commerce Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 4, 2013

FORTIETH DAY

Senate Chamber
Monday, April 8, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, you are a mighty fortress. You have set such a gorgeous canopy in the blue sky outside. Lord, you never fail us; never do you fail us. We thank you for this glorious creation that you have given us and the awe that it inspires inside of us. You, Lord, are not just our creator, but you are our helper amid the floods of this life. Although this world is subject to decay, it gives our hearts consolation that you have triumphed over that decay. We will not fear, Lord, for you are God. You are our sure help in a time of need. It’s in Jesus’ name that I lift up these prayers. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, April 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

CALENDAR

Bills on tonight’s calendar are taken up and disposed of as follows:

S.B. 140 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (48-0).

Senator Bingham objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill No. 2 placed on the calendar of Tuesday, April 9, upon third reading.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 123, AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS RESIDING NEAR SCHOOLS OR DAY CARE CENTERS.

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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. 270, AN ACT TO PROVIDE FOR A REFERENDUM IN THE TOWN OF RONDA ON THE ISSUE OF WHETHER OR NOT VOTERS OF THAT TOWN SHOULD BE ABLE TO RECALL FROM OFFICE THE ELECTED OFFICERS OF THAT TOWN. (Became law upon ratification, April 4, 2013 - S.L. 2013-21.)

CALENDAR (*continued*)

S.B. 353, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, upon second reading.

Senator McKissick offers Amendment No. 1, which is adopted (48-0).

The bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Morgan Bass, Farmville; Chandria Boykin, Winterville; Eli Brightbill, Sanford; Shyheem Carmon, Hookerton; Bobby Evans, Snow Hill; Emma Fowler, Nakina; Lillie Gardner, Stantonsburg; Jamar Jones, Snow Hill; J.D. Salamido, Cary; Brett Shackelford, Snow Hill; Ruth A. Smith, Wilmington; Sami Sparks, Southport; Sophia Stoddard, Rolesville; and Ryan Warren, Snow Hill.

WITHDRAWALS FROM COMMITTEES

S.B. 330, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE, referred to the **Agriculture/Environment/Natural Resources Committee** on March 19.

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 **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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S.B. 347, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE CONCEPT OF A UNIFIED PUBLIC HEALTH SYSTEM AND THE FEASIBILITY OF ESTABLISHING A UNIFIED PUBLIC HEALTH SYSTEM WITHIN THE STATE OF NORTH CAROLINA, referred to the **Health Care Committee** on March 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Health Care Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 440, A BILL TO BE ENTITLED AN ACT TO DIRECT THE GENERAL ADMINISTRATION OF THE UNIVERSITY OF NORTH CAROLINA TO STUDY WAYS TO INCREASE PRIMARY CARE RESIDENCIES IN UNDERSERVED AREAS OF NORTH CAROLINA, referred to the **Health Care Committee** on March 27, with a sequential referral to the **Education/Higher Education Committee**.

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** while maintaining its sequential referral to the **Education/Higher Education Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 673, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMISSION TO STUDY THE IMPLEMENTATION OF A STRUCTURED ENGLISH IMMERSION PROGRAM IN THE NORTH CAROLINA PUBLIC SCHOOLS, referred to the **Education/Higher Education Committee** on April 3.

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, and the Chair so orders.

S.B. 466, A BILL TO BE ENTITLED AN ACT CREATING AN ALZHEIMER'S DISEASE TASK FORCE IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, referred to the **Health Care Committee** on March 28.

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, and the Chair so orders.

REMOVAL OF BILL CO-SPONSOR

Senator Randleman requests that she be removed as a sponsor of previously introduced legislation:

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S.B. 666, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DEPENDENCY DEDUCTIONS FOR QUALIFYING CHILDREN WHO HAVE REGISTERED TO VOTE AT A DIFFERENT ADDRESS; CLARIFY RESIDENTIAL ADDRESSES THAT MAY BE USED FOR VOTING; PROHIBIT VOTER REGISTRATIONS THAT LACK REQUIRED INFORMATION; CLARIFY THE RIGHTS OF ELECTION OBSERVERS; REPEAL SAME DAY VOTER REGISTRATION; LIMIT EARLY VOTING TO TEN DAYS; AND ELIMINATE SATELLITE EARLY VOTING SITES.

S.B. 667, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IF A CHILD REGISTERS TO VOTE AT AN ADDRESS OTHER THAN THAT OF A PARENT, THAT PARENT MAY NOT CLAIM A PERSONAL EXEMPTION ON ACCOUNT OF SUCH CHILD, AND TO INFORM NEW VOTERS OF THEIR CIVIC AND TAX DUTIES.

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO DISQUALIFY THOSE ADJUDICATED MENTALLY INCOMPETENT FROM VOTING.

Upon motion of Senator Berger, seconded by Senator Hunt, the Senate adjourns at 7:20 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, April 9, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 41, A BILL TO BE ENTITLED AN ACT TO REQUIRE A 0.00 ALCOHOL CONCENTRATION RESTRICTION ON ALL RESTORATION OF LICENSES REVOKED FOR AN IMPAIRED DRIVING OFFENSE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 146, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM.

Referred to the **Education/Higher Education Committee**.

H.B. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A REBUTTABLE PRESUMPTION THAT CERTAIN TAXICAB DRIVERS ARE INDEPENDENT CONTRACTORS AND NOT EMPLOYEES UNDER THE WORKERS' COMPENSATION ACT.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 214, A BILL TO BE ENTITLED AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS.

Referred to the **State and Local Government Committee**.

H.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF MARITAL PROPERTY TO PROVIDE THAT ENTIRETIES PROPERTY IS SUBJECT TO THE SAME BURDEN OF PROOF IN REBUTTING THE PRESUMPTION AS ALL PROPERTY CLASSIFIED AS MARITAL PROPERTY AND AMENDING THE DEFINITION OF DIVISIBLE PROPERTY TO CLARIFY THAT INCREASES AND DECREASES IN MARITAL DEBT MEANS PASSIVE INCREASES AND PASSIVE DECREASES IN MARITAL DEBT UNDER THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION.

Referred to the **Judiciary I Committee**.

H.B. 387 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS CRIMINAL LAWS REGARDING CONCEALED HANDGUN PERMITS, EXPUNCTIONS, DISPOSITION OF FIREARMS, CRIME VICTIMS RIGHTS, AND OFFENSES THAT MAY BE WAIVED.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 435 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CALCULATION OF SCHOOL PERFORMANCE SCORES AND GRADES BY THE STATE BOARD OF EDUCATION.

Referred to the **Ways & Means Committee**.

H.B. 490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN.

Referred to the **State and Local Government Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 8, 2013

FORTY-FIRST DAY

Senate Chamber
Tuesday, April 9, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, it is an incredible privilege to close our eyes and be able to hear from you in this moment, in this chamber. ‘Seek the shalom of the city where I have sent you,’* says the Lord. Seek the peace of Asheville, Southport, Roanoke Rapids, Old Fort, Charlotte, Beaufort, Kinston, Oriental, Ahoskie, Winston-Salem, Manteo, and Lexington. We pray that, Lord, you would bless us and bless these cities. Because as you said in Scripture, ‘In its peace and in its welfare, you will find your welfare.’* So keep us from selfish gain. Encourage us on to pray for our cities, to pray for our people. You say that in seventy years you will visit and ‘fulfill my promise and bring us back to our homes.’* You say that you have a ‘plan for us,’ and we believe you. Help us believe in the midst of our unbelief, and help us believe that if we pray to you, you hear us, and that that is all that matters—you hear us. In the name of Jesus, the very one that taught us how to pray and how to love, Amen.”

*Passages drawn from Jeremiah 29:7, 10–HNV, ESV, NIV

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms to open the doors of the chamber for the Presentation of the Colors by members of the Greene Central High School Army Junior ROTC, from Snow Hill, North Carolina.

PLEDGE OF ALLEGIANCE

Led by the Lieutenant Governor, 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 Ford.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Dr. Ernest Grant from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING, with a favorable report.

By Senator Gunn for the **Commerce Committee**:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN TEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION, with a favorable report.

CALENDAR

A bill on today's calendar is taken up and disposed of as follows:

S.B. 140 (Committee Substitute No. 2), AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, upon third reading.

Senator McKissick offers Amendment No. 1, which is adopted (41-5).

The Committee Substitute bill No. 2, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

WITHDRAWALS FROM COMMITTEES

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C

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FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE, referred to the **Rules and Operations of the Senate Committee** on March 11.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE RESEARCH STUDIES ON HUMANS USING FINE PARTICULATE MATTER, KNOWN AS PM2.5, UNLAWFUL AND TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESEARCH INVOLVING HUMAN SUBJECTS, referred to the **Rules and Operations of the Senate Committee** on March 13.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 450, A BILL TO BE ENTITLED AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO PROVIDE FOR THE ANNUAL ADJUSTMENT OF THE BENEFIT FOR PERMANENT INJURY TO AN IMPORTANT BODILY ORGAN, referred to the **Commerce Committee** on March 27.

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, and the Chair so orders.

S.B. 520, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, referred to the **Rules and Operations of the Senate Committee** on April 1.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Walters, the Senate adjourns at 2:21 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Wednesday, April 10, at 2:00 p.m.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 293, A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 314, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.

Referred to the **State and Local Government Committee**.

H.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Referred to the **Education/Higher Education Committee**.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT.

Referred to the **Judiciary II Committee**.

H.B. 354, A BILL TO BE ENTITLED AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

Referred to the **State and Local Government Committee**.

H.B. 388, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS' FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER.

Referred to the **Judiciary I Committee**.

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H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 555, A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

Referred to the **State and Local Government Committee**.

A SENATORIAL STATEMENT

Submitted by Senator Clark Jenkins

Commemorating Edenton's 300th Anniversary

WHEREAS, an Act of Assembly adopted in 1712 called for the surveying of what is now Edenton, on which, to this day, are homes, the 1767 Chowan County Courthouse (a National Historic Landmark), and the Oldest House in North Carolina; and

WHEREAS, Charles Eden was appointed by the Crown to be the first Governor of North Carolina on May 18, 1713, and upon arrival established the first Capitol of North Carolina government at the Town on Queen Anne's Creek (renamed Edenton following Eden's death in 1722); and

WHEREAS, on October 25, 1774, Edenton resident Penelope Barker orchestrated a petition, signed by 51 women of the Edenton area, sending it to King George saying, "NO to the imposition of duties on cloth and tea." The action of the Ladies of Edenton was later called a tea party, but in actuality it was the first women's political activity in colonial American history - in fact, the first in western history; and

WHEREAS, James Iredell, a lawyer from Edenton wrote "Principles of an American Whig" and "To The Inhabitants of Great Britain" to help English citizenry understand the motives of the independence seekers. President George Washington nominated Iredell, only 38 years old, to serve on the first United States Supreme Court; he was confirmed by the United States Senate the following day; and he contributed to defining the freedoms we enjoy today as his writings are quoted in contemporary Supreme Court decisions; and

WHEREAS, Edentonian Joseph Hewes signed the Declaration of Independence and contributed essential ideas to winning the battle for independence by his leadership of the colonial committee that created the nation's first Navy and then served as its first de facto Secretary; and

WHEREAS, Hugh Williamson, another Edenton resident, was selected to attend the constitutional convention in Philadelphia, where he became a pivotal vote in adoption of the Connecticut Plan establishing a bicameral legislature. Williamson signed the proposed United States Constitution and contributed thoughtful writings that influenced the Federalist Papers and fought for the North Carolina adoption of the proposed Constitution, including a Bill of Rights; and

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WHEREAS, Samuel Johnston, also of Edenton and a Governor of North Carolina, presided over both State conventions called to ratify the United States Constitution, during which the first convention of forward-looking North Carolinians rejected the proposal because it lacked the protective amendments that later became the Bill of Rights. Johnston was elected United States President under the Articles of Confederation but refused to assume the position due to poor health. Following adoption of the Constitution and creation of the United States Senate, Johnston served as one of the State's first United States Senators; and

WHEREAS, the contributions of the people of Edenton to the nation continued as the War Between the States broke out and Edentonians created their own defensive capacity by melting their church and courthouse bells to forge the Edenton Bell Battery, which saw service in the war; and

WHEREAS, Edenton's long history as a colonial port and its more modern role as protector of the 1886 Roanoke River Lighthouse contribute to the history of the Albemarle Sound and waterways of North Carolina; and

WHEREAS, Edenton was the home of many black artisans who contributed to its cultural development, including the Badham family of African-American architects, builders, and carpenters: Miles Badham I, his son Hannibal Badham, Sr., and Hannibal's sons Hannibal Badham, Jr., and Miles Badham II, whose designs and constructions stand to this day; and

WHEREAS, much of Edenton was declared a National Historic District in 1973 recognizing the many historically significant homes and public buildings that stand as authentic examples of over 250 years of architectural progress in America: the 1736 St. Paul's Episcopal Church; the 1758 Cupola House, a National Historic Landmark with national significance, and the 1782 Barker House, long recognized on the National Register of Historic Places; and

WHEREAS, in 1918 the people of Edenton, fearful that a significant part of our State's heritage was endangered, created an organization which became the "Cupola House Association" to defend against the irrevocable loss of this historically important dwelling, the first such act of preservation by private citizens of North Carolina and one of the first in the nation; and

WHEREAS, the General Assembly of North Carolina created the Edenton Historical Commission in 1961 as evidence of the unique role Edenton and Chowan County played in the preservation and perpetuation of the history of the colony and the State; and

WHEREAS, Edenton, on the eve of its 300th Anniversary, was defined by Forbes.com as one of America's prettiest towns, thereby awarding Edenton the honor of being the only 300-year-old town in the United States to hold such a distinction;

NOW, THEREFORE, the Town of Edenton should be recognized for its contributions to this State and the nation during its 300-year history.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the ninth day of April, 2013.

S/Senator Clark Jenkins

S/Sarah Lang
Senate Principal Clerk

April 9, 2013

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Goolsby for the **Judiciary I Committee**:

S.B. 124, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM FROM WITHIN AN ENCLOSURE WITH THE INTENT TO DO HARM OR INCITE FEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85203, which changes the title to read **S.B. 124** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR, is adopted and engrossed.

S.B. 411, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO ETHICS PROVISIONS OF STATE GOVERNMENT, 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, 15233, which changes the title to read **S.B. 411** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS, is adopted and engrossed.

S.B. 528, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85204, is adopted and engrossed.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95076, is adopted and engrossed.

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S.B. 201, A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SILENCER OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15235, which changes the title to read **S.B. 201** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM, is adopted and engrossed.

Upon recommendation of Senator Brock, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

S.B. 234, A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85206, is adopted and engrossed.

S.B. 455, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85205, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

WITHDRAWAL FROM COMMITTEE

S.R. 196, A SENATE RESOLUTION HONORING THE MEMORY OF RUTH BELL GRAHAM AND NAMING BILLY GRAHAM NORTH CAROLINA'S FAVORITE SON, referred to the **Rules and Operations of the Senate Committee** on March 6.

Pursuant to Rule 47(a), and pursuant to a motion made by Senator Apodaca, the resolution is withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-SECOND DAY

Senate Chamber
Wednesday, April 10, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by the Reverend Franklin Graham, the eldest son of Billy and Ruth Bell Graham and President and CEO of Samaritan's Purse and the Billy Graham Evangelistic Association, as follows:

“Our Gracious Heavenly Father, we ask today your blessings upon each man and woman in this room. Father, we pray that you would give them your wisdom as they make decisions that affect all of our lives. Father, we pray for our governor, and we thank you for him and his family. Father, we thank you for the freedom that you give to us, the freedom of this state and the freedom of this country, and so, Father, we pray for all those that are in authority. We pray this in Jesus' name. Amen.”

The Chair grants a leave of absence for today to Senator Apodaca.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

The Chair extends privileges of the floor to Frances Powell from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 175, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.R. 196, A SENATE RESOLUTION HONORING THE MEMORY OF RUTH BELL GRAHAM AND NAMING BILLY GRAHAM NORTH CAROLINA'S FAVORITE SON, with an unfavorable report as to resolution, but favorable as to Committee Substitute resolution.

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Pursuant to Rule 45.1, the proposed Committee Substitute resolution, 85207, is adopted and engrossed.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the rules are suspended and the Committee Substitute resolution is placed on today's calendar for immediate consideration, and the resolution is read in its entirety.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.R. 196 (Committee Substitute), A SENATE RESOLUTION HONORING THE MEMORY OF RUTH BELL GRAHAM AND NAMING BILLY GRAHAM NORTH CAROLINA'S FAVORITE SON, for adoption.

Upon motion of Senator Soucek, the words spoken about S.R. 196 are spread upon the journal as follows:

SENATOR SOUCEK: "First, I would like to thank Franklin and his family for sharing your father with us, with this state, with this country, and with the world for so many years. When you listen to the accolades you just heard—two pages worth—I don't know if anyone in the country or world could claim greater pride, but as I was speaking with Billy Graham's staff, something that was amazing about him is how long the people that have worked with him *have* worked with him. That says something about someone's character. Something stuck out in the long conversations when he said, 'Billy Graham says he sees himself as "just a messenger."' I think that type of humility is rare in this world. 'Humility' is understanding your place and your role and not rising above that. The scripture that came to mind as I was contemplating this statement was Micah 6:8. It says, 'He has shown you, O man, what is good and what does the Lord require of you: to act justly, to love mercy, and to walk humbly with your God.' I found a couple quotes from Billy Graham which I think typify this type of attitude in this statement. One thing he said was, 'The Christian life is not a constant high. I have my moments of deep discouragement. I have to go to God in prayer with tears in my eyes and say "O God, forgive me" or "Help me."' Another statement he says, which I think is a great perspective, is 'I'm going to heaven just like the thief on the cross who said in that last moment, "Lord, remember me."' I don't know if there is a greater way to honor someone than to honor that which he values most. One statement that typifies this is, Billy Graham said, 'My one purpose in life is to help people find a personal relationship with God which I believe comes from knowing Christ.' In honor of Billy and his wife Ruth and the entire Graham family, I'd like to conclude this statement with a verse that he has shared to literally billions of people around the world: John 3:16, 'For God so loved the world that he gave his one and only Son that whosoever believeth in him shall not perish but have everlasting life.' I urge your support in this resolution."

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SENATOR NESBITT: “Mr. President and Members of the Senate, it has been my distinct honor and pleasure to represent the Graham family in the House and the Senate for over thirty years. I think the word that I heard from Senator Soucek that all of us in our mountains up there would echo would be ‘humility.’ He’s very much been a part of our community, investing in our hospital, doing charitable work throughout the community, but most of all, being a humble soul and just being there. You can feel his presence throughout our community. Out in the Montreat area, the Black Mountain area, there seems to be a reflection of him in some way. I’ll leave you with one thing that tells you how proud we are of him. In 2012 he was listed on the ‘Ten Most Admired Men’ in the world [list] for the fifty-sixth time, in his mid-nineties. That tells you all you need to know. I urge you to support the resolution.”

Upon motion of Senator Soucek, the Senate Resolution is adopted (48-0).

LT. GOVERNOR: “Upon the motion of Senator Dan Soucek of Watauga County, the Chair is happy to extend Courtesies of the Gallery to the family of the Reverend Billy Graham: Ann Graham Lotz, daughter; Danny Lotz, son-in-law; Rachel Ruth Lotz, granddaughter; and Morrow Reitmeier, granddaughter. Please stand and be recognized, thank you for joining us today.”

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Allran for the **Judiciary II Committee:**

S.B. 594, A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95077, is adopted and engrossed.

Upon recommendation of Senator Allran, the Committee Substitute is referred to the **Health Care Committee.**

By Senator Rucho for the **Finance Committee:**

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES, with a favorable report.

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE, with a favorable report.

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S.B. 337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC CHARTER SCHOOLS BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Hise for the **Health Care Committee**:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, with a favorable report.

By Senator Gunn for the **Commerce Committee**:

S.B. 470, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE OWNER OF THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL 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, 15234, which changes the title to read **S.B. 470** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, is adopted and engrossed.

S.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 75274, is adopted and engrossed.

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By Senator J. Davis for the **State and Local Government Committee**:

H.B. 224 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill No. 2 is placed on the calendar of Tuesday, April 16.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN TEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION, upon second reading.

Upon motion of Senator Brunstetter, without objection, the bill is withdrawn from today's calendar and placed on the calendar of Tuesday, April 16.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Daniel for the **Transportation Committee**:

S.B. 603, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG, with a favorable report.

S.B. 659, A BILL TO BE ENTITLED AN ACT TO CONFORM THE MOTOR VEHICLE LAW OF NORTH CAROLINA TO SECTIONS 154 AND 164 OF THE FEDERAL HIGHWAY BILL, with a favorable report.

S.B. 709, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE SPEED LIMIT ON CERTAIN INTERSTATE HIGHWAYS TO A MAXIMUM OF SEVENTY-FIVE MILES PER HOUR, with a favorable report.

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By Senator J. Davis for the **State and Local Government Committee**:

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10271, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is placed on the calendar of Tuesday, April 16.

CALENDAR (*continued*)

S.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR, 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. 163 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PROTECTION OF LANDOWNERS' WATER RIGHTS, 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. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT, 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. 388, A BILL TO BE ENTITLED AN ACT TO PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING, 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. 411 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS, upon second reading.

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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. 528 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS, 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.

WITHDRAWALS FROM COMMITTEES

H.B. 8 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES, referred to the **Rules and Operations of the Senate Committee** on February 14.

Pursuant to Rule 47(a), Senator Brunstetter 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, and the Chair so orders.

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE RESEARCH STUDIES ON HUMANS USING FINE PARTICULATE MATTER, KNOWN AS PM2.5, UNLAWFUL AND TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO STUDY AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING RESEARCH INVOLVING HUMAN SUBJECTS, referred to the **Health Care Committee** on April 9.

Pursuant to Rule 47(a), Senator Brunstetter 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, and the Chair so orders.

S.B. 154, A BILL TO BE ENTITLED AN ACT TO ALLOW NORTH CAROLINA CONSUMERS TO ENJOY THE BENEFITS OF ENHANCED COMPETITION IN THE AUTOMOBILE AND MOTORCYCLE INSURANCE MARKET AND TO RESTORE FAIRNESS BY ENDING SUBSIDIES FOR HIGHER RISK DRIVERS, referred to the **Insurance Committee** on March 4.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the 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, and the Chair so orders.

April 10, 2013

S.B. 206, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE CONTROLLED SUBSTANCES REPORTING SYSTEM BY REQUIRING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO UPDATE THE SYSTEM TO PROVIDE REAL-TIME PRESCRIPTION INFORMATION, BY REQUIRING DISPENSERS TO REPORT PRESCRIPTION INFORMATION WITHIN TWENTY-FOUR HOURS AFTER DISPENSING A PRESCRIPTION, AND BY REQUIRING PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 253, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SHERIFF, DESIGNATED DEPUTY SHERIFF, POLICE CHIEF, OR DESIGNATED POLICE OFFICER INVESTIGATING THE DIVERSION AND ILLEGAL USE OF CONTROLLED SUBSTANCES MAY INSPECT PRESCRIPTION AND PHARMACEUTICAL RECORDS AND MAY ALSO OBTAIN DATA IN THE CONTROLLED SUBSTANCE REPORTING SYSTEM MAINTAINED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, referred to the **Judiciary I Committee** on March 12.

Pursuant to Rule 47(a), Senator Brunstetter 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, and the Chair so orders.

S.B. 286, A BILL TO BE ENTITLED AN ACT TO REQUIRE PRESCRIBERS AND DISPENSERS TO REVIEW INFORMATION IN THE CONTROLLED SUBSTANCES REPORTING SYSTEM PRIOR TO PRESCRIBING OR DISPENSING A CONTROLLED SUBSTANCE TO A PATIENT AND TO MAKE A VIOLATION OF THAT REQUIREMENT A CRIMINAL OFFENSE, referred to the **Rules and Operations of the Senate Committee** on March 14.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Soucek, the Senate adjourns at 2:56 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, April 11, at 10:00 a.m.

April 10, 2013

A SENATORIAL STATEMENT

Submitted by Senator Jerry W. Tillman

**Recognizing the 50th Anniversary of the
North Carolina Community College System**

WHEREAS, Dr. W. Dallas Herring responded to Governor Luther Hodges in 1957 and prepared a plan for industrial education that resulted in the establishment by the General Assembly of a statewide system of industrial education centers and the creation of a system of public junior colleges; and

WHEREAS, Dr. Herring worked tirelessly with Governor Terry Sanford and others to merge the two systems into a comprehensive community college system encompassing workforce training and college studies; and

WHEREAS, the Omnibus Higher Education Act, also known as Senate Bill 72, was passed on May 17, 1963, by the General Assembly, creating the North Carolina Department of Community Colleges, which included the original 20 industrial education centers, along with six junior colleges and five extension units; and

WHEREAS, this act became effective on July 1, 1963; and

WHEREAS, in 1963, there were 31 community colleges with a total of 79,117 students; and

WHEREAS, since 1963, North Carolina has supported the growth of this education and training system into the 58 community colleges that serve all 100 North Carolina counties today; and

WHEREAS, today, North Carolina community colleges serve over 850,000 students annually; and

WHEREAS, the North Carolina Community College System has been recognized, nationally and internationally, through the decades as a leader in workforce development; and

WHEREAS, the 58 community colleges in North Carolina have responded to the call for employee preparedness for thousands of North Carolina businesses and industries; and

WHEREAS, millions of North Carolinians have taken their first steps toward technical and higher education certificates, diplomas, and degrees at these colleges through the years; and

WHEREAS, generations of North Carolina families have received education and training that has improved their quality of life; and

WHEREAS, the community colleges have been supported in their work through the dedication of faculty, staff, trustees, county commissioners, and State leaders; and

WHEREAS, community colleges have responded to the needs of their communities through service, support, leadership, and educational efforts; and

WHEREAS, leaders at the local, State, and national levels continue to recognize community colleges as offering pathways to successful careers and educational attainment; and

April 10, 2013

WHEREAS, the System serves one in eight North Carolina adults annually and continues to work toward improving student success at all levels through new accountability standards and a focus on data-driven policies, decisions, and performance funding; and

WHEREAS, May 17, 2013, marks the 50th anniversary of the establishment of the North Carolina Community College System;

NOW, THEREFORE, the North Carolina Community College System should be commended for its role in helping students achieve success in higher education and the workplace over the last 50 years.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the tenth day of April, 2013

S/Senator Jerry W. Tillman

S/Sarah Lang
Senate Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT.

Referred to the **Commerce Committee**.

H.B. 322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS.

Referred to the **Transportation Committee**.

H.B. 416, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNT FOR SMALL CLAIMS ACTIONS TO TEN THOUSAND DOLLARS.

Referred to the **Judiciary II Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 10, 2013

FORTY-THIRD DAY

Senate Chamber
Thursday, April 11, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Richard Mills from Faith Baptist Church in Youngsville, North Carolina, as follows:

“Lord God, we do thank you for the blessings that you have showered upon us. We thank you for your grace and your mercy. Lord, today as we go about our law making and caretaking, please grant us the wisdom to make decisions that don’t merely bless in the moment, but that provide blessing for all in the years to come. Lord, we thank you so much for the privilege of serving more than our own interests, but the interests of others. Lord, thank you for giving us the good sense to call ourselves ‘One Nation under God.’ Father, as we mete out justice and truth and love and kindness, Father, may we measure everything by the only thing in this universe that never changes, and that is the Lord our God. Lord, we ask all of these things in the precious and powerful and mighty name of Jesus. Amen.”

The Chair grants leaves of absence for today to Senator Apodaca, Senator Meredith, Senator Robinson, and Senator Walters.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Kristie King from Asheville, 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. 139, AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION 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:

April 11, 2013

S.B. 11, AN ACT TO DESIGNATE THE MONTH OF APRIL OF EACH YEAR AS ORGAN DONATION AWARENESS/DONATE LIFE MONTH AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "DUFFY'S LAW." (Became law upon approval of the Governor, April 9, 2013 - S.L. 2013-22.)

S.B. 20, AN ACT TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR (1) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL WHO SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE AND (2) CERTAIN DRUG-RELATED OFFENSES COMMITTED BY AN INDIVIDUAL EXPERIENCING A DRUG-RELATED OVERDOSE AND IN NEED OF MEDICAL ASSISTANCE; TO PROVIDE IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY FOR (1) PRACTITIONERS WHO PRESCRIBE AN OPIOID ANTAGONIST TO CERTAIN THIRD PARTIES AND (2) CERTAIN INDIVIDUALS WHO ADMINISTER AN OPIOID ANTAGONIST TO A PERSON EXPERIENCING A DRUG-RELATED OVERDOSE; AND TO PROVIDE LIMITED IMMUNITY FROM PROSECUTION FOR CERTAIN ALCOHOL-RELATED OFFENSES COMMITTED BY PERSONS UNDER THE AGE OF 21 WHO SEEK MEDICAL ASSISTANCE FOR ANOTHER PERSON. (Became law upon approval of the Governor, April 9, 2013 - S.L. 2013-23.)

S.B. 33, AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, April 9, 2013 - S.L. 2013-24.)

S.B. 24, AN ACT TO AMEND THE GAMELAND BUFFER REQUIREMENT APPLICABLE TO SANITARY LANDFILLS FOR THE DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS WASTE UNDER CERTAIN CONDITIONS. (Became law upon approval of the Governor, April 9, 2013 - S.L. 2013-25.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO ADDRESS THE UNEMPLOYMENT INSURANCE DEBT AND TO FOCUS NORTH CAROLINA'S UNEMPLOYMENT INSURANCE PROGRAM ON PUTTING CLAIMANTS BACK TO WORK, 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, 35033, which changes the title to read **S.B. 6** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER FUNDS TO THE UNEMPLOYMENT INSURANCE FUND TO MAKE PRINCIPAL PAYMENTS ON THE TWO AND ONE-HALF BILLION DOLLAR ADVANCE MADE BY THE FEDERAL GOVERNMENT TO THE UNEMPLOYMENT INSURANCE FUND TO PAY UNEMPLOYMENT COMPENSATION BENEFITS, is adopted and engrossed.

Upon recommendation of Senator Rucho, the Committee Substitute bill is referred to the **Appropriations/Base Budget Committee**.

By Senator Hise for the **Health Care Committee**:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95079, is adopted and engrossed.

By Senator J. Davis for the **State and Local Government Committee**:

S.B. 67, A BILL TO BE ENTITLED AN ACT RELATING TO THE 31ST SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75277, which changes the title to read **S.B. 67** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SURRY COMMUNITY COLLEGE TO CONVEY PROPERTY BY GIFT TO YADKIN COUNTY AND TO LEASE A PORTION OF ANY STRUCTURE SUBSEQUENTLY BUILT ON THAT PROPERTY, is adopted and engrossed.

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 361, A BILL TO BE ENTITLED AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15238, is adopted and engrossed.

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Upon recommendation of Senator Tillman, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Daniel for the **Transportation Committee**:

S.B. 712, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95078, is adopted and engrossed.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 358 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE, upon second reading.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Monday, April 15.

WITHDRAWAL FROM COMMITTEE

S.B. 285, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT UNDER G.S. 20-139.1 THAT A LABORATORY CONFORM TO FORENSIC SPECIFIC REQUIREMENTS AND BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO ALLOW FOR THE ADMISSIBILITY OF A CHEMICAL ANALYSIS UNDER G.S. 20-139.1, PERFORMED BY AN INDIVIDUAL WHO QUALIFIES AS AN EXPERT WITNESS UNDER RULE 702 OF THE NORTH CAROLINA RULES OF EVIDENCE, referred to the **Judiciary I Committee** on March 14.

Pursuant to Rule 47(a), Senator Brunstetter 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, and the Chair so orders.

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CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Woodard---46.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Monday, April 15, upon third reading.

H.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES, upon second reading.

Without objection, Senator Clodfelter is excused from voting on the bill because his law firm represents the Carolina Panthers.

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.

S.B. 98, A BILL TO BE ENTITLED AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, 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 and is ordered engrossed and sent to the House of Representatives.

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, upon second reading.

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Senator Wade 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.

S.B. 603, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG, upon second reading.

The bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 659, A BILL TO BE ENTITLED AN ACT TO CONFORM THE MOTOR VEHICLE LAW OF NORTH CAROLINA TO SECTIONS 154 AND 164 OF THE FEDERAL HIGHWAY BILL, 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. 709, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE SPEED LIMIT ON CERTAIN INTERSTATE HIGHWAYS TO A MAXIMUM OF SEVENTY-FIVE MILES PER HOUR, upon second reading.

The bill passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

ADDITIONAL SPONSOR

Senator Barringer requests to be added as a sponsor of previously introduced legislation:

S.B. 577, A BILL TO BE ENTITLED AN ACT TO ALLOW INDIVIDUALS TO CONTRIBUTE TAX REFUNDS TO CERTAIN ENTITIES.

Upon motion of Senator Berger, seconded by Senator Sanderson, the Senate adjourns at 10:36 a.m., subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, April 15, at 7:00 p.m.

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WITHDRAWAL FROM COMMITTEE

H.B. 75, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE, referred to the **Appropriations/Base Budget Committee** on March 13.

Pursuant to Rule 47(a), and pursuant to a motion made by Senator Brunstetter, the bill is withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Judiciary II Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-FOURTH DAY

Senate Chamber
Monday, April 15, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by Dr. Michael T. Whitson, Senior Pastor of First Baptist Church Indian Trail in Indian Trail, North Carolina, as follows:

“Father, as we gather here this evening, many in our nation are reeling from a senseless attack. We ask that you comfort the bereaved and heal the wounded of their wounds both physical and emotional. For those who initiated this mindless horror, we pray that justice will reign. Please take this tragic event and use it to cause us to become more dependent on you than ever before. When others are illogical or unreasonable and self-centered, help us to love them anyway. When we do good and others question our motives, empower us to do good anyway. In the midst of our success and false friends arise as a result and our true enemies are exposed, may we succeed anyway. When our good may be forgotten tomorrow, may we do good anyway. When our honesty and frankness make us vulnerable, strengthen us to be honest and frank anyway. When the biggest men and women with their biggest ideas are shot down by the smallest of minds, may we think big anyway. When what we have spent many years building crumbles overnight, may we build anyway. When those we help respond with attack, may we help people anyway. When we are kicked in the teeth for giving the world our best, give us the determination to give the world the best we have anyway. For in so doing we become like you and how you treat us. In Jesus' name, Amen.”

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The Chair grants leaves of absence for tonight to Senator Bingham, Senator Bryant, Senator Clodfelter, Senator Graham, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, April 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 228, AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER'S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER AND CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING AMENDMENT OF A RECORDED DECLARATION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 193, AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

S.B. 222, A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 75278, is adopted and engrossed.

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Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from the **Finance Committee** and placed on the calendar of Tuesday, April 16.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF WAYNESVILLE, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Blue, Brock, Brown, Brunstetter, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---44.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to tonight's calendar:

S.B. 456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE, upon second reading.

Upon motion of Senator Pate, without objection, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Thursday, April 18.

CALENDAR *(continued)*

S.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SURRY COMMUNITY COLLEGE TO CONVEY PROPERTY BY GIFT TO YADKIN COUNTY AND TO LEASE A PORTION OF ANY STRUCTURE SUBSEQUENTLY BUILT ON THAT PROPERTY, 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.

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S.B. 358 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE, upon second reading.

Without objection, Senator Brown is excused from voting on the bill due to a business conflict.

Senator Meredith offers Amendment No. 1, which is adopted (43-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 712 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS, referred to the **Rules and Operations of the Senate Committee** on March 21.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Candace Brown, Raleigh; Paul Estes, Matthews; Treston Farrington, Holly Springs; Cole Hartsell, Winston-Salem; Maranda Judd, Holly Springs; Karen Metts, Trenton; Andrew Pelletier, Creswell; and Sawyer Strand, Faison.

Upon motion of Senator Berger, seconded by Senator Gunn, the Senate adjourns at 7:23 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, April 16, at 2:00 p.m.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW," for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, April 16.

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO REQUIRE ONE ARTS EDUCATION CREDIT FOR GRADUATION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE.

Referred to the **Judiciary II Committee**.

H.B. 156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR HONESTY IN ADVERTISING AND MARKETING OF THE NORTH CAROLINA STATE LOTTERY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

Referred to the **State and Local Government Committee**.

H.B. 261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS.

Referred to the **State and Local Government Committee**.

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H.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY AIRPORT AUTHORITY.

Referred to the **State and Local Government Committee**.

H.B. 301 (Committee Substitute), AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS AND TO WAIVE THE EXAMINATION REQUIREMENT FOR GIS PRACTITIONERS WITH CERTAIN EXPERIENCE UNTIL JULY 1, 2014.

Referred to the **Commerce Committee**.

H.B. 313, 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.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 334, A BILL TO BE ENTITLED AN ACT TO AUGMENT THE USES OF CERTAIN MONEYS IN THE BUNCOMBE SCHOOL CAPITAL FUND.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 346 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 375, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES OWNED AND OPERATED BY THE CITY OF CHARLOTTE TO HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS.

Referred to the **Transportation Committee**.

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H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 386 (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.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS, IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS OF SUPERIOR COURT TO DETERMINE THE REASONABLENESS OF COUNSEL FEES PAID TO AN ATTORNEY SERVING AS A TRUSTEE IN A POWER OF SALE FORECLOSURE PROCEEDING.

Referred to the **Judiciary I Committee**.

H.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN INFRASTRUCTURE PROPERTY TAX DEFERRAL PROGRAM.

Referred to the **Finance Committee**.

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H.B. 456, A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY.

Referred to the **Judiciary II Committee**.

H.B. 467 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY.

Referred to the **Health Care Committee**.

H.B. 510 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE.

Referred to the **Judiciary II Committee**.

H.J.R. 599, A JOINT RESOLUTION SUPPORTING THE GOVERNOR'S PROCLAMATION FOR A WEEK OF PRAYER FOR NORTH CAROLINA.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-FIFTH DAY

Senate Chamber
Tuesday, April 16, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by Pastor Mark Walker from Lawndale Baptist Church in Greensboro, North Carolina, as follows:

"Father God, we give you praise today for life and the ability to follow the dreams of our hearts. I thank you for every man and woman represented in this place today, who give their time away from family, friends, and vocation to make a difference. Thank you for the leadership of the Lieutenant Governor and the President *Pro Tempore*, and may you continue to provide wisdom for he and every senator and staff person in pursuing what is best for the people of this great state. Today, we remember and reflect on the families and individuals who were

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victimized by this cowardly act of terror. My prayer today, Father, is that you would bring peace and healing to these families, but may you also expose these violators of such evil. May it propel each citizen to engage with a fresh devotion, and may it remind us that our freedom isn't a derivative from the federal government but rather from you, our Creator. May we never forget that life on this earth is but a fleeting moment and only what is accomplished for you will have eternal value. I pray that your will be done today. In the name of Jesus, Amen."

The Chair grants leaves of absence for today to Senator Bingham and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Veronica Oliver from Durham, 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:

H.B. 193, AN ACT TO EXPAND THE PERMISSIBLE USES OF THE LOCAL MECKLENBURG COUNTY AND CITY OF CHARLOTTE LOCAL TAXES. (Became law upon ratification, April 15, 2013 - S.L. 2013-26.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 639, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS, with a favorable report.

By Senator Meredith for the **Commerce Committee**:

S.B. 635, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE, with a favorable report.

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By Senator Newton for the **Judiciary I Committee**:

S.B. 239, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35313, is adopted and engrossed.

By Senator Daniel for the **Judiciary II Committee**:

H.B. 75, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE, with a favorable report.

S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, with a favorable report.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 344, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN TEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Thursday, April 18.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 222 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, upon second reading.

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The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 224 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE, upon second reading.

Without objection, Senator Clodfelter is excused from voting on the bill because he represents the city of Asheville on relative legal matters.

Senator D. Davis offers Amendment No. 1, which fails (15-32).

The Committee Substitute bill No. 2 passes its second reading (33-14) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 426, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEADLINE FOR AN AUDITEE'S RESPONSE TO A PERFORMANCE AUDIT, with a favorable report.

CALENDAR *(continued)*

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW," for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-48) and the House of Representatives is notified.

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MODIFICATION OF A SEQUENTIAL REFERRAL

S.B. 29, A BILL TO BE ENTITLED AN ACT TO (1) STRENGTHEN OVERSIGHT, ANNUAL REPORTING, AND STRATEGIC PLANNING BY THE NORTH CAROLINA RAILROAD COMPANY, (2) REQUIRE A ONE-TIME CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, (3) REQUIRE AN ANNUAL CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, AND (4) REQUIRE THE TRANSFER OF LOW-INCOME NON-CORRIDOR PROPERTIES FROM THE NORTH CAROLINA RAILROAD COMPANY TO THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, referred to the **Program Evaluation Committee** on February 4, with a sequential referral to the **Finance Committee**.

Upon motion of Senator Apodaca, the sequential referral to the **Finance Committee** is stricken and a sequential referral to the **Appropriations/Base Budget Committee** is added.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Meredith for the **Commerce Committee**:

S.B. 378, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75281, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 547, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75282, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

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By Senator Tucker for the **State and Local Government Committee**:

S.B. 311, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35314, is adopted and engrossed.

Upon recommendation of Senator Tucker, the Committee Substitute bill is re-referred to the **Transportation Committee**.

ADDITIONAL SPONSORS

Senator Barringer requests to be added as a sponsor of previously introduced legislation:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE.

Senator Kinnaird requests to be added as a sponsor of previously introduced legislation:

S.B. 544, A BILL TO BE ENTITLED AN ACT AMENDING THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE STATE PERSONNEL ACT.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 2:40 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Wednesday, April 17, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 91 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE

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APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, April 17.

H.B. 88 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS.

Referred to the **Judiciary I Committee**.

H.B. 240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; AND TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES.

Referred to the **Insurance Committee**.

H.B. 289, A BILL TO BE ENTITLED AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES.

Referred to the **State and Local Government Committee**.

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H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 333, A BILL TO BE ENTITLED AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION.

Referred to the **Judiciary II Committee**.

H.B. 390, A BILL TO BE ENTITLED AN ACT MAKING VARIOUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

Referred to the **Commerce Committee**.

H.B. 482, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING MEDIATED SETTLEMENT CONFERENCES IN SUPERIOR COURT, MEDIATION IN DISTRICT COURT DOMESTIC CASES, AND THE REGULATION OF MEDIATORS, TO ESTABLISH A DISPUTE RESOLUTION FUND FOR MONIES COLLECTED THROUGH THE EXISTING ADMINISTRATIVE FEE FOR THE CERTIFICATION OF MEDIATORS AND MEDIATION TRAINING PROGRAMS, AND TO MAKE IT UNLAWFUL TO FALSELY REPRESENT ONESELF AS A CERTIFIED MEDIATOR OR TO FALSELY REPRESENT A MEDIATOR TRAINING PROGRAM AS CERTIFIED.

Referred to the **Judiciary I Committee**.

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT.

Referred to the **Finance Committee**.

H.B. 506, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN.

Referred to the **State and Local Government Committee**.

H.B. 544, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION.

Referred to the **State and Local Government Committee**.

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H.B. 546, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT.

Referred to the **State and Local Government Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-SIXTH DAY

Senate Chamber
Wednesday, April 17, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, as we come before you, Lord, we thank you for a beautiful day, a peaceful day. Infuse our lives with your perfect peace. We pray, Lord, that today this body of members will write a story that goes beyond its wildest imagination. May the story that this Senate writes follow a larger compass, a deeper sea, a beautiful, eternal destination. Jesus, we need you to right our path. Amen."

The Chair grants leaves of absence for today to Senator Bingham, Senator Blue, Senator Gunn, Senator Newton, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Karen Lemmons from Asheboro, 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. 122, 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.

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S.B. 148, AN ACT TO EXEMPT THE BONDING OF CORRUGATED STAINLESS STEEL TUBING (CSST) GAS PIPING SYSTEMS FROM LICENSING REQUIREMENTS UNDER THE LAWS PERTAINING TO ELECTRICAL CONTRACTORS.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 224, AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE.

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. 139, AN ACT TO ADOPT THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT. (Became law upon approval of the Governor, April 16, 2013 - S.L. 2013-27.)

S.B. 123, AN ACT TO CLARIFY THE EXISTING LAW PERTAINING TO SEX OFFENDERS RESIDING NEAR SCHOOLS OR DAY CARE CENTERS. (Became law upon approval of the Governor, April 16, 2013 - S.L. 2013-28.)

S.B. 175, AN ACT TO MAKE TECHNICAL CORRECTIONS AND CLARIFICATIONS TO CHAPTER 53C OF THE GENERAL STATUTES. (Became law upon approval of the Governor, April 16, 2013 - S.L. 2013-29.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 29, A BILL TO BE ENTITLED AN ACT TO (1) STRENGTHEN OVERSIGHT, ANNUAL REPORTING, AND STRATEGIC PLANNING BY THE NORTH CAROLINA RAILROAD COMPANY, (2) REQUIRE A ONE-TIME CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, (3) REQUIRE AN ANNUAL CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE GENERAL FUND, AND (4) REQUIRE THE TRANSFER OF LOW-INCOME NON-CORRIDOR PROPERTIES FROM THE NORTH CAROLINA RAILROAD COMPANY TO THE STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, 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, 35317, which changes the title to read **S.B. 29** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) STRENGTHEN OVERSIGHT, ANNUAL REPORTING, AND STRATEGIC PLANNING BY THE NORTH CAROLINA RAILROAD COMPANY, (2) REQUIRE A ONE-TIME CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE HIGHWAY FUND, (3) REQUIRE AN ANNUAL CASH DIVIDEND OF THE NORTH CAROLINA RAILROAD COMPANY TO THE HIGHWAY FUND, AND (4) REQUIRE THE TRANSFER OF LOW-INCOME NONCORRIDOR PROPERTIES FROM THE NORTH CAROLINA RAILROAD COMPANY TO THE STATE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Meredith for the **Insurance Committee**:

S.B. 180, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURANCE COMPANIES WRITING PRIVATE AUTOMOBILE INSURANCE IN NORTH CAROLINA TO OFFER OPTIONAL PROGRAM ENHANCEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75284, is adopted and engrossed.

S.B. 181, A BILL TO BE ENTITLED AN ACT TO ALIGN AUTO INSURANCE RISK AND RATES IN NORTH CAROLINA BY ALLOWING THE CLASSIFICATION OF YOUNG DRIVERS AS A FACTOR IN THE SETTING OF RATES, with a favorable report.

By Senator Meredith for the **Commerce Committee**:

S.B. 520, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35320, is adopted and engrossed.

By Senator Tucker for the **State and Local Government Committee**:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF GUILFORD COUNTY, THE CITIES OF GREENSBORO AND HIGH POINT, AND THE TOWN OF MORRISVILLE TO GIVE ELECTRONIC NOTICE, 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, 35315, which changes the title to read **S.B. 287** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 239 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, upon second reading.

Upon the appearance of Senator Newton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Redistricting Committee**:

S.B. 317, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE GUILFORD COUNTY BOARD OF EDUCATION AND LIMITED VOTING FOR THE AT-LARGE SEATS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85208, which changes the title to read **S.B. 317** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE GUILFORD COUNTY BOARD OF EDUCATION AND TO PROVIDE FOR DISTRICTS FOR ELECTION OF THE BOARD, is adopted and engrossed.

S.B. 325, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75283, is adopted and engrossed.

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CALENDAR *(continued)*

S.B. 426, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DEADLINE FOR AN AUDITEE'S RESPONSE TO A PERFORMANCE AUDIT, upon second reading.

Senator McKissick offers Amendment No. 1, which is adopted (46-0).

The bill, as amended, passes its second reading (41-5) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR *(continued)*

S.B. 635, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE, upon second reading.

The bill passes its second reading (42-4) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 639, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS, upon second reading.

The bill passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 75, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE, upon second reading.

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The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 91 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-46) and the House of Representatives is notified.

BILL FILING AFTER DEADLINE

Upon motion of Senator Apodaca, without objection, Rule 40.1 is suspended to allow the filing of a bill, to be numbered **S.B. 725**, after the bill filing deadline.

Upon motion of Senator Berger, seconded by Senator Brunstetter, the Senate adjourns at 2:46 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, April 18, at 12:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW.

Referred to the **State and Local Government Committee**.

H.B. 591, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TERM OF OFFICE FOR APPOINTED MEMBERS OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO MAKE THE STATE INFORMATION OFFICER CHAIR OF THE NORTH CAROLINA

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LONGITUDINAL DATA SYSTEM BOARD, TO SPECIFY THE TIMES FOR MEETING OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, AND TO REQUIRE QUARTERLY REPORTING OF PROGRESS ON THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM.

Referred to the **Education/Higher Education Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA PUBLIC SCHOOLS BUDGET FLEXIBILITY ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15251, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Meredith for the **Commerce Committee**:

S.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES AND CITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75286, is adopted and engrossed.

By Senator Pate for the **Health Care Committee**:

S.B. 248, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15252, which changes the title to read **S.B. 248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR

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HEALTH BENEFIT PLANS, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS, is adopted and engrossed.

Upon recommendation of Senator Pate, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 687, A BILL TO BE ENTITLED AN ACT ALLOWING A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35326, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

S.B. 594 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, 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, 35324, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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FORTY-SEVENTH DAY

Senate Chamber
Thursday, April 18, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Thank you, Lord, for this day. Thank you, Jesus, for these little children that have come to join us today. Thank you for their lives; we ask you to bless them. Thank you for how they remind us of your love. We need a reminder today, Lord, a reminder that you are good, that your goodness releases us from all the most terrifying circumstances. Bring us back, Lord, release us from our anxiety, and bring us stillness amidst the storm. Grace and peace be on this body, with these people, as we travel together. In Jesus’ name, Amen.”

The Chair grants leaves of absence for today to Senator Bingham, Senator Graham, Senator Meredith, Senator Tillman, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, April 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 Dina Bryant from Burlington, 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 Governor:

H.B. 75, AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE.

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. 224, AN ACT TO MAKE VARIOUS AMENDMENTS TO CHAPTER 160A OF THE GENERAL STATUTES WITH RESPECT TO THE CITY OF ASHEVILLE. (Became law upon ratification, April 17, 2013 - S.L. 2013-30.)

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Goolsby for the **Judiciary I Committee**:

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM, with a favorable report.

S.B. 539, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO OBTAIN ACCESS TO DATE OF BIRTH INFORMATION FOR PURPOSES OF ADDING A UNIQUE IDENTIFIER THAT CAN BE USED TO REMOVE DUPLICATE JUROR RECORDS WHEN PREPARING THE MASTER JURY LIST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15253, is adopted and engrossed.

By Senator Harrington for the **Transportation Committee**:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MUNICIPALITIES ENACTING POLITICAL SIGN ORDINANCES MAY APPLY THOSE ORDINANCES TO COMPONENTS OF THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35321, which changes the title to read **S.B. 105** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MUNICIPALITIES MAY ENFORCE STATE LAW CONCERNING PLACEMENT OF POLITICAL SIGNS ON THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY, is adopted and engrossed.

S.B. 377, A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF WIDESPREAD OR SEVERE DAMAGE TO CROPS THAT ARE READY TO BE HARVESTED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35323, is adopted and engrossed.

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S.B. 461, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO NINETY DAYS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35322, which changes the title to read **S.B. 461** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO SIXTY DAYS, is adopted and engrossed.

S.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, 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, 35325, is adopted and engrossed.

By Senator Apodaca for the **Insurance Committee**:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75285, is adopted and engrossed.

Upon recommendation of Senator Apodaca, the Committee Substitute bill is re-referred to the **Finance Committee**.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Monday, April 22.

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S.B. 325 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Monday, April 22.

S.B. 594 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Monday, April 22.

INTRODUCTION OF A BILL

By Senators Brunstetter, Hunt, and Brown (Primary Sponsors):

S.B. 725, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

Referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE GUILFORD COUNTY BOARD OF EDUCATION AND TO PROVIDE FOR DISTRICTS FOR ELECTION OF THE BOARD, upon second reading.

Without objection, the President displaces the bill to the end of the calendar.

S.B. 180 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INSURANCE COMPANIES WRITING PRIVATE AUTOMOBILE INSURANCE IN NORTH CAROLINA TO OFFER OPTIONAL PROGRAM ENHANCEMENTS, 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.

S.B. 181, A BILL TO BE ENTITLED AN ACT TO ALIGN AUTO INSURANCE RISK AND RATES IN NORTH CAROLINA BY ALLOWING THE CLASSIFICATION OF YOUNG DRIVERS AS A FACTOR IN THE SETTING OF RATES, upon second reading.

Senator Apodaca offers Amendment No. 1, which is adopted (44-0).

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The bill, as amended, passes its second reading (43-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 344, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN TEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION, upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (44-0), and changes the title to read **S.B. 344**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE'S IDENTIFICATION NUMBER WITHIN FIFTEEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION.

The 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.

S.B. 430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES AND CITIES, 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.

S.B. 456 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE, upon second reading.

Senator Pate 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.

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S.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, upon second reading.

The Committee Substitute bill passes its second reading (44-0).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Monday, April 22, upon third reading.

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PARTISAN ELECTIONS FOR THE GUILFORD COUNTY BOARD OF EDUCATION AND TO PROVIDE FOR DISTRICTS FOR ELECTION OF THE BOARD, displaced earlier today upon second reading.

The Committee Substitute bill passes its second reading (28-16) and, without objection, is read a third time and passes its third reading (28-16) and is ordered sent to the House of Representatives.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 117 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW."

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 117 on Tuesday, April 16, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Gunn, 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 and requesting conferees.

Upon motion of Senator Berger, seconded by Senator Brown, the Senate adjourns at 12:45 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, April 22, 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
April 17, 2013

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. 10**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE

April 18, 2013

RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 272 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INTEREST ON A DOT CONDEMNATION AWARD SHALL BE PAID FROM THE DATE OF TAKING UNTIL THE DATE THE JUDGMENT IS PAID AND TO AUTHORIZE A DEFENDANT IN SUCH AN ACTION TO RECOVER ATTORNEYS' FEES AND COSTS IF THE JUDGMENT EXCEEDS THE DEPOSIT BY TWENTY-FIVE PERCENT OR MORE.

Referred to the **Transportation Committee** and upon a favorable report, re-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
April 18, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 117**, A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW," and requests conferees, Speaker Tillis appoints:

Representative Ross, Chair
Representative Murry
Representative Fulghum
Representative Baskerville

April 18, 2013

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 Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-EIGHTH DAY

Senate Chamber
Monday, April 22, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Heavenly Father, it is good to be here and to feel your presence amongst us, your abiding love. Father, we ask you to pour out water on these leaders. You do that without much effort because you are holy. You hold us in your hands; you give us breath and life. It is amazing that you give us another day and that your grace covers over our rebellion. We plead with you tonight, Lord, that you would truly pour refreshment upon us, upon these men and women that are in authority, that have leadership, that are leading, and may that gracious blessing be poured out. May it humble them before you. I pray in the name of the gracious one, Jesus. Amen."

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, April 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Molly Adamek from Raleigh, North Carolina, who is serving the Senate as Nurse of the Day.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to tonight's calendar:

April 22, 2013

S.B. 287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed at the end of tonight's calendar.

S.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Thursday, April 25.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 311 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWNS OF APEX AND CARY AND THE CITY OF RALEIGH TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, upon second reading.

The Committee Substitute bill No. 2 passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 325 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS, upon second reading.

The Committee Substitute bill passes its second reading (33-17) and, without objection, is read a third time and passes its third reading (33-17) and is ordered sent to the House of Representatives.

S.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MUNICIPALITIES MAY ENFORCE STATE LAW CONCERNING PLACEMENT OF POLITICAL SIGNS ON THE STATE HIGHWAY SYSTEM WITHIN THE CORPORATE LIMITS OF THE MUNICIPALITY, upon second reading.

The Committee Substitute bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM, upon second reading.

April 22, 2013

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Thursday, April 25.

S.B. 377 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF WIDESPREAD OR SEVERE DAMAGE TO CROPS THAT ARE READY TO BE HARVESTED, upon second reading.

The Committee Substitute bill passes its second reading (49-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 461 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO SIXTY DAYS, upon second reading.

The Committee Substitute bill passes its second reading (48-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO OBTAIN ACCESS TO DATE OF BIRTH INFORMATION FOR PURPOSES OF ADDING A UNIQUE IDENTIFIER THAT CAN BE USED TO REMOVE DUPLICATE JUROR RECORDS WHEN PREPARING THE MASTER JURY LIST, upon second reading.

The Committee Substitute bill passes its second reading (50-0).

Senator Tarte objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Tuesday, April 23, upon third reading.

S.B. 594 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE DRUG SCREENING FOR APPLICANTS FOR AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

Senator Robinson offers Amendment No. 1.

Senator Apodaca offers Amendment No. 2 as a substitute for Amendment No. 1.

Senator Nesbitt offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Clodfelter, which motion fails (17-33).

Amendment No. 2 is adopted (34-16), and Amendment No. 1 subsequently fails.

The Committee Substitute bill No. 2, as amended, passes its second reading (35-15) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

April 22, 2013

S.B. 287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE, upon second reading.

Without objection, Senator Bingham is excused from voting on the bill due to a possible conflict of interest.

Senator Barringer offers Amendment No. 1, which is adopted (46-3).

The Committee Substitute bill, as amended, passes its second reading (26-23).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the calendar of Tuesday, April 23, upon third reading.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Natalie Brown, Mount Olive; Nic Carroll, Wilmington; Ron Davenport III, Clayton; Elia Dew, Delco; Trevor Edwards, Goldsboro; Ben Hedgepeth, Fayetteville; Briggs Manness, Tryon; Mollie Catherine McDonald, Mount Olive; Caleb Sanders, Morganton; and Aja White, Carrboro.

Upon motion of Senator Berger, seconded by Senator Curtis, the Senate adjourns at 8:52 p.m., subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, April 23, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Referred to the **Pensions & Retirement and Aging Committee**.

April 22, 2013

H.B. 203 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE HOMEOWNER AND HOMEBUYER PROTECTION ACT.

Referred to the **Judiciary I Committee**.

H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE ON THE BALLOT THAT AUTHORIZATION OF INDEBTEDNESS INCLUDES INTEREST AND THAT TAXES MAY BE LEVIED TO REPAY THE INDEBTEDNESS.

Referred to the **Finance Committee**.

H.B. 318, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER.

Referred to the **State and Local Government Committee**.

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A VENDOR IS QUALIFIED FOR PURPOSES OF ANY STATE FURNITURE REQUIREMENTS CONTRACT IF THE VENDOR'S PRODUCTS ARE INCLUDED ON A UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FURNITURE SCHEDULE, THE VENDOR IS A FEDERALLY QUALIFIED VENDOR FOR THE GSA FURNITURE SCHEDULE, AND THE VENDOR OFFERS PRODUCTS ON THE SAME PRICING AND SPECIFICATIONS AS THE GSA FURNITURE SCHEDULE.

Referred to the **Finance Committee**.

H.B. 517, A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM COUNTY.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS PRIOR TO SEVERE WEATHER EVENTS.

Referred to the **Transportation Committee**.

H.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT STUDENTS ENROLLED IN THE OCCUPATIONAL COURSE OF STUDY AND THE EXTENDED COURSE OF STUDY FROM THE ACT AND ACT PRECURSOR TESTING REQUIREMENTS.

Referred to the **Education/Higher Education Committee**.

April 22, 2013

H.B. 588 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE INDIVIDUALIZED EDUCATION PROGRAM FORMS MORE EFFICIENT AND REDUCE THE FREQUENCY OF CERTAIN EDUCATION REPORTS.

Referred to the **Education/Higher Education Committee**.

H.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EDUCATION IMPROVEMENT ACT OF 2013.

Referred to the **Ways & Means Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FORTY-NINTH DAY

Senate Chamber
Tuesday, April 23, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Dear Lord, the mighty river of life, the giver of every good and perfect gift, have mercy on us and forgive us. Protect us. Save us. You are our strength and our fortress. You are our refuge. Care for us in all that we do. Help us to trust you. Help us to hope in you. Help us to persevere in you. In Jesus' name we pray. Amen.”

The Chair grants a leave of absence for today to Senator Blue.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 222, AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 509, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A REBUTTABLE PRESUMPTION THAT CERTAIN AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35328, which changes the title to read **S.B. 509** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator Meredith for the **Commerce Committee**:

H.B. 433 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN 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, 70344, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary I Committee**.

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S.B. 545, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME, with a favorable report.

H.B. 150 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70343, is adopted and engrossed.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 555, A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, 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, 70345, is adopted and engrossed.

By Senator Newton for the **Judiciary I Committee**:

H.B. 388, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS' FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER, with a favorable report.

WITHDRAWALS FROM COMMITTEES

S.B. 612, A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING WHAT TYPES OF DEBRIS MAY BE USED AS STRUCTURAL FILL; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PROHIBITION ON MASTER METERING TO PERMIT AN ALL-INCLUSIVE LEASE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; AND BY PROVIDING THE RULES REVIEW COMMISSION THE AUTHORITY TO REVIEW EXISTING RULES, referred to the **Agriculture/Environment/Natural Resources Committee** on April 3.

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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, and the Chair so orders.

S.B. 92, A BILL TO BE ENTITLED AN ACT RELATING TO THE 43RD SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 18.

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 **Transportation Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 287 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE, upon third reading, as amended.

Without objection, Senator Bingham is excused from voting on the bill due to a possible conflict of interest.

The Committee Substitute bill, as amended, passes its third reading (26-22) and is ordered engrossed and sent to the House of Representatives.

S.B. 539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADMINISTRATIVE OFFICE OF THE COURTS TO OBTAIN ACCESS TO DATE OF BIRTH INFORMATION FOR PURPOSES OF ADDING A UNIQUE IDENTIFIER THAT CAN BE USED TO REMOVE DUPLICATE JUROR RECORDS WHEN PREPARING THE MASTER JURY LIST, upon third reading.

Senator Tarte offers Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW, with a favorable report.

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S.B. 399, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75288, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Rucho, the Senate adjourns at 2:30 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, April 24, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 242 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE SALES TAX REFUND FOR VOLUNTEER FIRE DEPARTMENTS AND VOLUNTEER EMERGENCY MEDICAL SERVICES SQUADS.

Referred to the **Finance Committee**.

H.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS.

Referred to the **Commerce Committee**.

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS.

Referred to the **Judiciary I Committee**.

H.B. 408, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY.

Referred to the **State and Local Government Committee**.

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H.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS.

Referred to the **Finance Committee**.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OFFICIAL CREDENTIALS OF A BAIL BONDSMAN SHALL INCLUDE AN OFFICIAL SHIELD AND TO PROVIDE FOR THE DESIGN OF THE SHIELD.

Referred to the **Judiciary II Committee**.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK.

Referred to the **State and Local Government Committee**.

H.B. 652, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ILLEGITIMATE CHILD TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING.

Referred to the **Judiciary I Committee**.

H.B. 660 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FUNERAL PROCESSIONS TO HAVE THE RIGHT-OF-WAY AT INTERSECTIONS REGARDLESS OF TRAFFIC CONTROL SIGNS OR SIGNALS AND TO PROVIDE IMMUNITY TO THE FUNERAL DIRECTOR OR FUNERAL ESTABLISHMENT FOR ANY DEATH, PERSONAL INJURY, OR PROPERTY DAMAGE CAUSED BY THE ACTION OR INACTION OF A PERSON OPERATING A VEHICLE IN A FUNERAL PROCESSION.

Referred to the **Transportation Committee**.

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 707, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE.

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 Hartsell for the **Program Evaluation Committee**:

S.B. 144, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF STATE GRANTS TO NON-STATE ENTITIES AND TO INCREASE THE ACCOUNTABILITY OF GRANTEEES WHO RECEIVE STATE GRANTS, 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, 35330, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTIETH DAY

Senate Chamber
Wednesday, April 24, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Father, we come to you in need because we've lost a friend in Jamie Hahn. We pray for her family and those who loved her here. For this reason I bow my knee before you, Father. 'According to the riches of His glory, He may grant you all here to be strengthened with power through His Spirit in your inner being so that Christ may dwell in your hearts through faith—that you being rooted and grounded in love may have strength to comprehend with all the saints what is the breadth and length and depth and height and to know the love of Christ that surpasses knowledge that you may be filled with all of the fullness of God.'*Amen."

*Ephesians 3:16, ESV

The Chair grants a leave of absence for today to Senator Hunt.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, 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.

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The Chair extends privileges of the floor to Dr. Mary Alice Hodge from Shelby, 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. 56, AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN.

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. 222, AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION. (Became law upon ratification, April 23, 2013 - S.L. 2013-31.)

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF STATE GRANTS TO NON-STATE ENTITIES AND TO INCREASE THE ACCOUNTABILITY OF GRANTEEES WHO RECEIVE STATE GRANTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, April 30.

S.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, April 30.

H.B. 150 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHEN A COUNTY OR MUNICIPALITY MAY ENACT ZONING ORDINANCES RELATED TO DESIGN AND AESTHETIC CONTROLS, upon second reading.

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Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and re-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 **Insurance Committee**:

H.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS, with a favorable report.

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS, with a favorable report.

S.B. 243, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM, with a favorable report.

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35331, is adopted and engrossed.

By Senator Hise for the **Health Care Committee**:

S.B. 137, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID RECIPIENT CO-PAYMENTS BY A MEDICAID PROVIDER CONSTITUTES FRAUD, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75287, which changes the title to read **S.B. 137** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS, is adopted and engrossed.

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CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 555 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION, 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.

S.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW, 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. 545, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME, 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.

H.B. 388, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS' FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON

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PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY, with a favorable report.

By Senator Daniel for the **Transportation Committee**:

S.B. 454, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

S.B. 460, A BILL TO BE ENTITLED AN ACT TO REPEAL OUTDATED AND OBSOLETE DEPARTMENT OF TRANSPORTATION REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75291, which changes the title to read **S.B. 460** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT, is adopted and engrossed.

S.B. 568, A BILL TO BE ENTITLED AN ACT TO ALLOW THE USE OF BIOPTIC LENSES WHEN TESTING FOR A DRIVERS LICENSE AND THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT PASSES CERTAIN REQUIREMENTS AFTER PASSING THE DRIVERS LICENSE EYE TEST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35332, which changes the title to read **S.B. 568** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES, is adopted and engrossed.

By Senator J. Davis for the **State and Local Government Committee**:

S.B. 505, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35329, is adopted and engrossed.

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APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 91 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 91 on April 17, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Daniel, Chair; Senator Goolsby, Senator Kinnaird, 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 and requesting conferees.

S.B. 36 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 36 on March 21, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Hartsell, Chair; Senator Goolsby, and Senator Clodfelter as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

WITHDRAWALS FROM COMMITTEES

S.B. 625, A BILL TO BE ENTITLED AN ACT TO LIMIT THE USE OF SECRECY ORDERS AND CONFIDENTIALITY AGREEMENTS IN CERTAIN CIVIL ACTIONS, referred to the **Rules and Operations of the Senate Committee** on April 3.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, referred to the **Appropriations/Base Budget Committee** on April 17.

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 of Thursday, April 25, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Apodaca, seconded by Senator Pate, the Senate adjourns at 2:36 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, April 25, at 12:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 240 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, April 25.

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, April 25.

H.B. 238, A BILL TO BE ENTITLED AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS.

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Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION.

Referred to the **Commerce Committee**.

H.B. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS.

Referred to the **State and Local Government Committee**.

H.B. 441 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT.

Referred to the **State and Local Government Committee**.

H.B. 538 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION.

Referred to the **State and Local Government Committee**.

H.B. 548 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEANS OF PROVIDING ACCESS TO RULES OF THE DIVISION OF MARINE FISHERIES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 641, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT HAS THE DISCRETION TO DETERMINE WHETHER TO DEFER PROSECUTION FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES.

Referred to the **Judiciary II Committee**.

H.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY.

Referred to the **State and Local Government Committee**.

April 24, 2013

H.B. 701 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER.

Referred to the **State and Local Government Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30488, is adopted and engrossed.

By Senator Newton for the **Judiciary I Committee**:

S.B. 439, A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15254, is adopted and engrossed.

Pursuant to Senator Apodaca's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-FIRST DAY

Senate Chamber
Thursday, April 25, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, sometimes we expect so little from you. We box you up, and we put you on the side lines. We try to take the bull by the horns and solve everything on our own. All the while we forget that our chariots and our horses and our bills are nothing without you. ‘Unless the Lord builds the house, the laborers labor in vain.’* So may we not be vain today, Lord. May we humble ourselves to rely entirely on you for everything. In Jesus’ name we pray. Amen.”

*Psalm 127:1, ESV

The Chair grants a leave of absence for today to Senator Rucho.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, April 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Schquthia Peacock from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWAL FROM COMMITTEE

H.J.R. 599, A JOINT RESOLUTION SUPPORTING THE GOVERNOR’S PROCLAMATION FOR A WEEK OF PRAYER FOR NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on April 15.

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 at the end of today’s calendar, which motion prevails with unanimous consent, and the Chair so orders.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 388, AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS’ FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER.

April 25, 2013

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. 56, AN ACT AMENDING A LOCAL ACT FOR THE TOWN OF WALLACE THAT REMOVED CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWN. (Became law upon ratification, April 24, 2013 - S.L. 2013-32.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hise for the **Health Care Committee**:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO PROHIBIT HOSPITALS AND AMBULATORY SURGICAL FACILITIES FROM CHARGING MULTIPLE TIMES FOR OUTPATIENT RADIOLOGY SERVICES RENDERED ONLY ONCE; TO MODIFY THE HOSPITAL PROVIDER ASSESSMENT ACT; AND TO ENCOURAGE COMMUNITY CARE OF NORTH CAROLINA TO ADJUST ITS CORPORATE GOVERNANCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75292, which changes the title to read **S.B. 473** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO PROHIBIT HOSPITALS AND AMBULATORY SURGICAL FACILITIES FROM CHARGING MULTIPLE TIMES FOR OUTPATIENT RADIOLOGY SERVICES RENDERED ONLY ONCE; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO ENCOURAGE COMMUNITY CARE OF NORTH CAROLINA TO ADJUST ITS CORPORATE GOVERNANCE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

April 25, 2013

A SENATORIAL STATEMENT

Submitted by Senator Earline W. Parmon and Senator Peter S. Brunstetter

Recognizing the 2012 Winston-Salem State University Football Team

WHEREAS, the 2012 Winston-Salem State University (WSSU) football team was undefeated during the regular season, posting a perfect record of 10-0; and

WHEREAS, in 2012, the Rams became the first Historically Black College and University (HBCU) football team to win 14 games, topping the team's 2011 record of 13 wins; and

WHEREAS, in 2012, WSSU's football team also captured the Central Intercollegiate Athletic Association (CIAA) conference championship for the second consecutive year; and

WHEREAS, WSSU's football team won the NCAA Division II Super Region 1 championship and played in the Division II National Championship game in Florence, Alabama, on December 15, 2012; and

WHEREAS, WSSU's football team was named the 2012 Sheridan Broadcasting Network (SBN) Black College National Champion and was ranked number one in the final Boxtorow national football poll; and

WHEREAS, during the 2012 season, the WSSU football team, its players, and coaches won numerous team and individual awards but were also consistently congratulated for their sportsmanlike conduct; and

WHEREAS, despite playing an extended football season, team players still achieved academic success, with 21 players making the Fall 2012 Dean's List;

NOW, THEREFORE, the 2012 Winston-Salem State University Football Team should be commended for its outstanding season.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-fifth day of April, 2013.

S/Earline W. Parmon
S/Peter S. Brunstetter

S/Sarah Lang
Senate Principal Clerk

The Senate recesses at 12:13 p.m., subject to the receipt of messages from the House of Representatives, to reconvene at 12:45 p.m.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 24, 2013

April 25, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 36**, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, and requests conferees. Speaker Tillis appoints:

Representative Blust, Chair
Representative Murry 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 MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 24, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 91**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, and requests conferees. Speaker Tillis appoints:

Representative Daughtry, Chair
Representative Davis
Representative Dockham and
Representative Jackson

April 25, 2013

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 589 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION.

Referred to the **Rules and Operations of the Senate Committee.**

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 10** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, 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 10, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, House Committee Substitute #2 Favorable 2/28/13, Sixth Edition Engrossed 3/4/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #2 Favorable 2/28/13, Sixth Edition Engrossed 3/4/13, and the Senate concurs in the House Committee Substitute as amended:

April 25, 2013

Delete the entire House Committee Substitute #2 Favorable 2/28/13, Sixth Edition Engrossed 3/4/13, and substitute the attached Proposed Conference Committee Substitute S10-PCCS15255-RO-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: April 24, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Tom Apodaca, Chair	S/Tom Murry, Chair
S/Bob Rucho	S/Edgar V. Starnes
S/Harry Brown	S/Ruth Samuelson
Bill Rabon	S/Mike Hager
E. S. (Buck) Newton	S/Tim Moore
S/Shirley B. Randleman	S/Nelson Dollar
	Paul Tine
	William D. Brisson

The full text of the proposed Conference Committee Substitute can be found in the Appendix of the 2013 Senate Journal.

Upon motion of Senator Apodaca, the proposed Conference Committee Substitute is placed on today's calendar for immediate consideration.

CONFERENCE REPORT

Senator Gunn, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 117** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW," submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 117, A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW.," House Committee Substitute Favorable 4/4/13, submit the following report:

April 25, 2013

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 4/4/13, Fourth Edition, as amended:

On page 2 lines 1 through 3, by rewriting those lines to read:

“shall be determined as described in subsections (a) and (b) of this section.”“, and

On page 2, line 11, by rewriting that line to read:

“prior to being born alive. Nothing in this act shall be construed to apply to an unintentional act or omission committed by the child’s birth mother during the pregnancy that culminated in the birth of the child.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: April 25, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Rick Gunn, Chair	S/Stephen M. Ross, Chair
S/Warren Daniel	S/Tom Murry
S/E. S. (Buck) Newton	S/Jim Fulghum, M.D.
	S/Nathan Baskerville

The Conference Report is placed on the calendar of Monday, April 29, for adoption.

CALENDAR

Bills and a resolution on today’s calendar are taken up and disposed of as follows:

S.B. 10 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, for adoption.

Upon the appearance of Senator Rucho in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Apodaca, the Senate adopts the Conference Committee Substitute bill (32-18).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

April 25, 2013

H.B. 488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT, upon second reading.

Without objection, Senator Clodfelter is excused from voting on the bill because he represents the city of Asheville on relative legal matters.

Senator Apodaca offers Amendment No. 1, which is adopted (48-1).

The Chair grants leaves of absence for the remainder of today's session to Senator Berger, Senator Hunt, Senator Jenkins, Senator Rabon, and Senator Rucho.

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 29, noes 15, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Jackson, Meredith, Newton, Pate, Rabin, Randleman, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---29.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---15.

The Senate Committee Substitute bill, as amended, remains on the calendar for Monday, April 29, upon third reading.

S.B. 137 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS, 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.

S.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS, 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.

S.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM, upon second reading.

The Committee Substitute bill passes its second reading (29-16) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 243, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM, upon second reading.

The bill passes its second reading (38-7) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY, upon second reading.

Without objection, Senator Bingham is excused from voting on the bill because he is in the business.

Without objection, Senator McLaurin is excused from voting on the bill because he serves as the president of a petroleum distributorship.

The Committee Substitute bill passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES, upon second reading.

Senator Barringer offers Amendment No. 1, which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

The Chair grants a leave of absence for the remainder of today's session to Senator Parmon.

MOTION RELATIVE TO THE CALENDAR

Upon motion of Senator Apodaca, without objection, the following bills remaining on today's calendar are withdrawn from today's calendar and placed on the calendar of Monday, April 29:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, upon second reading.

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S.B. 460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT, upon second reading.

S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES, upon second reading.

S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS, upon second reading.

S.B. 568 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES, upon second reading.

H.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS, upon second reading.

S.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, upon third reading.

S.B. 240 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS, for concurrence in the House Committee Substitute bill.

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD, for concurrence in the House Committee Substitute bill.

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CALENDAR *(continued)*

H.J.R. 599, A JOINT RESOLUTION SUPPORTING THE GOVERNOR'S PROCLAMATION FOR A WEEK OF PRAYER FOR NORTH CAROLINA, upon second reading.

The Joint Resolution passes its second reading (35-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon motion of Senator Apodaca, seconded by Senator Gunn, the Senate adjourns at 2:34 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, April 29, at 7:00 p.m.

A SENATORIAL STATEMENT

Submitted by Senator Shirley B. Randleman

Honoring the Life of Arthel Lane "Doc" Watson

WHEREAS, Arthel Lane "Doc" Watson, the sixth of nine children, was born in the Stoney Fork Township near Deep Gap, North Carolina, on March 3, 1923, to General Dixon Watson and Annie Greene Watson; and

WHEREAS, despite a childhood illness that left Arthel Watson visually impaired, he developed a love for music at an early age; by age five he had learned to play the harmonica, and by age 11, he had learned to play a homemade banjo; and

WHEREAS, Arthel Watson began playing the guitar while attending the Governor Morehead School for the Blind in Raleigh, and soon afterward he and his brother, Linney, began playing traditional music around Western North Carolina; and

WHEREAS, Doc Watson made over 50 recordings and received numerous honors over the years, including seven Grammy Awards in the categories of Best Ethnic or Traditional Recording in 1973 and 1974, Best Country Instrumental Performance in 1979, Best Traditional Folk Recording in 1987, 1991, and 2002, and Best Country Instrumental Performance in 2006; and

WHEREAS, Doc Watson was presented with the Lifetime Achievement Award by the National Academy of Recording Arts and Sciences during the organization's Grammy Awards show in 2004; was inducted into the International Bluegrass Music Association Hall of Honor in 2000 and the Grammy Hall of Fame in 2006; and received the National Medal of Arts in 1997, the National Heritage Fellowship from the National Endowment for the Arts in 1988, and several honorary degrees, including Wilkes Community College's first honorary Associate in Arts degree in 2005; and

WHEREAS, Doc Watson died on May 29, 2012, at the age of 89; and

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IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-fifth day of April, 2013.

S/Shirley B. Randleman

S/Sarah Lang
Senate Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
April 25, 2013

Mr. President:

It is ordered that a message be sent to your Honorable Body with the information that the House has failed to adopt the report of the Conferees on **S.B. 10** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Apodaca's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-SECOND DAY

Senate Chamber
Monday, April 29, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by the daughter of Senator Hartsell, Captain Whitney H. Morton from The Salvation Army, Pamlico & Craven Counties, NC-Corps, as follows:

"God, our help in ages past, our hope for years to come, guide us even now. You bring hope to the hopeless. Lord, may the laws of this great state provide such a hope. You are peace to the restless. Lord, may our state enjoy so great a peace. Guide the votes that are yet to come here in this room. Lord, you are the light in the darkness. May the debates held here in this chamber be filled with

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such a guiding light. You alone know the hearts of men. Search us even now, and uproot any selfish ambition or motivation of personal gain. Fill us with a spirit of serving that by the words of our mouths and the power of our pens, greater times would be realized sooner than later. Guide our thoughts to protecting the defenseless, to providing for the resource-less, and to prospering this state and her citizens. O Lord, that we might live up to our motto and be rather than seem. May your blessings rain down upon us now and upon all who call North Carolina home. In your great name we ask these things. Amen.”

The Chair grants a leave of absence for tonight to Senator Apodaca.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, 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. Richard Adelman from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, and to Gwen Waddell-Schultz from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 599, A JOINT RESOLUTION SUPPORTING THE GOVERNOR’S PROCLAMATION FOR A WEEK OF PRAYER FOR NORTH CAROLINA. (Res. 2013-9)

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. 122, 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. (Became law upon approval of the Governor, April 24, 2013 - S.L. 2013-33.)

S.B. 228, AN ACT PROVIDING THAT A UNIT OWNER IN A CONDOMINIUM AND A LOT OWNER IN A PLANNED COMMUNITY SHALL AFFORD ACCESS THROUGH THE LIMITED COMMON ELEMENT ASSIGNED OR ALLOCATED TO THE OWNER’S UNIT OR LOT TO THE ASSOCIATION AND, WHEN NECESSARY, TO OTHER UNIT OR LOT OWNERS FOR THE PURPOSE OF CONDUCTING

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MAINTENANCE, REPAIR, OR REPLACEMENT ACTIVITIES AND PROVIDING THAT A UNIT OR LOT OWNER IS LEGALLY RESPONSIBLE FOR DAMAGE TO A LIMITED COMMON ELEMENT CAUSED BY THE UNIT OR LOT OWNER AND CLARIFYING THE LAWS REGARDING THE POWERS AND DUTIES OF A PLANNED COMMUNITY AND AMENDING THE PROCEDURES REGARDING AMENDMENT OF A RECORDED DECLARATION. (Became law upon approval of the Governor, April 24, 2013 - S.L. 2013-34.)

H.B. 75, AN ACT TO INCREASE THE PENALTY FOR VARIOUS CRIMINAL OFFENSES OF FELONY CHILD ABUSE AND TO REQUIRE THAT THE OFFICIAL RECORD OF A DEFENDANT CONVICTED OF CHILD ABUSE OR OTHER ASSAULTS AGAINST A MINOR INDICATES THAT THE OFFENSE INVOLVED CHILD ABUSE. (Became law upon approval of the Governor, April 24, 2013 - S.L. 2013-35.)

S.B. 148, AN ACT TO EXEMPT THE BONDING OF CORRUGATED STAINLESS STEEL TUBING (CSST) GAS PIPING SYSTEMS FROM LICENSING REQUIREMENTS UNDER THE LAWS PERTAINING TO ELECTRICAL CONTRACTORS. (Became law upon approval of the Governor, April 24, 2013 - S.L. 2013-36.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 149 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70358, which changes the title to read **H.B. 149** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW

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ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE OR TO PREVENT ANOTHER PERSON FROM MAKING SUCH REPORT, is adopted and engrossed.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

H.B. 488 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT, upon third reading, as amended.

Without objection, Senator Clodfelter is excused from voting on the bill because he represents the city of Asheville on relative legal matters.

Senator Nesbitt offers a motion that the bill be withdrawn from tonight's calendar and postponed to a date certain, which motion fails (16-32).

Senator Brunstetter offers Amendment No. 2, which is adopted (48-0).

The Chair grants a leave of absence for the remainder of tonight's session to Senator Hartsell.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 31, noes 16, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---31.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---16.

The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM FUTURE CALENDAR

S.B. 144 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE OVERSIGHT OF STATE GRANTS TO NON-STATE ENTITIES AND TO INCREASE THE ACCOUNTABILITY OF GRANTEEES

April 29, 2013

WHO RECEIVE STATE GRANTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, placed on the calendar of Tuesday, April 30.

Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, offers a motion that the bill be withdrawn from the calendar of Tuesday, April 30, and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR (*continued*)

S.B. 452, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, upon second reading.

The bill passes its second reading (44-4) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 460 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STREAMLINE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS, upon second reading.

Senator Tillman offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

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S.B. 568 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS, upon second reading.

The Committee Substitute bill passes its second reading (40-7) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 520 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, upon second reading.

Senator Daniel offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (47-0) and is ordered engrossed and sent to the House of Representatives.

S.B. 240 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 369 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD, 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.

April 29, 2013

S.B. 117 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW", for adoption.

Upon motion of Senator Gunn, 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Quawn Anderson, Wilson; Andrew Cavari, Garner; Katilyn Hinson, Youngsville; Annie Linn Johnson, Fayetteville; Mary McCall Leland, Tarboro; Christine Long, Raleigh; and Odom Williford, Chapel Hill.

DISMISSAL OF CONFEREES

S.B. 10 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.

Senator Pate, Deputy President *Pro Tempore*, announces that the conferees appointed on March 5 on the part of the Senate to resolve the differences between the Senate and the House on S.B. 10 are hereby dismissed.

A message is sent to the House of Representatives informing that honorable body of such action.

REMOVAL OF BILL CO-SPONSOR

Senator Kinnaird requests that she be removed as a sponsor of previously introduced legislation:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS.

Upon motion of Senator Berger, seconded by Senator J. Davis, the Senate adjourns at 7:46 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, April 30, at 2:00 p.m.

April 29, 2013

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

April 29, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2008
Raleigh, North Carolina 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina Statute §62-15, I am pleased to recommend the following individual to serve as Executive Director of the North Carolina Utilities Commission:

- Christopher J. Ayers of Wake County

Included you will find biographical information for the appointee. Please feel free to contact my staff for any additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

April 29, 2013

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrory
GOVERNOR

April 29, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2008
Raleigh, North Carolina 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §62-10, I am pleased to recommend the following individuals to serve as members of the North Carolina Utilities Commission for confirmation by the North Carolina General Assembly:

- Rep. Jerry Dockham of Davidson County as an At-Large member.
- Mr. James Patterson of Guilford County as an At-Large member.

Included you will find biographical information for each appointee. Please feel free to contact my staff for additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 279 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER CERTAIN ENVIRONMENTAL PERMITS ASSOCIATED WITH PROPERTY DEVELOPMENT WHEN THE ORIGINAL PROPERTY OWNER IS UNWILLING OR UNABLE TO AGREE TO THE PERMIT TRANSFER.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS.

Referred to the **Insurance Committee**.

H.B. 369 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 391, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 410 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE.

Referred to the **Transportation Committee**.

H.B. 452 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT CRITICAL SCHOOL SAFETY MEASURES.

Referred to the **Education/Higher Education Committee**.

H.B. 466, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES ACT AND TO CREATE CERTAIN FEES.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A DEALER LICENSE PLATE TO BE DISPLAYED ON A MOTOR VEHICLE DRIVEN BY CERTAIN PERSONS EMPLOYED BY AN INDEPENDENT CAR DEALER OR RELATED TO A PERSON EMPLOYED BY AN INDEPENDENT CAR DEALER.

Referred to the **Transportation Committee**.

H.B. 524, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF GREENSBORO TO AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM AND TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.

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Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING PROVIDERS OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES TO SERVE AS UNCOMPENSATED, COURT-APPOINTED GUARDIANS TO UNRELATED CLIENTS.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 605 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING A SUBCOMMITTEE ON AGING OF THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS.

Referred to the **Commerce Committee**.

H.B. 704 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES TO STUDY THE USE OF TELEMEDICINE IN PROMOTING INCREASED ACCESS TO HEALTH CARE, REDUCING HEALTH DISPARITIES, AND PROVIDING FOR MORE EFFICIENT HEALTH CARE DELIVERY; AND PROHIBITING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FROM ADOPTING MEDICAL COVERAGE POLICIES THAT DISCOURAGE THE USE OF TELEMEDICINE UNDER MEDICAID AND HEALTH CHOICE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 756 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE NORTH CAROLINA RECREATIONAL USE STATUTE BY CLARIFYING THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE, BY CLARIFYING THAT CONTRACTUAL RELEASES ARE NOT ABROGATED OR INVALIDATED BY THE RECREATIONAL USE STATUTE, AND BY ALLOWING A CHARGE FOR ACTIVITIES SUBJECT TO THE RECREATIONAL USE STATUTE WHEN THE CHARGE IS IMPOSED BY CERTAIN ACTIVITY SPONSORS AND NOT THE LANDOWNER.

Referred to the **Judiciary I Committee**.

H.B. 760 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENTS WHO DEMONSTRATE DIFFICULTY WITH READING DEVELOPMENT MAY ATTEND SUMMER READING CAMPS.

Referred to the **Education/Higher Education Committee**.

H.B. 761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT WELL CONTRACTORS FROM ELECTRICAL CONTRACTORS LICENSING REQUIREMENTS AND TO REQUIRE ELECTRICAL TRAINING FOR INITIAL WELL CONTRACTOR CERTIFICATION.

Referred to the **Commerce Committee**.

H.B. 824 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PUBLIC SCHOOLS TO HAVE EMERGENCY EPINEPHRINE AUTO-INJECTORS ON SCHOOL PROPERTY FOR USE IN AN EMERGENCY.

Referred to the **Education/Higher Education Committee**.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE.

Referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

April 29, 2013

FIFTY-THIRD DAY

Senate Chamber
Tuesday, April 30, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, we come before you to pray on this last day of April, and we ask you, God, to make us to be still and to cease from striving. Jesus, we find this almost impossible. But, Lord, through you all things are possible. Psalm 46 tells us, ‘Cease from striving, and know that I am God.’ In the midst of battle, may we all get from behind our chariots and lay down our spears and see that your voice can even melt the entire earth. Lord, may we see our true place at the foot of your healing presence. May we rest in the glad streams of your love, in the midst of battle, turmoil, and loss. May we cease from clinging and know that you are God. You, Father, Son, and Holy Spirit, are our refuge. You are our strength, a very present help in trouble. Amen.”

The Chair grants leaves of absence for today to Senator Apodaca and Senator Robinson.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, April 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

H.B. 506, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN, with a favorable report.

S.B. 269, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

April 30, 2013

By Senator Newton for the **Judiciary I Committee**:

H.B. 243 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, AND TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30496, which changes the title to read **H.B. 243** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, is adopted and engrossed.

By Senator Gunn for the **Commerce Committee**:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING WHAT TYPES OF DEBRIS MAY BE USED AS STRUCTURAL FILL; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PROHIBITION ON MASTER METERING TO PERMIT AN ALL-INCLUSIVE LEASE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; AND BY PROVIDING THE RULES REVIEW COMMISSION THE AUTHORITY TO REVIEW EXISTING RULES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35333, which changes the title to read **S.B. 612** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY

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ORDINANCES; BY PROVIDING THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION, is adopted and engrossed.

By Senator Meredith for the **Commerce Committee**:

H.B. 293, A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Judiciary I Committee**.

S.B. 284, A BILL TO BE ENTITLED AN ACT AUGMENTING THE WORK OF THE GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, OFFICE OF STATE CONTROLLER, BY CODIFYING ITS MISSION, POWERS, AND DUTIES AND AMENDING THE REVENUE AND MOTOR VEHICLE LAWS TO ENHANCE THE DATA SHARING REQUIRED TO INCREASE THE STATE'S BUSINESS INTELLIGENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 30, 2013

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15257, which changes the title to read **S.B. 284** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER IN THE OFFICE OF THE STATE CONTROLLER AS THE GOVERNMENT DATA ANALYTICS CENTER, TO AUGMENT ITS WORK BY CODIFYING ITS MISSION, POWERS, AND DUTIES, AND TO AMEND THE REVENUE AND MOTOR VEHICLE LAWS TO ENHANCE THE DATA SHARING REQUIRED TO INCREASE THE STATE'S BUSINESS INTELLIGENCE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, upon second reading.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 365, A BILL TO BE ENTITLED AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY ELIMINATING RENEWABLE ENERGY PORTFOLIO STANDARDS; AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS, referred to the **Rules and Operations of the Senate Committee** on March 20.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

April 30, 2013

S.B. 240, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS.

S.B. 369, AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD.

H.B. 247, AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

S.B. 101, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75298, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 149 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A

April 30, 2013

PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE OR TO PREVENT ANOTHER PERSON FROM MAKING SUCH REPORT, 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 for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, with a favorable report.

S.B. 129, A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35334, is adopted and engrossed.

ADDITIONAL SPONSOR

Senator Curtis requests to be added as a sponsor of previously introduced legislation:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPHTHALMOLOGIST OR OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPHTHALMOLOGIST OR OPTOMETRIST.

REMOVAL OF BILL CO-SPONSOR

Senator Woodard requests that he be removed as a sponsor of previously introduced legislation:

April 30, 2013

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS.

Upon motion of Senator Berger, seconded by Senator Harrington, the Senate adjourns at 2:27 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, May 1, at 2:00 p.m.

WITHDRAWALS FROM COMMITTEES

S.B. 434, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANYONE WHO IS CONVICTED OF DRIVING WHILE IMPAIRED, DRIVING AFTER CONSUMING ALCOHOL BEING LESS THAN TWENTY-ONE YEARS OF AGE, OR ANY OTHER IMPAIRED DRIVING OFFENSE, OR ANY PERSON WHO REFUSES A CHEMICAL ANALYSIS, TO HAVE AN IGNITION INTERLOCK SYSTEM INSTALLED ON EVERY VEHICLE THAT PERSON MAY DRIVE BEFORE THAT PERSON CAN GET A LIMITED DRIVING PRIVILEGE; AND TO PROVIDE FOR THE PAYMENT OF AN ADMINISTRATIVE FEE AND COSTS ASSOCIATED WITH AN IGNITION INTERLOCK SYSTEM AND CREATE AN IGNITION INTERLOCK DEVICE FUND TO ASSIST INDIGENT PERSONS, referred to the **Judiciary II Committee** on March 27.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Brunstetter, the bill is withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**, while maintaining its sequential referrals to the **Finance Committee** and the **Appropriations/Base Budget Committee**.

H.B. 40, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF HABITUAL IMPAIRED DRIVING, referred to the **Judiciary II Committee** on March 20.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Brunstetter, the bill is withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**.

H.B. 31, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF HABITUAL DWI TO INCLUDE ANY DWI OFFENSE OCCURRING AFTER CONVICTION FOR THE OFFENSE OF HABITUAL DWI, referred to the **Judiciary II Committee** on March 20.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Brunstetter, the bill is withdrawn from the **Judiciary II Committee** and re-referred to the **Judiciary I Committee**.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

S.B. 279, A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75293, 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
April 30, 2013

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. 117** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW."

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 117 on April 29, the bill is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

April 30, 2013

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS, with a favorable report.

S.B. 341, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85211, is adopted and engrossed.

S.B. 380, A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35335, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 507, A BILL TO BE ENTITLED AN ACT TO REMOVE OUTDATED OR UNNECESSARY ENVIRONMENTAL REPORTING REQUIREMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75294, which changes the title to read **S.B. 507** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, is adopted and engrossed.

By Senator Rucho for the **Finance Committee**:

S.B. 368, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL AND TO PROVIDE FOR THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS TO BE AN APPLICATION FEE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 30, 2013

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75296, which changes the title to read **S.B. 368** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO RAISE THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS, AND TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, is adopted and engrossed.

CORRECTED MESSAGE FROM THE GOVERNOR

The following message was received from the Governor on April 29 and is re-submitted with corrections as follows:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

Pat McCrory
Governor

April 29, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2020
Raleigh, North Carolina 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina Statute §62-15, I am pleased to recommend Mr. Christopher Ayers to a six-year term to serve as Executive Director of the North Carolina Utilities Commission for confirmation by the North Carolina General Assembly. His term shall begin July 1st, 2013 and will expire on June 30th, 2019.

Included you will find biographical information for the appointee. Please feel free to contact my staff for any additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

April 30, 2013

CORRECTED MESSAGE FROM THE GOVERNOR

The following message was received from the Governor on April 29 and is re-submitted with corrections as follows:

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

PAT McCrORY
GOVERNOR

April 29, 2013

Ms. Sarah Lang
Senate Principal Clerk
Legislative Building, Room 2020
Raleigh, North Carolina 27601-2808

Dear Ms. Lang:

Pursuant to North Carolina General Statute §62-10, I am pleased to recommend Rep. Jerry Dockham and James Patterson to six year terms on the North Carolina Utilities Commission and submit their names for confirmation to the North Carolina General Assembly. Their terms shall begin July 1st, 2013 and will expire June 30th, 2019.

- Rep. Jerry Dockham of Davidson County as an At-Large member.
- Mr. James Patterson of Guilford County as an At-Large member.

Included you will find biographical information for each appointee. Please feel free to contact my staff for additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Pat McCrory
The Honorable Thom Tillis
The Honorable Phil Berger
Ms. Sarah Lang
Ms. Denise Weeks

The message is referred to the **Commerce Committee**.

April 30, 2013

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 193, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75295, which changes the title to read **S.B. 193** (Committee Substitute), 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 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, is adopted and engrossed.

H.B. 13, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; AND TO REQUIRE THE DEPARTMENT OF PUBLIC INSTRUCTION TO REPORT ANNUALLY ON THE AMOUNT OF REVENUE GENERATED THROUGH LEASING SPACE ON RESIDENTIAL SCHOOL CAMPUSES, AS RECOMMENDED BY THE SURPLUS PROPERTY SUBCOMMITTEE OF THE HOUSE SELECT COMMITTEE ON STATE-OWNED ASSETS, 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, 80333, which changes the title to read **H.B. 13** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT

April 30, 2013

ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-FOURTH DAY

Senate Chamber
Wednesday, May 1, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Our Lord, Heavenly Father, we come to you, and, again, we ask for mercy—mercy in our transgression, mercy for this day, mercy from on high. Thank you for providing that mercy today—fresh in the morning. It's for Christ's sake that you offer us mercy, and it is in His name that we come to you and ask this prayer. Amen.”

The Chair grants leaves of absence for today to Senator Apodaca and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, April 30, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Dr. Mary Schuler from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 117, AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED “LILY'S LAW.”

May 1, 2013

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 75, AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP.

S.B. 152, AN ACT TO CORRECT A TECHNICAL ERROR IN THE AUTHORIZATION FOR THE TOWN OF BURGAW TO IMPOSE AN OCCUPANCY TAX.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

S.B. 476 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 85213, is adopted and engrossed.

S.B. 547 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, 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, 75299, is adopted and engrossed.

By Senator Pate for the **Health Care Committee**:

S.B. 486, A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE, with a favorable report.

S.B. 557, A BILL TO BE ENTITLED AN ACT TO AMEND THE DATE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION, IS TO REPORT ON A PILOT PROGRAM FOR FUNDING OF THE NC PREKINDERGARTEN PROGRAM, with a favorable report.

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By Senator Meredith for the **Commerce Committee**:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85212, is adopted and engrossed.

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 320, A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85214, is adopted and engrossed.

By Senator Daniel for the **Transportation Committee**:

S.B. 493, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF MOTOR VEHICLES WITH CERTAIN HEADLAMPS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85215, is adopted and engrossed.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, upon second reading.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO

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REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

H.B. 243 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

S.B. 101 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

S.B. 193 (Committee Substitute), 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 PROMOTE OPTIMAL PRICING FOR CHILD NUTRITION PROGRAM FOODS AND SUPPLIES, AS RECOMMENDED BY THE JOINT

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LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY PROVIDING THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is taken up out of its regular order of business and placed at the beginning of today's calendar.

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S.B. 279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is taken up out of its regular order of business and moved to the end of today's calendar.

S.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO RAISE THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS, AND TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill taken up out of its regular order of business and moved to the end of today's calendar.

S.B. 507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is taken up out of its regular order of business and moved to the end of today's calendar.

WITHDRAWAL FROM COMMITTEE

S.B. 136, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on February 27.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, and upon a favorable report re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY PROVIDING THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE

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DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION, upon second reading.

Senator Brown offers Amendment No. 1, which is adopted (47-1), and changes the title to read **S.B. 612** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY PROVIDING THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THAT THE DEFINITION OF "BUILT-UPON AREA" INCLUDES ONLY IMPERVIOUS SURFACES; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; BY REQUIRING THE REPEAL OR REVISION OF EXISTING

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ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION.

Senator Hunt offers Amendment No. 2, which is adopted (45-3), and changes the title to read **S.B. 612** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION.

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The Committee Substitute bill, as amended, passes its second reading (36-12).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the calendar of Thursday, May 2, upon third reading.

H.B. 506, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN, 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. 129 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT, upon second reading.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 341 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 279 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO RAISE THE PISTOL PERMIT FEE COLLECTED BY SHERIFFS, AND TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, upon second reading.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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S.B. 507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hunt for the **Appropriations/Base Budget Committee**:

S.B. 337 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC CHARTER SCHOOLS BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 15258, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Tucker, the Senate adjourns at 3:00 p.m., in memory of long-time firefighter and paramedic Joseph Wesley "Joey" Autrey of Connelly Springs, North Carolina, subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, May 2, at 11:00 a.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

S.B. 372, A BILL TO BE ENTITLED AN ACT TO REQUIRE A CONSULTATION WITH COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS; AND TO STUDY THE E911 SYSTEM AND ITS RELATIONSHIP WITH LOCAL 911 SYSTEMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75297, which changes the title to read **S.B. 372** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND

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APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 83 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, May 2.

H.B. 108, A BILL TO BE ENTITLED AN ACT TO EXEMPT VEHICLES USED BY THE ROWAN COUNTY SHERIFF'S OFFICE FROM THE PROHIBITION ON USING PUBLICLY OWNED VEHICLES FOR PRIVATE PURPOSES IN G.S. 14-247.

Referred to the **State and Local Government Committee**.

H.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 173 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 379, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 399 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; AND PUBLIC HEALTH.

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Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY 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**.

H.B. 422, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHVILLE TO DELETE THE PROVISIONS FOR UTILITY BILLING AND TERMINATION OF UTILITY SERVICES.

Referred to the **State and Local Government Committee**.

H.B. 531 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, AND TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE OR ELECTRONIC MAIL TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY, (2) ESTABLISH PROTOCOLS FOR THE TRAINING OF PHYSICIANS, ELIGIBLE PSYCHOLOGISTS, OR DESIGNEES, AND (3) DIRECT THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW AND REVISE THE RULES DESIGNATING FACILITIES FOR THE CUSTODY AND TREATMENT OF INVOLUNTARY CLIENTS.

Referred to the **Judiciary II Committee**.

H.B. 662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING LICENSED IRRIGATION CONTRACTORS TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES.

Referred to the **Commerce Committee**.

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H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE.

Referred to the **Judiciary I Committee**.

H.B. 769 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE ZONING LAWS TO LIMIT WHEN COUNTIES MAY RESTRICT THE PLACEMENT OF MANUFACTURED HOMES IN AREAS ZONED FOR SINGLE-FAMILY RESIDENTIAL USE.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Commerce Committee**.

H.B. 788 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS.

Referred to the **Finance Committee**.

H.B. 789, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT JURORS WHO SERVE THEIR FULL TERM OF SERVICE ON A GRAND JURY SHALL NOT BE REQUIRED TO SERVE AGAIN AS A GRAND JUROR OR AS A JUROR FOR A PERIOD OF SIX YEARS.

Referred to the **Judiciary II Committee**.

H.B. 894, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES AND COUNTIES TO ALLOCATE EXCESS STORMWATER CAPACITY FOR URBAN REDEVELOPMENT PROJECTS.

Referred to the **Commerce Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 58 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT INLETS, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 75301, which changes the title to read **S.B. 58** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS, is adopted and engrossed.

S.B. 365, A BILL TO BE ENTITLED AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY ELIMINATING RENEWABLE ENERGY PORTFOLIO STANDARDS; AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75302, which changes the title to read **S.B. 365** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE BURDEN OF HIGH ENERGY COSTS ON THE CITIZENS OF NORTH CAROLINA BY REVISING THE RENEWABLE ENERGY PORTFOLIO STANDARDS AND TO PROVIDE FOR COST RECOVERY BY PUBLIC UTILITIES FOR CERTAIN COSTS OF COMPLIANCE WITH RENEWABLE ENERGY PORTFOLIO STANDARDS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Commerce Committee**.

WITHDRAWAL FROM COMMITTEE

S.B. 288, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY, referred to the **Redistricting Committee** on March 14.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Brunstetter, the bill is withdrawn from the **Redistricting Committee** and re-referred to the **State and Local Government Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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FIFTY-FIFTH DAY

Senate Chamber
Thursday, May 2, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Gracious and loving God, we do come before you, and we thank you for a great state. We live in a great state. On this national day of prayer, we are moved to see not only that reality here, but we remember that you are a mighty fortress. As a nation and as individuals we have called upon your name, and you have placed a roof over our heads. We have been attacked time and time again, but even inside of our hearts, we all know that it is a wonderful thing to have a place where we are safe, where we can be still and have confidence in your gentle reminders of protection. Interpose upon us here gathered not only your blood, but your divine providence. Cover us under your word. May our thirsts, our cares, and our desires—which are as old as the trees, from centuries down—wind along the back roads of North Carolina to the fountain of your grace. May the prayers of our grandmothers and grandfathers down to the tenth generation be lifted up to you, Lord Jesus. May they be lifted on high, and may the thoughts of our minds and meditations of our hearts be cleansed with hyssop. We commit ourselves, again, on this day, as did George Washington commit himself and our country to pray in 1775—to fast and to cease from recreation. Lord, we do this to honor you. Lord, we thank you for our religious freedom. Lord, we thank you for bringing us together again today in this Senate. In the name of Jesus we pray. Amen.”

The Chair grants leaves of absence for today to Senator Apodaca and Senator Jenkins.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Dr. Ernest Grant from Chapel Hill, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 98, AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR

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CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE.

S.B. 456, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE.

H.B. 488, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 506, AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN.

H.B. 555, AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

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. 75, AN ACT TO AUTHORIZE THE COUNTY OF ONSLOW TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP. (Became law upon ratification, May 1, 2013 - S.L. 2013-37.)

S.B. 152, AN ACT TO CORRECT A TECHNICAL ERROR IN THE AUTHORIZATION FOR THE TOWN OF BURGAW TO IMPOSE AN OCCUPANCY TAX. (Became law upon ratification, May 1, 2013 - S.L. 2013-38.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES, 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, 75304, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

S.B. 530, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85216, is adopted and engrossed.

Upon recommendation of Senator Pate, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

S.B. 553, A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR MEDICAID ENROLLEES OF LOCAL MANAGEMENT ENTITIES THAT HAVE BEEN APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE AS A MANAGED CARE ORGANIZATION UNDER THE 1915(B)/(C) MEDICAID WAIVER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35336, which changes the title to read **S.B. 553** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary II Committee**.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 337 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC CHARTER SCHOOLS BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, upon second reading.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

S.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF

WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 7.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 58 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 35, noes 13, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, D. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Robinson, Rucho, Soucek, Tarte, Tucker, Wade and Walters---35.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, J. Davis, Ford, Nesbitt, Parmon, Randleman, Sanderson, Stein, Tillman and Woodard---13.

The Committee Substitute bill No. 2 remains on the calendar for Monday, May 6, upon third reading.

S.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: None.

The Committee Substitute bill No. 2 remains on the calendar for Monday, May 6, upon third reading.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING, upon second reading.

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The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 486, A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE, 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 sent to the House of Representatives.

S.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT, upon second reading.

Senator Clark offers Amendment No. 1, which is adopted (47-0).

Senator Clark offers Amendment No. 2, which is adopted (48-0).

Senator Clark offers Amendment No. 3, which fails (14-34).

The Honorable Dan Forest, Lieutenant Governor, relinquishes the gavel to The Honorable Philip E. Berger, President Pro Tempore, who presides in the absence of the Lieutenant Governor.

Senator Clark offers Amendment No. 4, which fails (9-39).

Senator Gunn offers Amendment No. 5, which is adopted (48-0).

Senator J. Davis offers Amendment No. 6, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (39-9).

Senator Stein objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Monday, May 6, upon third reading.

Upon motion of Senator Gunn, without objection, the Committee Substitute bill is ordered engrossed prior to third reading.

WITHDRAWAL FROM COMMITTEE

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW ARMED SECURITY GUARDS WHO MEET THE SELECTION AND TRAINING REQUIREMENTS FOR STATE LAW ENFORCEMENT OFFICERS AT ALL SCHOOLS, TO PROVIDE THAT THE NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION SHALL DEVELOP A FIREARMS SAFETY AND TRAINING COURSE TO BE ADMINISTERED BY THE VARIOUS COUNTY SHERIFF'S OFFICES TO THE ARMED SECURITY GUARDS, TO ALLOW THE WAIVER OF

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CONCEALED CARRY PERMIT REQUIREMENTS FOR ARMED SECURITY GUARDS WHO MEET CERTAIN REQUIREMENTS, AND TO MAKE OTHER CONFORMING CHANGES, referred to the **Rules and Operations of the Senate Committee** on February 6.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

The Chair grants a leave of absence for the remainder of today's session to Senator Newton.

CALENDAR (*continued*)

S.B. 493 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE OPERATION OF MOTOR VEHICLES WITH CERTAIN HEADLAMPS, 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 sent to the House of Representatives.

S.B. 547 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 557, A BILL TO BE ENTITLED AN ACT TO AMEND THE DATE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION, IS TO REPORT ON A PILOT PROGRAM FOR FUNDING OF THE NC PREKINDERGARTEN PROGRAM, 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.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY PROVIDING THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING

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ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY EXEMPTING CERTAIN PROPERTIES FROM RIPARIAN BUFFER RULES; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION, upon third reading, as amended.

Senator Brown offers Amendment No. 3, which is adopted (47-0), and changes the title to read **S.B. 612** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA BY CREATING A FAST TRACK PERMITTING PROCESS FOR CERTAIN ENVIRONMENTAL PERMITS; BY CLARIFYING THE PREEMPTION OF CITY ORDINANCES AND CLARIFYING THAT SIMILAR RULES APPLY TO COUNTY ORDINANCES; BY CLARIFYING THE LAWS RELATING TO GROUNDWATER COMPLIANCE BOUNDARIES; BY EXTENDING THE TERMS OF CERTAIN ENVIRONMENTAL PERMITS; BY AMENDING THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE; BY REQUIRING THE REPEAL OR REVISION OF EXISTING ENVIRONMENTAL RULES MORE RESTRICTIVE THAN FEDERAL RULES PERTAINING TO THE SAME SUBJECT MATTER; BY ALLOWING MUNICIPALITIES TO LEASE REAL PROPERTY FOR A TERM OF UP TO TWENTY-FIVE YEARS TO PRIVATE COMPANIES CONSTRUCTING RENEWABLE ENERGY FACILITIES; BY ALLOWING GOING-OUT-OF-BUSINESS SALE LICENSES TO BE ISSUED BY ANY

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MUNICIPAL OFFICIAL DESIGNATED BY THE GOVERNING BODY OF THE MUNICIPALITY; BY DIRECTING THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; BY CLARIFYING THAT THE DEFINITION OF "BUILT-UPON AREA" INCLUDES ONLY IMPERVIOUS SURFACES; AND BY REQUIRING MEMBERS OF ADVISORY BODIES TO STATE AGENCIES AND BOARDS TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST PRIOR TO MAKING ANY RECOMMENDATION.

Senator Stein offers Amendment No. 4, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (36-11) and is ordered engrossed and sent to the House of Representatives.

S.B. 83 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY, 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.

NOTICE OF A DISCHARGE PETITION

Pursuant to Rule 47(b), Senator Parmon announces her intent to circulate a discharge petition for **S.B. 220**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR AUTOMATIC ADJUSTMENT OF THE STATE'S MINIMUM WAGE BASED UPON INCREASES IN THE CONSUMER PRICE INDEX, referred to the **Rules and Operations of the Senate Committee** on March 7.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Hise for the **Pensions & Retirement and Aging Committee**:

S.B. 354, A BILL TO BE ENTITLED AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS AND MAKING THE ATTORNEY GENERAL A MEMBER OF THE COMMITTEE INSTEAD, BY SOLIDIFYING THE

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STATE AUDITOR'S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND BY ELIMINATING THE MANDATORY RESPONSE TIME FOR AN AUDITEE OF A PERFORMANCE AUDIT, with a favorable report.

S.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER'S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER, with a favorable report.

S.B. 304, A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO ALLOW IN-SERVICE DISTRIBUTIONS TO PARTICIPANTS, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75306, is adopted and engrossed.

Upon recommendation of Senator Hise, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

Upon motion of Senator Brunstetter, seconded by Senator Hise, the Senate adjourns at 1:00 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to meet Monday, May 6, at 7:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Judiciary II Committee**:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT UNDER G.S. 20-139.1 THAT A LABORATORY CONFORM TO FORENSIC SPECIFIC REQUIREMENTS AND BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY

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TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO ALLOW FOR THE ADMISSIBILITY OF A CHEMICAL ANALYSIS UNDER G.S. 20-139.1, PERFORMED BY AN INDIVIDUAL WHO QUALIFIES AS AN EXPERT WITNESS UNDER RULE 702 OF THE NORTH CAROLINA RULES OF EVIDENCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75307, is adopted and engrossed.

S.B. 443, A BILL TO BE ENTITLED AN ACT TO TRANSFER ABANDONED FIREARMS FROM LOCAL LAW ENFORCEMENT AGENCIES TO THE STATE FOR DISPOSITION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75308, which changes the title to read **S.B. 443** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF ABANDONED FIREARMS TO PERSONS LICENSED AS FIREARMS COLLECTORS, IMPORTERS, OR MANUFACTURERS, is adopted and engrossed.

S.B. 574, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPEARANCE BOND FOR A DEFENDANT CHARGED WITH CERTAIN MISDEMEANORS IS ONLY VALID FOR A CERTAIN PERIOD OF TIME, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75309, is adopted and engrossed.

S.B. 634, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR NATURAL GAS THEFT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85218, which changes the title to read **S.B. 634** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH GAS, WATER, OR ELECTRIC LINES, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

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H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS.

Referred to the **Judiciary II Committee**.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 484 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO ADD THREE MEMBERS

ELECTED FROM COMBINED DISTRICTS, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.

Referred to the **State and Local Government Committee**.

H.B. 581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO IMPLEMENT THE TROPHY WILDLIFE SALE PERMIT.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 650, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND OTHER CHANGES TO THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT.

Referred to the **Insurance Committee**.

H.J.R. 708 (Committee Substitute), A JOINT RESOLUTION TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE PROPER USE BY A LOCAL GOVERNMENT OWNING OR OPERATING A PUBLIC ENTERPRISE OF REVENUE DERIVED FROM SERVICES FURNISHED BY IT AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON PROPER OVERSIGHT OF SUCH PUBLIC ENTERPRISE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE MOVEMENT OF CERTAIN MEDICAID RECIPIENTS.

Referred to the **Health Care Committee**.

H.B. 896, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SUPERINTENDENT, WITH THE CONSENT OF THE SCHOOL BOARD, TO DESIGNATE A DESIGNEE TO APPEAR BEFORE THE LOCAL BOARDS OF EDUCATION FOR TEACHER EMPLOYMENT HEARINGS.

Referred to the **Education/Higher Education Committee**.

H.J.R. 898, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WALTER GREENE CHURCH, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 903 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

Referred to the **Education/Higher Education Committee**.

Pursuant to Senator Brunstetter's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-SIXTH DAY

Senate Chamber
Monday, May 6, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“O Lord on High, Heavenly Father, you have sent your Holy Spirit to comfort us. We ask you, Holy Spirit, to lead us into the truth today in our business, and prepare our minds and hearts to not just honor you, but to honor one another as brother and sister. Let our motives be above suspicion. Since you have the answers, make us willing to listen to you that we might vote on your side. Through Jesus Christ our Lord, Amen.”

The Chair grants a leave of absence for tonight to Senator Newton.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, May 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Karen Schnell from Mebane, North Carolina, who is serving the Senate as Nurse of the Day.

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WITHDRAWAL FROM COMMITTEE

S.J.R. 35, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD “ED” WALTER JONES, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on February 4.

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**, placed on the calendar for immediate consideration, and read in its entirety, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills and a resolution on tonight’s calendar are taken up and disposed of as follows:

S.J.R. 35, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD “ED” WALTER JONES, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

Upon motion of Senator Brock, the words spoken about Senator Ed Jones are spread upon the Journal as follows:

SENATOR BRYANT: “Thank you, Mr. President and Members of the Senate and the family of the late Senator Ed Jones and the local government officials and friends who are here to honor his memory. I am so humbled and sad as well to be here in his place to represent the citizens of Senate District 4. He surely had shoes that will never be filled by anyone. I used to tease him that I was in his Wikipedia entry because I found that out one day when I was at a banquet and I needed to introduce him. I had left my bio somewhere that I was, so I went online in the iPad to Wikipedia and discovered that I was in there because our paths crossed in that I was on the first executive committee that was to pick the replacement for Representative John Hall, which is how I met Ed Jones who was the Mayor of Enfield. At that time, I was on the City Council of Rocky Mount, and he was seeking to replace John Hall in a competitive local race for that appointment from the Democratic Party by other leaders in the community. He surely stood out head and shoulders; I remember when he came over to Rocky Mount to visit and talk about his vision for going to the General Assembly and taking this position. He was then a very impressive man, with a background at that point of having been in law enforcement and then in local government in terms of the police chief and the mayor of a small town. You can’t beat that kind of commitment to our community. Who would have known at that point that, as he moved to the Senate years later, I would then replace him in the House and now in the Senate? So I feel like our lives and paths have been very intertwined. You heard from the resolution how amazing his life and career has been, and to be young as he was to have accomplished so much in terms of law enforcement, local government, public service, his love and commitment to his family, and to

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his church. If I can think about what was important to Senator Jones, I think you would all agree he had a strong commitment to education. We were in many meetings together about education, particularly in Halifax County. He was committed to eliminating poverty, and he was very proud to head up a joint study committee on poverty elimination and economic recovery, and we had some public hearings around the state and learned so much about what the keys were to poverty elimination. He really took hold of that whole idea of justice reinvestment. You all may remember that. As Chair of the Justice and Public Safety Appropriations Committee, he was really committed to that. He went to meetings around the country on that justice reinvestment issue and, finally, came around to supporting raising the juvenile justice age, which, initially, as a strong law enforcement man, was not his inclination, but he really was concerned about and committed to the best for our youth. He became convinced that ending the school to prison pipeline in whatever way we could with strong services and detention if we needed it for youth who were violating the laws and rules, but also looking at how to keep them out of that adult criminal justice system. That was important to him. So I just want to stand again in honor of him to call to your memory, and to our respect and consideration, the life and service that he gave us. I also know that he was very close to many of you and often told me great stories of things you all did together and the ways he built relationships with you. I'm sure many of you will speak to that. Mr. President, at the appropriate time, I hope you will also recognize his family, who is in the gallery, along with some of our local elected officials and many friends and loved ones of his. Thank you."

SENATOR D. DAVIS: "Members of the Senate, I stand in support of this Joint Resolution today, recognizing and honoring the life of Senator Ed Jones who was also a friend to many of us and especially to me. We have many acquaintances in life and fewer friends, but Ed truly was a friend and a dear friend to us all. We actually knew each other way before either one of us came to the Senate; we served as mayors. He was in Enfield and [I was in] Snow Hill and [we] often traded notes, but one thing I knew in the midst of it all is he truly, truly loved serving people, and he truly loved Enfield and his district. Senator Jones, as Senator Bryant alluded to, was later appointed into the House and eventually into the Senate, and I can tell you it can be a tough time as we make these type transitions, but I was honored to actually chair the executive committee that actually appointed Ed in both cases. In both cases, that executive committee knew they had just the right person. While briefly serving a term together in the Senate, he was a friend that many of us have. We would go down to the snack shop before session or right after session, and we would talk about what was going on, and he often conveyed to me, especially those who served with him, his deep appreciation to be a part of this institution and serve with such distinguished colleagues. He said that in the private conversations. We also talked about bills, and as we spoke about our bills, Ed had a litmus test. His litmus test was this simple: How would the bill impact poor people? That's what

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he often said to me, 'What's the impact on poor people?' Actually, what he said was, 'poor folk,' and we would converse. We know the many contributions he served here in this chamber and provided as he was a very well respected and regarded voice, especially when it came to crime control and public safety. We could trust his voice. He lived by his legacy and his motto, which he would often say, 'It's not about the titles we possess, it's about the job we do.' Those who serve know that Senator Jones was first class, and he topped it off with that signature bow tie. Senator Jones is deeply missed, I miss him, truly, but his influence is still with us today. I'd like to thank Mary Anne, who is up in the gallery. Thank you, Mary Anne, for sharing Ed with us. As we talked about, he was a very adventurous person. Thank you for allowing him to venture into the General Assembly. To his daughters, Alesha, to Donzell, to Andrea and Lanier, and to those grandchildren, we know he loved you dearly and spoke about you often. Irma, Senator Jones remained grateful to you and appreciated all that you did for the residents of the district and most importantly, your loyalty. I would like to say personally to Senator Apodaca and President [*Pro Tempore*] Berger, thank you for all the help you lent in that transition with the office. It's forever appreciated. Lastly, I will share a story. I was visiting with Ed—and this is just to attest to his character and the person that he was—I was visiting and we prayed together once in the hospital and afterwards he looked up to me and he said, 'I'm fortunate'—he kinda smiled and he was very jovial, he would keep you laughing, but he looked up at me and he smiled and said 'I'm so fortunate, I'm so blessed,' and I said, 'Ed, what do you mean?' He said, 'In the midst of my situation, I've been afforded an opportunity,' he said, 'so many people wake up every day assuming they're going to come home, and they don't come home. They don't get that chance. There are car accidents, all kinds of things that take people away from their families.' It was kinda of interesting because driving up today, I saw five accidents and two detours off of 64. How interesting. But he said, 'I've been given an opportunity to get it right and to make preparations.' Get it right and to make preparations. I say to everyone here, let's hold on to this legacy. Let's work every day to get it right. Let's not take any day for granted, any breath for granted, let's count our blessings. One of the greatest blessings that I can ever count is having known my friend Ed Jones."

SENATOR BROWN: "I don't know if I can add a whole lot more than Senator Bryant and Senator Davis have added, but I just thought I'd speak briefly on what I think about Ed the most. Ed was kind of a soft spoken guy. He never seemed to get real excited either way and about very much. He was pretty much a pretty even-keeled guy is the way I can remember him most. One thing I will say is I don't think there was anybody in this chamber that didn't respect Ed Jones. He had the utmost respect from all of us just because of the way he carried himself each and every day. Ed never got up and spoke very much on the floor, but one thing I always remembered most about Ed is when he got up to speak, everybody listened, because he always had a message when he spoke. I

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think that was because of that true respect that we all had for Ed Jones. I had the opportunity to go to his office several times to talk about issues important to eastern North Carolina and to his district, and he was always gracious. He loved his district, and he loved his family. We talked about that several times in his office as well. Ed was just—he became a pretty good friend of mine, and I’m going to miss Ed Jones. He was just a special guy.”

SENATOR McKISSICK: “Well, as my colleagues have indicated, Ed really was that very special member—somebody whose friendship I personally cherish and someone who I enjoyed many days and occasions with. Whether speaking to him about the political issues of the day or sitting back and just enjoying humor at that snack bar or wherever we found ourselves, he was a person of great compassion, somebody who understood the needs of everyday people, somebody who, as a former police chief, a former state trooper, former mayor, understood the needs of small towns, understood the needs of individuals. When there were floods that impacted his district, he was the first to come forward and ask us to pull together the resources to help those people that were hurt. When there were tornados that impacted his district, he was among the first who went out there helping those people in need and coming back here to rally for resources to help those who had been impacted in a way that was profound in affecting their lives. He was certainly someone who understood that when it came to poverty that whatever we could do as a state to uplift those individuals was something that we should accept as a charge and as a mission and serve with him on that poverty commission that he established years ago. I will greatly miss Ed for all that he did and for all that he contributed. Nobody was probably more knowledgeable of the issues about law enforcement when they came before us. We all listened to Ed’s perspective. He served with dignity, he served with honor, he served with class, and he served with integrity. We will all miss Ed for his tremendous and significant contributions, but we thank his family for allowing them the opportunity to let him serve time here in this chamber with us because it was certainly a major sacrifice, and he never realized that he was cheating himself of that time. I know on his final day, I spent a number of occasions visiting with him over at Chapel Hill, in the hospital, and even in those final hours he wanted to continue serving. There was never a time when he did not know what we were discussing here. There was never a time that he was not aware, and while the time was running out, he still shared that concern and that commitment about the direction that we were taking. I know one day when I was there, I was talking to his wife and she said, ‘Well, it looks like he’s going to be going home. We’re going back home to really rest.’ I thought at the time perhaps that was a good sign that perhaps things had taken a turn for the better, but I realized in speaking with her that day that what it really meant was that there was nothing further that anyone could do, and it was time for him to go back home and to be with his family in his final hours. We thank Ed for giving so much of his life and so much of his time to his state and to his community, and we thank his family for allowing us the privilege and honor of having served with him.”

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SENATOR BERGER: “I don’t think I can add anything to what’s already been said other than Ed Jones is probably one of the finest men that I’ve ever met and I think to a person, everyone in this chamber would agree with that. His legacy, I think, is the memory that we all have of him and how he carried himself as was referred to, but it’s just a pleasure to have known him, and it’s a pleasure to know that people like that serve in this body, so I commend the resolution to you.”

The Joint Resolution passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 83, AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 506, AN ACT AUTHORIZING THE TOWN OF WEDDINGTON TO ENTER INTO LONG-TERM AGREEMENTS WITH VOLUNTEER FIRE DEPARTMENTS TO PROVIDE FIRE PROTECTION SERVICES TO THE CITIZENS OF THE TOWN. (Became law upon ratification, May 2, 2013 - S.L. 2013-39.)

H.B. 555, AN ACT TO ALLOW BUNCOMBE COUNTY TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION. (Became law upon ratification, May 2, 2013 - S.L. 2013-40.)

H.B. 388, AN ACT TO AMEND THE LAW GOVERNING ASSIGNED COUNSEL IN CASES OF PARTIAL INDIGENCY TO AUTHORIZE JUDGMENTS FOR ATTORNEYS’ FEES TO BE DOCKETED UPON THE EXPIRATION OF PROBATION AND TO CLARIFY THE REQUIREMENT FOR A SOCIAL SECURITY NUMBER. (Became law upon approval of the Governor, May 2, 2013 - S.L. 2013-41.)

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CALENDAR *(continued)*

S.B. 58 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DREDGING OF THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS, upon third reading.

Upon the appearance of Senator Newton in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 38, noes 11, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McKissick, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Robinson, Rucho, Soucek, Tarte, Tucker, Wade and Walters---38.

Voting in the negative: Senators Blue, Bryant, D. Davis, Ford, Kinnaird, Parmon, Randleman, Sanderson, Stein, Tillman and Woodard---11.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, upon third reading.

Senator Meredith offers Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives.

S.B. 285 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT UNDER G.S.20-139.1 THAT A LABORATORY CONFORM TO FORENSIC SPECIFIC REQUIREMENTS AND BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO ALLOW FOR THE ADMISSIBILITY OF A CHEMICAL ANALYSIS

UNDER G.S. 20-139.1, PERFORMED BY AN INDIVIDUAL WHO QUALIFIES AS AN EXPERT WITNESS UNDER RULE 702 OF THE NORTH CAROLINA RULES OF EVIDENCE, upon second reading.

The Committee Substitute bill passes its second reading (43-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 354, A BILL TO BE ENTITLED AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS AND MAKING THE ATTORNEY GENERAL A MEMBER OF THE COMMITTEE INSTEAD, BY SOLIDIFYING THE STATE AUDITOR'S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM AND BY ELIMINATING THE MANDATORY RESPONSE TIME FOR AN AUDITEE OF A PERFORMANCE AUDIT, 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. 443 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SALE OF ABANDONED FIREARMS TO PERSONS LICENSED AS FIREARMS COLLECTORS, IMPORTERS, OR MANUFACTURERS, upon second reading.

The Committee Substitute bill passes its second reading (46-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 558, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER'S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER, upon second reading.

The bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 574 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN APPEARANCE BOND FOR A DEFENDANT CHARGED WITH CERTAIN MISDEMEANORS IS ONLY VALID FOR A CERTAIN PERIOD OF TIME, upon second reading.

Without objection, Senator Apodaca is excused from voting on the bill due to a possible conflict of interest.

The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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S.B. 634 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH GAS, WATER, OR ELECTRIC LINES, upon second reading.

The Committee Substitute bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 489 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT, upon third reading.

Senator Robinson offers Amendment No. 7, which fails (15-33).

Senator Clark offers Amendment No. 8, which fails (13-35).

The Committee Substitute bill passes its third reading (38-10) and is ordered sent to the House of Representatives.

MODIFICATION OF A SEQUENTIAL REFERRAL

H.B. 484 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, referred to the **Agriculture/Environment/Natural Resources Committee** on May 2, with a sequential referral to the **Commerce Committee** and a subsequent sequential referral to the **Finance Committee**.

Upon motion of Senator Apodaca, the existing sequential referrals are stricken and a sequential referral to the **Finance Committee** and a subsequent sequential referral to the **Commerce Committee** are added.

WITHDRAWAL FROM COMMITTEE

S.B. 613, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, referred to the **Rules and Operations of the Senate Committee** on April 3.

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 **Commerce Committee**, and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

SEQUENTIAL REFERRALS ADDED

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE, referred to the **Finance Committee** on April 4.

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Upon motion of Senator Apodaca, a sequential referral to the **Rules and Operations of the Senate Committee** is added.

H.B. 433 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, referred to the **Judiciary I Committee** on April 23.

Upon motion of Senator Apodaca, a sequential referral to the **Rules and Operations of the Senate Committee** is added.

WITHDRAWALS FROM COMMITTEES

H.B. 375, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES OWNED AND OPERATED BY THE CITY OF CHARLOTTE TO HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS, referred to the **Transportation Committee** on April 15.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Transportation Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 301, A BILL TO BE ENTITLED AN ACT TO ALLOW PASSENGER BUSES THAT HAVE AN OVERALL LENGTH OF SIXTY FEET OR LESS TO OPERATE ON PUBLIC STREETS AND HIGHWAYS, referred to the **Transportation Committee** on March 14.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Transportation Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **State and Local Government Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.J.R. 444, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ANDREW T. HEATH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, referred to the **Rules and Operations of the Senate Committee** on April 3.

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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 **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Lauren Coker, Garner; Olivia de Araujo, Goldsboro; John Easterling III, Laurinburg; Gabbie Holmes, Sanford; Kateleigh Johnson, Kipling; John Ange Kernodle, Burlington; Donald Kernodle II, Burlington; Chad Lee II, Greensboro; Kristin Marrow, Roper; Evan McDow, Albemarle; Brandon O'Dell, Spring Lake; Trey Penland, Burnsville; Jordan Thomas, Garner; and Trevis Watts II, Brown Summit.

CONFERENCE REPORT

Senator Daniel, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 91** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, 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 91, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; AND TO REQUIRE AN EMPLOYER, EDUCATIONAL INSTITUTION, OR STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, House Committee Substitute Favorable 4/3/13, Fourth Edition Engrossed 4/15/13, submit the following report:

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The Senate and House agree to the following amendment to the House Committee Substitute Favorable 4/3/13, Fourth Edition Engrossed 4/15/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 4/3/13, Fourth Edition Engrossed 4/15/13, and substitute the attached proposed Conference Committee Substitute S91-PCCS15259-SA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: May 6, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Warren Daniel, Chair	S/N. Leo Daughtry, Chair
S/Thom Goolsby	S/Ted Davis, Jr.
E. S. (Buck) Newton	S/Jerry C. Dockham
S/Eleanor Kinnaird	S/Darren G. Jackson

The full text of the proposed Conference Committee Substitute can be found in Chapter 53 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, May 7, for adoption.

Upon motion of Senator Berger, seconded by Senator J. Davis, the Senate adjourns at 8:21 p.m., in memory of Senator Ed Jones, subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, May 7, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.J.R. 55, 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**.

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H.B. 172 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD.

Referred to the **State and Local Government Committee**.

H.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES.

Referred to the **Finance Committee**.

H.B. 347, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 459, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 460, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REMOVAL OF DECEASED VOTERS FROM VOTER REGISTRATION RECORDS UPON RECEIPT OF A SIGNED STATEMENT OF A NEAR RELATIVE OR PERSONAL REPRESENTATIVE OF THE ESTATE IDENTIFYING A VOTER AS DECEASED AND TO ENCOURAGE FUNERAL DIRECTORS TO MAKE AVAILABLE FORMS TO NEAR RELATIVES FOR NOTIFICATION TO THE BOARD OF ELECTIONS THAT THE VOTER IS DECEASED.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM.

Referred to the **Finance Committee**.

H.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO 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 **Appropriations/Base Budget Committee**.

H.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT COUNTIES TO USE THE VOTE CENTER CONCEPT FOR SECOND PRIMARIES, WHERE ONLY THE EARLY VOTING SITES FOR THE FIRST PRIMARY ARE OPEN ON THE DAY OF THE SECOND PRIMARY RATHER THAN THE NORMAL ELECTION DAY POLLING PLACES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 712 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY EXPERT WITNESS COMPENSATION AND ALLOWANCES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 762, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS.

Referred to the **Judiciary II Committee**.

H.B. 778, A BILL TO BE ENTITLED AN ACT TO FACILITATE IMPLEMENTATION OF RECOMMENDED EFFICIENCIES IN STATE GOVERNMENT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 783 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE PIEDMONT TRIAD FARMERS MARKET IN MEMORY OF SENATOR ROBERT G. SHAW.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 839 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE REPORTING REQUIREMENTS FOR PUBLIC SCHOOLS.

Referred to the **Education/Higher Education Committee**.

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H.B. 872, A BILL TO BE ENTITLED AN ACT PROTECTING THE RIGHT-TO-WORK BY MAKING IT AN UNENFORCEABLE UNFAIR TRADE PRACTICE FOR ANY CONTRACT TO REQUIRE A CONTRACTOR OR SUBCONTRACTOR TO USE UNIONIZED LABOR.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-SEVENTH DAY

Senate Chamber
Tuesday, May 7, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Thanks, Lord, for your peace that allows us to come into its midst and to gather ourselves. Help us to be grateful for your peace that you offer that makes us lay down even though death crouches in the corner. Thank you, Lord, for this day where we come and these lawmakers are agents of your peace. I think of how the laws they pass can be agents of peace, and we pray for them. We thank you for police officers, for fire fighters that are agents of peace that go out to rescue. We thank you, Lord, for the servants and their families around this state. We thank you for their protection, and we thank you for your protection over us and how you keep us at peace. Bless us today as a state, as a city, in communities, and in families, with your peace. In Christ's name we pray, Amen."

The Chair grants a leave of absence for today to Senator Walters.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, May 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 Becky Bagley from Winterville, North Carolina, who is serving the Senate as Nurse of the Day.

May 7, 2013

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 193 (Committee Substitute), 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 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, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, May 8.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following Joint Resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 35, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD "ED" WALTER JONES, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2013-10)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES, with a favorable report.

By Senator Newton for the **Judiciary I Committee**:

S.B. 264, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO AMEND THE CRIMINAL LAWS TO PREVENT THE USE OF A BUSINESS FRONT TO SELL CONTROLLED SUBSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15263, which changes the title to read **S.B. 264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO CREATE A REBUTTABLE PRESUMPTION ON PRETRIAL RELEASE FOR REPEAT OFFENDERS WHO SELL DRUGS AT A PLACE OF BUSINESS, is adopted and engrossed.

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S.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, 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, 15261, is adopted and engrossed.

By Senator Gunn for the **Commerce Committee**:

S.B. 648, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF EMPLOYMENT FRAUD, TO PROHIBIT PREDATORY THIRD-PARTY FINANCING OF LITIGATION BY ASSIGNMENT OF PLAINTIFF'S RIGHT TO RECEIVE PROCEEDS, AND TO CREATE TRANSPARENCY IN CONTRACTS THE ATTORNEY GENERAL ENTERS INTO WITH PRIVATE ATTORNEYS TO REPRESENT THE STATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35337, which changes the title to read **S.B. 648** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF EMPLOYMENT FRAUD, TO CLARIFY THE CALCULATION OF INTEREST FOR ACTIONS FOR PERSONAL INJURY OR WRONGFUL DEATH, TO PROHIBIT PREDATORY THIRD-PARTY FINANCING OF LITIGATION BY ASSIGNMENT OF PLAINTIFF'S RIGHT TO RECEIVE PROCEEDS, AND TO CREATE TRANSPARENCY IN CONTRACTS THE ATTORNEY GENERAL ENTERS INTO WITH PRIVATE ATTORNEYS TO REPRESENT THE STATE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 314, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS, with a favorable report.

S.B. 288, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY, with a favorable report.

S.B. 314, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, with a favorable report.

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S.B. 483, A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE PROCESS OF LEASING SPACE FOR STATE AGENCIES UNDER VERY LIMITED CIRCUMSTANCES, with a favorable report.

By Senator Allran for the **Judiciary II Committee**:

S.B. 465, 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, with a favorable report.

S.B. 252, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15262, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 101 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (49-0).

Upon motion of Senator Apodaca, without objection, the Committee Substitute bill, as amended, is ordered engrossed, withdrawn from today's calendar, and placed on the calendar of Wednesday, May 8.

S.B. 337 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA PUBLIC CHARTER SCHOOLS BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, upon second reading.

Senator Tillman offers Amendment No. 1, which is adopted (49-0).

Senator Tillman offers Amendment No. 2, which is adopted (46-3).

Senator Tillman offers Amendment No. 3, which is adopted (40-9).

Senator Stein offers Amendment No. 4, which fails (16-33).

Senator Barringer offers Amendment No. 5, which is adopted (48-0).

Senator Bryant offers Amendment No. 6, which fails (16-33).

Senator Blue offers Amendment No. 7, which fails (17-32).

Senator Robinson offers Amendment No. 8, which fails (16-33).

The Committee Substitute bill No. 2, as amended, passes its second reading (32-17) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

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S.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, upon second reading.

Senator J. Davis offers Amendment No. 1, which is adopted (48-0).

Upon motion of Senator Apodaca, the Committee Substitute bill, as amended, is displaced to the end of today's calendar.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 243 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, May 9.

WITHDRAWALS FROM COMMITTEES

S.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO STUDY THE CURRENT STANDARDS FOR MAINTENANCE OF HISTORICAL BOILERS AND THE LICENSURE OF HISTORICAL BOILER OPERATORS, referred to the **Rules and Operations of the Senate Committee** on April 3, 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 **Rules and Operations of the Senate Committee** and referred to the **Agriculture/Environment/Natural Resources Committee**, while maintaining its sequential referral to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 310, A BILL TO BE ENTITLED AN ACT RELATING TO THE 2ND SENATORIAL DISTRICT, referred to the **Rules and Operations of the Senate Committee** on March 14.

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Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR *(continued)*

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, May 8.

H.B. 706 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS, upon second reading

The Committee Substitute bill passes its second reading (46-3) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Curtis for the **Finance Committee**:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO CORRECT ERRORS IN CALCULATING PROPERTY TAX LIABILITY ON COMPUTER SOFTWARE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95084, which changes the title to read **S.B. 490** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX, is adopted and engrossed.

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

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S.B. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 454, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS, with a favorable report.

By Senator Gunn for the **Commerce Committee**:

S.B. 199, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75311, which changes the title to read **S.B. 199** (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, is adopted and engrossed.

S.B. 420, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EMPLOYMENT SECURITY LAWS RELATING TO REQUIRED CONTRIBUTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75312, is adopted and engrossed.

CALENDAR *(continued)*

S.B. 91 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; TO PROHIBIT AN EMPLOYER OR EDUCATIONAL INSTITUTION FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED; AND TO REQUIRE A STATE

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OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE, for adoption.

Upon motion of Senator Daniel, the Senate adopts the Conference Committee Substitute bill (46-2). The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT'S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, displaced earlier today upon second reading, as amended.

The Chair grants a leave of absence for the remainder of today's session to Senator Bingham.

Senator Ford offers Amendment No. 2, which is adopted (47-1) and changes the title to read **S.B. 372** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT'S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.

The Committee Substitute bill, as amended, passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

Upon motion of Senator Berger, seconded by Senator Tillman, the Senate adjourns at 3:32 p.m., in memory of Trooper Bobby Gene Demuth, Jr. of the North Carolina Highway Patrol, subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, May 8, at 2:00 p.m.

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 186 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES ADOPTED BY THE TOWNS ON THE WATERS OF LAKE NORMAN.

Referred to the **State and Local Government Committee**.

H.B. 220, A BILL TO BE ENTITLED AN ACT DESIGNATING JULY TWENTY-SECOND OF EACH YEAR AS NORTH CAROLINA FRAGILE X AWARENESS DAY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA PLANNED COMMUNITY ACT REGARDING THE TRANSFER OF SPECIAL DECLARANT RIGHTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 361 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011.

Referred to the **Judiciary I Committee**.

H.B. 418 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY, OR BUNCOMBE COUNTY AND MUNICIPALITIES LOCATED THEREIN, TO ESTABLISH A CULTURE AND RECREATION AUTHORITY.

Referred to the **State and Local Government Committee**.

H.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Judiciary I Committee**.

H.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY.

Referred to the **Judiciary II Committee**.

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H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES.

Referred to the **Commerce Committee**.

H.B. 830 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator J. Davis for the **State and Local Government Committee**:

S.B. 315, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75310, is adopted and engrossed.

By Senator Tucker for the **State and Local Government Committee**:

S.B. 136, A BILL TO BE ENTITLED AN ACT RELATING TO THE 50TH SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75313, which changes the title to read **S.B. 136** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY OF GRAHAM COUNTY TO LEVY AN OCCUPANCY TAX, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 484 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**, and, upon recommendation of Senator Brock, upon a favorable report will be re-referred to the **Commerce Committee**.

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S.B. 636, A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE PENALTIES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS, with a favorable report.

Pursuant to Rule 43, the bill is re-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
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Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **S.B. 91** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; TO PROHIBIT AN EMPLOYER OR EDUCATIONAL INSTITUTION FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED; AND TO REQUIRE A STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Committee Substitute for S.B. 91 earlier today, the bill is ordered enrolled and sent to the Governor.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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FIFTY-EIGHTH DAY

Senate Chamber
Wednesday, May 8, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by Pastor Noah Crowe from First Baptist Church of Robbinsville in Robbinsville, North Carolina, as follows:

“Most Gracious Heavenly Father, Creator God, based upon your command that petitions, prayers, intercession, and thanksgiving be made for all people, especially those in authority, I lift up this session of our North Carolina State Senate. Father, based on your great love for us, shown through your Son, Jesus Christ, I ask that you would grant these senators the wisdom needed and necessary to carry out the task to which these, my fellow North Carolinians, have been duly elected and constitutionally appointed. Father, grant them the willingness to seek and accept wise counsel. Give them discretion, foresight, and understanding in making decisions on behalf of our great state. Father, hear and answer the prayers of their heart. Grant, I ask, favor to their leadership and above all, help them to lead us by example. Father, bless them with strength, endurance, and stamina to do thy will. Enable them to carry out their duties with humility toward you and toward others. Grant them, Father, courage to do the right thing. Guard them and keep them from the power and persuasion of the evil one. Father, while these, our senators, are here in Raleigh about the business of governing, protect and provide for their families back at their respective homes. Father, I thank you that you have seen fit to allow these men and women the authority under which they operate. Now, give them, I pray, your compassion and concern for their fellow citizens. Grant them, I ask, grace and mercy for their past, their present, and their futures. I commend them to your great grace, and I commit them into your hands. Guide, guard, and go before us all. In the precious name of your Son, Jesus, my Savior, Amen.”

The Chair grants a leave of absence for today to Senator Walters.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, May 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 Karen Lemmons from Asheboro, North Carolina, who is serving the Senate as Nurse of the Day.

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MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 14.

S.B. 465, 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, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and re-referred to the **Appropriations/Base Budget Committee**.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 91, AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; TO PROHIBIT AN EMPLOYER OR EDUCATIONAL INSTITUTION FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED; AND TO REQUIRE A STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE.

H.B. 149, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C

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FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE OR TO PREVENT ANOTHER PERSON FROM MAKING SUCH REPORT.

H.B. 706, AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION, with a favorable report.

S.B. 719, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75318, which changes the title to read **S.B. 719** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS, is adopted and engrossed.

By Senator Hartsell for the **Program Evaluation Committee**:

S.B. 78, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, 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, 75314, which changes the title to read **S.B. 78** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, is adopted and engrossed.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75315, which changes the title to read **S.B. 638** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO: (1) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS AND PROFESSIONALS AS A RESULT OF INHERENT RISKS OF FARM ANIMAL ACTIVITIES; (2) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (3) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (4) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (5) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (6) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (7) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (8) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (9) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (10) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (11) PROVIDE THAT A WATER QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES; (12) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (13) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER

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SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; AND (14) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 288, A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE 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.

S.B. 314, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, 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.

S.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, 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.

H.B. 314, A BILL TO BE ENTITLED AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF 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 enrolled.

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S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES, upon second reading.

The bill passes its second reading (48-1).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the calendar of Thursday, May 9, upon third reading.

S.B. 101 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 193 (Committee Substitute), 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 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, upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT, 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. 264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO CREATE A REBUTTABLE PRESUMPTION ON PRETRIAL RELEASE FOR REPEAT OFFENDERS WHO SELL DRUGS AT A PLACE OF BUSINESS, 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. 380 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 420 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE EMPLOYMENT SECURITY LAWS RELATING TO REQUIRED CONTRIBUTIONS, 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. 454, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS, 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. 483, A BILL TO BE ENTITLED AN ACT TO STREAMLINE THE PROCESS OF LEASING SPACE FOR STATE AGENCIES UNDER VERY LIMITED CIRCUMSTANCES, upon second reading.

The bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX, upon second reading.

The Committee Substitute bill passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 530 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon second reading.

The Senate Committee Substitute bill passes its second reading (49-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Thursday, May 9, upon third reading.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Hise for the **Health Care Committee**:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75317, is adopted and engrossed.

By Senator Rabon for the **Finance Committee**:

S.B. 473 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO PROHIBIT HOSPITALS AND AMBULATORY SURGICAL FACILITIES FROM CHARGING MULTIPLE TIMES FOR OUTPATIENT RADIOLOGY SERVICES RENDERED ONLY ONCE; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO ENCOURAGE COMMUNITY CARE OF NORTH CAROLINA TO ADJUST ITS CORPORATE GOVERNANCE, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 75319, which changes the title to read **S.B. 473** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE GUIDANCE ON THE GOVERNANCE OF ENTITIES TO MANAGE CARE AND CONTROL COSTS STATEWIDE, is adopted and engrossed.

By Senator Gunn for the **Commerce Committee**:

S.B. 127, A BILL TO BE ENTITLED AN ACT TO ESTABLISH UNIFORM GEOGRAPHICAL ADMINISTRATIVE DIVISIONS FOR THE STATE AND TO CREATE THE COMMISSION ON REGIONALIZATION CONFORMITY TO DEVELOP RECOMMENDATIONS ON (I) CONFORMING THE EXISTING REGIONAL DIVISIONS OF THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE SEVEN REGIONAL COMMISSIONS AND PARTNERSHIPS TO THESE UNIFORM DIVISIONS, AND (II) A SCHEDULE FOR CONFORMING REGIONAL DIVISIONS OF OTHER STATE AGENCIES THAT HAVE REGIONAL OFFICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75316, which changes the title to read **S.B. 127** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GEOGRAPHICALLY UNIFORM ZONES TO PROMOTE COLLABORATION FOR PROSPERITY WITHIN THIS STATE, TO REPEAL THE STATUTES RELATING TO THE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS AND TO TRANSFER THEIR FUNCTIONS WITHIN EACH ZONE TO THE DEPARTMENT OF COMMERCE, TO REQUIRE THE DEPARTMENTS OF COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, AND TRANSPORTATION AND THE COMMUNITY COLLEGE SYSTEM TO MAINTAIN LIAISON PERSONNEL WITHIN EACH ZONE, AND TO CREATE THE STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Transportation Committee**.

S.B. 613, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85219, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Rules and Operations of the Senate Committee**.

Upon motion of Senator Berger, seconded by Senator Graham, the Senate adjourns at 2:58 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, May 9, at 12:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 133 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

Referred to the **State and Local Government Committee**.

H.B. 179 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN JOINT AGENCIES FROM SALES AND MOTOR FUEL EXCISE TAXES.

Referred to the **Finance Committee**.

H.B. 217 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A RIGHT OF DIRECT APPEAL TO THE COURT OF APPEALS FOR PROBATION REVOCATIONS IN DISTRICT COURT, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO PROVIDE FOR THE TRANSFER OF JUVENILE DEFENDANTS AGE 15 OR OLDER TO SUPERIOR COURT WHEN CHARGED WITH A MAJOR CRIMINAL OFFENSE, AND TO REQUIRE THE COURTS COMMISSION TO STUDY THE COURT JURISDICTION AND JURY TRIAL PROCESS FOR MISDEMEANORS AND OTHER METHODS OF IMPROVING THE EFFICIENCY AND ADMINISTRATION OF THE JUSTICE SYSTEM.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 402, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRICARE SUPPLEMENT FOR FLEXIBLE COMPENSATION PLANS OFFERED BY THE STATE.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 405 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE OF THE STATE OF NORTH CAROLINA, ADMINISTRATIVE

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LAW JUDGE, OR CLERK OF SUPERIOR COURT WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.J.R. 514, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WILLIAM "PETE" CUNNINGHAM, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SEATING CAPACITY REQUIREMENT AND ELIMINATE THE POPULATION REQUIREMENT FOR IN-STAND SALES OF MALT BEVERAGES AND TO DIRECT THE ABC COMMISSION TO ADOPT RULES FOR THE SUSPENSION OF THE SALE OF ALCOHOLIC BEVERAGES DURING PROFESSIONAL SPORTING EVENTS.

Referred to the **Commerce Committee**.

H.B. 611, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD.

Referred to the **Judiciary II Committee**.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO AMEND THE NC BUILDING CODE TO ALLOW OCCUPANTS YOUNGER THAN EIGHTEEN IN TEMPORARY OVERFLOW EMERGENCY SHELTERS FOR THE HOMELESS.

Referred to the **Commerce Committee**.

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H.B. 716 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF ELECTIONS TO ENTER INTO DATA SHARING AGREEMENTS WITH OTHER STATES REGARDING INFORMATION ON VOTING RECORDS AND VOTER REGISTRATION TO IMPROVE VOTER REGISTRATION LIST MAINTENANCE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 935 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RENAMING THE CHILD CARE COMMISSION THE EARLY CHILDHOOD CARE AND EDUCATION COMMISSION, EXPANDING THE SCOPE OF THE COMMISSION TO ENCOMPASS ISSUES RELATING TO EARLY CHILDHOOD EDUCATION PROGRAMS, AND MAKING OTHER CONFORMING STATUTORY CHANGES; REQUIRING THAT LOCAL PARTNERSHIPS SHALL BE THE SOLE CONTRACT ADMINISTRATORS FOR THE PREKINDERGARTEN (NC PRE-K) PROGRAM; AND CLARIFYING THE DEFINITION OF "AT-RISK" AS RELATED TO ELIGIBILITY FOR PARTICIPATION IN NC PREKINDERGARTEN PROGRAM.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Education/Higher Education Committee**.

H.B. 937 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON THE PREMISES OF A COMMUNITY COLLEGE, OR PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A

CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; AND TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW.

Referred to the **Rules and Operations of the Senate Committee.**

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee:**

S.B. 370, A BILL TO BE ENTITLED AN ACT TO CLARIFY STUDENT RIGHTS TO PRAY IN SCHOOL, TO PROHIBIT PRAYER OFFICIALLY SANCTIONED BY SCHOOLS IN ACCORDANCE WITH THE UNITED STATES CONSTITUTION, AND TO REQUIRE SCHOOL EMPLOYEES TO DEMONSTRATE APPROPRIATE RESPECT FOR STUDENT-INITIATED AND STUDENT-LED PRAYERS IN EXTRACURRICULAR ACTIVITIES, INCLUDING INTERSCHOLASTIC ATHLETICS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15264, which changes the title to read **S.B. 370** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY STUDENT RIGHTS TO ENGAGE IN PRAYER AND RELIGIOUS ACTIVITY IN SCHOOL, TO CREATE AN ADMINISTRATIVE PROCESS FOR REMEDYING COMPLAINTS REGARDING EXERCISE OF THOSE STUDENT RIGHTS; AND TO CLARIFY RELIGIOUS ACTIVITY FOR SCHOOL PERSONNEL, is adopted and engrossed.

By Senator Hise for the **Health Care Committee:**

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS AND TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15265, is adopted and engrossed.

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S.B. 542, A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15266, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

FIFTY-NINTH DAY

Senate Chamber
Thursday, May 9, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, as we gather ourselves and pause, we give thanks for a completed and full week of legislation. We come to you specifically today on behalf of these blessed brothers and sisters to my left and right. I come to you, Lord, because you are the fountain of every blessing, because in you there is no variation or shadow; there is no change. Your love for us, your people, is relentless and it is unchanging. You chose us before we could even respond to your gift. Lord, your love intends to help re-wire our entire life, our entire culture. We try to bring ourselves before you as if we had everything together. We try to come before you ‘fit’ and ‘in shape,’ but you remind us with Jesus that all the fitness you require is to feel our need for thee. In Jesus’ unending name I pray. Amen.”

The Chair grants leaves of absence for today to Senator Barringer and Senator Robinson.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 8, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Melinda “Mindy” Musumarra from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

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ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 314, AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Meredith for the **Commerce Committee**:

H.J.R. 444, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ANDREW T. HEATH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the rules are suspended and the Joint Resolution is placed on today's calendar for immediate consideration.

S.B. 73, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998, with a favorable report.

S.B. 468, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, with a favorable report.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 626, A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, AND FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15267, which changes the title to read **S.B. 626** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

H.J.R. 444, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ANDREW T. HEATH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION, 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 and is ordered enrolled.

S.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, 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 sent to the House of Representatives.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, with a favorable report.

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CALENDAR *(continued)*

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, upon second reading.

Upon motion of Senator Daniel, without objection, the Committee Substitute bill is displaced to the end of today's calendar.

S.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS AND TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, upon second reading.

Senator J. Davis offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY STUDENT RIGHTS TO ENGAGE IN PRAYER AND RELIGIOUS ACTIVITY IN SCHOOL, TO CREATE AN ADMINISTRATIVE PROCESS FOR REMEDYING COMPLAINTS REGARDING EXERCISE OF THOSE STUDENT RIGHTS; AND TO CLARIFY RELIGIOUS ACTIVITY FOR SCHOOL PERSONNEL, upon second reading.

Senator Daniel offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 444, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION, upon second reading.

The bill passes its second reading (48-0).

Senator Clodfelter objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the calendar of Monday, May 13, upon third reading.

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S.B. 473 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE GUIDANCE ON THE GOVERNANCE OF ENTITIES TO MANAGE CARE AND CONTROL COSTS STATEWIDE, 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 sent to the House of Representatives.

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES, upon second reading.

Senator Cook offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 638 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO: (1) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS AND PROFESSIONALS AS A RESULT OF INHERENT RISKS OF FARM ANIMAL ACTIVITIES; (2) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (3) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (4) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (5) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (6) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (7) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (8) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (9) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (10) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE;

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(11) PROVIDE THAT A WATER QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES; (12) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (13) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; AND (14) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD, with a favorable report.

By Senator Goolsby for the **Judiciary I Committee**:

S.B. 630, 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, with a favorable report.

CALENDAR *(continued)*

S.B. 719 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

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MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 243 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 14.

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES, upon third reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Monday, May 13.

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Monday, May 13.

CALENDAR *(continued)*

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, displaced earlier today upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Blue.

Senator Daniel offers Amendment No. 1, which is adopted (47-0), and changes the title to read **S.B. 132** (Committee Substitute), A BILL TO BE

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ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES.

Senator Kinnaird offers Amendment No. 2, which she subsequently withdraws.

The Chair grants a leave of absence for the remainder of today's session to Senator Gunn.

The Committee Substitute bill, as amended, passes its second reading (41-5).

Senator Kinnaird objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill, as amended, placed on the calendar of Monday, May 13, upon third reading.

WITHDRAWALS FROM COMMITTEES

S.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, referred to the **Rules and Operations of the Senate Committee** on April 30.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar of Monday, May 13, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 465, 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, referred to the **Appropriations/Base Budget Committee** on May 8.

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 of Monday, May 13, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GEOGRAPHICALLY UNIFORM ZONES TO PROMOTE COLLABORATION FOR PROSPERITY WITHIN THIS STATE, TO REPEAL THE STATUTES RELATING TO THE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS AND TO TRANSFER THEIR FUNCTIONS WITHIN EACH ZONE TO THE DEPARTMENT OF COMMERCE, TO REQUIRE THE DEPARTMENTS OF COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, AND TRANSPORTATION AND THE COMMUNITY COLLEGE SYSTEM TO MAINTAIN LIAISON PERSONNEL WITHIN EACH ZONE, AND TO CREATE THE STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY, referred to the **Transportation Committee** on May 8.

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Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Transportation Committee** and placed on the calendar of Monday, May 13, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 329, A BILL TO BE ENTITLED AN ACT AMENDING THE EMPLOYMENT SECURITY LAWS OF NORTH CAROLINA TO MAKE ELIGIBLE FOR UNEMPLOYMENT INSURANCE BENEFITS INDIVIDUALS SEPARATED FROM EMPLOYMENT THROUGH NO FAULT OF THEIR OWN FOLLOWING A PERIOD OF DISABILITY LEAVE GRANTED BY THE EMPLOYER, referred to the **Rules and Operations of the Senate Committee** on March 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 174, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, referred to the **Judiciary II Committee** on March 18.

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, and the Chair so orders.

S.B. 664, A BILL TO BE ENTITLED AN ACT TO IMPROVE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT AND SERVICES TO DISPLACED HOMEMAKERS BY CONSOLIDATING THE NORTH CAROLINA COUNCIL FOR WOMEN AND THE DOMESTIC VIOLENCE COMMISSION INTO ONE COMMISSION, referred to the **Rules and Operations of the Senate Committee** on April 3.

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 **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

REMOVAL OF BILL CO-SPONSOR

Senator Randleman requests that she be removed as a sponsor of previously introduced legislation:

S.B. 361, A BILL TO BE ENTITLED AN ACT TO PROVIDE LITERACY VOLUNTEER LEAVE TIME; MAXIMIZE INSTRUCTIONAL TIME; STRENGTHEN TEACHER EDUCATION PROGRAMS AND TEACHER LICENSURE REQUIREMENTS; ESTABLISH PLANS FOR PAY FOR EXCELLENCE; ASSIGN SCHOOL PERFORMANCE GRADES AND ADD STUDENT GROWTH COMPONENT; AND ESTABLISH TEACHER CONTRACTS.

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Upon motion of Senator Berger, seconded by Senator Jenkins, the Senate adjourns at 1:06 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, May 13, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 9, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO LIMIT THE TERMS OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO TWO GENERAL ASSEMBLIES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 101, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ESTATE TAX.

Referred to the **Finance Committee**.

H.B. 357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 537, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT.

Referred to the **Education/Higher Education Committee**.

H.B. 665, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSPECTION REQUIREMENTS FOR USED VEHICLES SOLD ON A SALVAGE TITLE BY DEALERS.

Referred to the **Transportation Committee**.

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H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER.

Referred to the **Finance Committee**.

H.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ISSUES RELATED TO PROVIDING DUTY-FREE INSTRUCTIONAL PLANNING TIME DURING REGULAR STUDENT CONTACT HOURS TO ALL CLASSROOM TEACHERS, STRATEGIES FOR PROVIDING NORTH CAROLINA WITH GREAT LEADERS FOR GREAT SCHOOLS, AND THE COMMON CORE STATE STANDARDS; AND DIRECTING THE DEPARTMENT OF PUBLIC INSTRUCTION TO STUDY THE USE OF CERTAIN SAFETY MEASURES IN SCHOOLS, INCLUDING THE INSTALLATION OF SILENT PANIC ALARM SYSTEMS FOR USE IN LIFE-THREATENING AND EMERGENCY SITUATIONS.

Referred to the **Education/Higher Education Committee**.

H.B. 779 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE ISSUE OF RESPONSIBILITY FOR MAINTENANCE OF INFRASTRUCTURE ON FORECLOSED OR ABANDONED PROPERTIES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 784 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REMEDIES AND PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF DIFFERENT LISTED TERMS.

Referred to the **Judiciary II Committee**.

H.B. 785 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS.

Referred to the **Transportation Committee**.

H.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL CORRECTIONAL FACILITIES AND JUVENILE FACILITIES IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE FEDERAL PRISON RAPE ELIMINATION ACT (PREA).

Referred to the **Judiciary II Committee**.

H.B. 670, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY EXTENDING THE PROVISION OF FOSTER CARE TO THE AGE OF 21.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW.

Referred to the **Commerce Committee**.

H.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

Referred to the **Commerce Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Meredith for the **Commerce Committee**:

S.B. 403, A BILL TO BE ENTITLED AN ACT TO AMEND THE UNIFORM PRUDENT INVESTOR ACT AND TO MAKE CONFORMING CHANGES TO THE LAWS REGULATING CEMETERIES AND THE PRACTICE OF FUNERAL SERVICE AS RELATED TO TRUST FUNDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85220, which changes the title to read **S.B. 403** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING INVESTMENTS OF CEMETERIES AND PRENEED FUNERAL FUNDS, is adopted and engrossed.

S.B. 327, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALERS AND MANUFACTURERS LICENSING LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85223, which changes the title to read **S.B. 327** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALERS' AND MANUFACTURERS' LICENSING LAW, is adopted and engrossed.

By Senator Newton for the **Judiciary I Committee**:

S.B. 107, A BILL TO BE ENTITLED AN ACT ALLOWING PERSONS PRACTICING AS CERTIFIED PROFESSIONAL MIDWIVES IN THIS

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STATE TO CONTINUE TO PROVIDE MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 95085, which changes the title to read **S.B. 107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CERTIFIED PROFESSIONAL MIDWIVES TO PROVIDE CERTAIN MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY, is adopted and engrossed.

S.B. 683, A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35339, is adopted and engrossed.

H.B. 433 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, 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, 80357, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 2 is re-referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTIETH DAY

Senate Chamber
Monday, May 13, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Dear gracious and all loving God, O Lord, every week we return to this place, and you are waiting like a father to embrace us and turn our hearts back to the service of our fellow citizens. It is a tremendous blessing that we have to serve our state in this refined capacity. Let us begin this week as you tell us to in

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the words of Psalm 40, 'I waited patiently for the Lord; he inclined to hear me—to hear my cry. He drew me out from the pit of destruction, out of my miry bog, set my feet upon a rock, making my steps secure. Blessed is the man who makes the Lord his trust, who does not turn to the proud, to those who go astray after a lie.' So we do come to you tentatively tonight—frail tonight—and we ask you to place us upon that rock that is higher than I. Build this house, Lord, we plead, by putting a new hymn of praise in our mouths. Praise you, God, for what you have done here and what you are doing here. You have multiplied, O Lord, my God, you have multiplied your deeds and they are wondrous. Your thoughts towards us—none can compare with you. It is in Jesus' name we pray. Amen.”

The Chair grants a leave of absence for tonight to Senator Meredith.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, May 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following Joint Resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 444, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF ANDREW T. HEATH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION. (Res. 2013-11)

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. 369, AN ACT TO CLARIFY CERTAIN NAME CHANGE REQUIREMENTS AND AUTHORIZE A PARENT TO APPLY FOR A NAME CHANGE FOR A MINOR CHILD WITHOUT CONSENT OF THE OTHER PARENT IF THE OTHER PARENT HAS BEEN CONVICTED OF CERTAIN CRIMINAL OFFENSES AGAINST THE MINOR CHILD OR A SIBLING OF THE MINOR CHILD. (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-42.)

S.B. 240, AN ACT DIRECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE NORTH CAROLINA MEDICAL BOARD TO DEVELOP RULES GOVERNING REQUESTS FOR AND RELEASE OF PATHOLOGICAL MATERIALS, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION ON PATHOLOGICAL MATERIALS. (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-43.)

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S.B. 456, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO DESIGNATE QUALIFIED HOSPITALS AS PRIMARY STROKE CENTERS, AS RECOMMENDED BY THE JUSTUS-WARREN HEART DISEASE AND STROKE PREVENTION TASK FORCE. (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-44.)

S.B. 98, AN ACT TO EXPAND THE NEWBORN SCREENING PROGRAM ESTABLISHED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO INCLUDE NEWBORN SCREENING FOR CONGENITAL HEART DISEASE UTILIZING PULSE OXIMETRY, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE. (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-45.)

H.B. 247, AN ACT TO ALLOW HEALTH PROVIDERS AND HEALTH INSURERS TO FREELY NEGOTIATE REIMBURSEMENT RATES BY PROHIBITING CONTRACT PROVISIONS THAT RESTRICT RATE NEGOTIATIONS. (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-46.)

S.B. 117, AN ACT TO CODIFY THE COMMON LAW THAT IT IS MURDER WHERE A CHILD WHO IS BORN ALIVE DIES AS THE RESULT OF INJURIES INFLICTED PRIOR TO THE CHILD'S BIRTH, AND TO PROVIDE THAT THE ACT SHALL BE ENTITLED "LILY'S LAW." (Became law upon approval of the Governor, May 8, 2013 - S.L. 2013-47.)

H.B. 314, AN ACT EXTENDING THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF AYDEN FROM TWO TO FOUR YEARS AND PROVIDING THAT THE NOTICE OF CANDIDACY FOR OFFICE SHALL BE FILED WITH THE COUNTY BOARD OF ELECTIONS. (Became law upon ratification, May 9, 2013 - S.L. 2013-48.)

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to tonight's calendar:

S.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING CERTIFIED PROFESSIONAL MIDWIVES TO PROVIDE CERTAIN MIDWIFERY SERVICES WITHOUT BEING SUBJECT TO CRIMINAL PENALTY, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's calendar and re-referred to the **Health Care Committee**.

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S.B. 468, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES, upon third reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, May 14.

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, May 14.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

S.B. 292, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL IMMEDIATELY REVOKE A PERSON'S DRIVERS LICENSE FOR REFUSING TO SUBMIT TO A CHEMICAL ANALYSIS PURSUANT TO G.S. 20-16.2 REGARDLESS OF WHETHER THE PERSON REQUESTS A HEARING BEFORE THE DIVISION IF CERTAIN CONDITIONS ARE MET, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85221, which changes the title to read **S.B. 292** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE A PERSON HAS COMMITTED AN IMPLIED-CONSENT OFFENSE AND APPLICABLE LAW REQUIRES A MANDATORY REVOCATION OF THE PERSON'S DRIVERS LICENSE, A REQUEST FOR A HEARING DOES NOT STAY THE REVOCATION PERIOD, WHICH SHALL BE IMMEDIATELY IMPOSED UNDER CERTAIN CIRCUMSTANCES, is adopted and engrossed.

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S.B. 409, A BILL TO BE ENTITLED AN ACT TO REPEAL ELEMENTS OF THE CIVIL NO-CONTACT LAWS PERTAINING TO STALKING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85222, which changes the title to read **S.B. 409** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDER CASES, is adopted and engrossed.

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE PENALTIES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE 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, 95086, which changes the title to read **S.B. 636** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS, is adopted and engrossed.

S.B. 676, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85224, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 399 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, upon second reading.

Senator Brunstetter offers Amendment No. 1, which is adopted (49-0), and changes the title to read **S.B. 399** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY NONCAPITAL CRIMINAL OFFENSE MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE.

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The Committee Substitute bill, as amended, passes its second reading by a three-fifths majority vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Committee Substitute bill, as amended, passes its third reading by a three-fifths majority vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Committee Substitute bill is ordered engrossed and sent to the House of Representatives.

S.B. 73, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998, upon second reading.

The bill passes its second reading (46-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GEOGRAPHICALLY UNIFORM ZONES TO PROMOTE COLLABORATION FOR PROSPERITY WITHIN THIS STATE, TO REPEAL THE STATUTES RELATING TO THE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS AND TO TRANSFER THEIR FUNCTIONS WITHIN EACH ZONE TO THE DEPARTMENT OF COMMERCE, TO REQUIRE THE DEPARTMENTS OF COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, AND TRANSPORTATION AND THE COMMUNITY COLLEGE SYSTEM TO MAINTAIN LIAISON PERSONNEL WITHIN EACH ZONE, AND TO CREATE THE STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY, upon second reading.

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Senator Brown offers Amendment No. 1, which is adopted (49-0).

Without objection, Senator Hise is excused from voting on the bill because his mother serves on the Advantage West Board.

The Committee Substitute bill, as amended, passes its second reading (31-17).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Tuesday, May 14, upon third reading.

S.B. 327 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE MOTOR VEHICLE DEALERS' AND MANUFACTURERS' LICENSING LAW, upon second reading.

Without objection, Senator Brown is excused from voting on the bill due to a business conflict.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD, 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. 403 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING INVESTMENTS OF CEMETERIES AND PRENEED FUNERAL FUNDS, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 465, 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, upon second reading.

Senator McKissick offers Amendment No. 1, which is adopted (44-4).

The bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, upon second reading.

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The Committee Substitute bill passes its second reading (47-1).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Tuesday, May 14, upon third reading.

S.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to tonight's calendar:

S.B. 630, 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, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from tonight's calendar and placed on the calendar of Tuesday, May 14.

CALENDAR *(continued)*

S.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, upon second reading.

Senator Goolsby offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AS RECOMMENDED BY THE NORTH CAROLINA CHILD FATALITY TASK FORCE, upon third reading, as amended.

The Committee Substitute bill, as amended, passes its third reading (38-10) and is ordered engrossed and sent to the House of Representatives.

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S.B. 444, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION, upon third reading.

The bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

WITHDRAWALS FROM COMMITTEES

S.B. 494, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION, referred to the **Judiciary I Committee** on March 28.

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, and the Chair so orders.

S.B. 407, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTEREST AND CERTIFICATE OF TITLE DATA, referred to the **Commerce Committee** on April 3.

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, and the Chair so orders.

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, referred to the **Rules and Operations of the Senate Committee** on May 1.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar of Tuesday May 14, which motion prevails with unanimous consent, and the Chair so orders.

S.R. 432, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES, referred to the **Rules and Operations of the Senate Committee** on March 27.

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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 the calendar of Tuesday May 14, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE, referred to the **Rules and Operations of the Senate Committee** on May 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar of Tuesday May 14, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 433 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, referred to the **Rules and Operations of the Senate Committee** on May 9.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Committee Substitute bill No. 2 be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar of Tuesday May 14, which motion prevails with unanimous consent, and the Chair so orders.

S.B. 648 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIMINAL OFFENSE OF EMPLOYMENT FRAUD, TO CLARIFY THE CALCULATION OF INTEREST FOR ACTIONS FOR PERSONAL INJURY OR WRONGFUL DEATH, TO PROHIBIT PREDATORY THIRD-PARTY FINANCING OF LITIGATION BY ASSIGNMENT OF PLAINTIFF'S RIGHT TO RECEIVE PROCEEDS, AND TO CREATE TRANSPARENCY IN CONTRACTS THE ATTORNEY GENERAL ENTERS INTO WITH PRIVATE ATTORNEYS TO REPRESENT THE STATE, referred to the **Judiciary I Committee** on May 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Judiciary I Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.J.R. 431, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S APPOINTMENT OF RAY GRACE TO THE OFFICE OF COMMISSIONER OF BANKS, referred to the **Rules and Operations of the Senate Committee** on March 27.

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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, and the Chair so orders.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Kayla Alderman, Lewisville; Kristen Alderman, Lewisville; James Averette, Henderson; Cassie Burk, Cornelius; Faith Coleman, Wake Forest; Nicholas Couchell, Matthews; Elijah Hamilton, Apex; Amon McEachern, Goldsboro; Ivy O'Donnell, Bostic; Dillan Phillips, Louisburg; Mason Poole, Raleigh; Emily Rundle, Raleigh; Joel Rundle, Raleigh; Katie Steg, Henderson; Kennedy Terrell, Matthews; Jamario Williams, Henderson; and Jamera Williams, Weldon.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 8:34 p.m., subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, May 14, at 9:45 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 336, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN-STATE HIGH SCHOOL STUDENTS ENROLLED AT THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS MAY BE CHARGED FEES TO ASSIST WITH THE EXPENSES OF THE INSTITUTION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ADDITIONAL PETITION BE SUBMITTED TO THE MUNICIPAL INCORPORATIONS SUBCOMMITTEE, TO SET A TIME LIMIT ON THE LIFE OF THE PETITIONS SUBMITTED TO THAT SUBCOMMITTEE, AND TO MAKE TECHNICAL CORRECTIONS.

Referred to the **Finance Committee**.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX.

Referred to the **Finance Committee**.

H.B. 609 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT RELATING TO HEALTH BENEFIT PLAN COVERAGE FOR ORALLY ADMINISTERED ANTICANCER DRUGS.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Insurance Committee**.

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H.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS GOVERNING THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.

Referred to the **Judiciary II Committee**.

H.B. 698, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL HISTORY CHECKS FOR CURRENT VOLUNTEERS OR PAID FIRE DEPARTMENT PERSONNEL AND EMERGENCY MEDICAL SERVICES PERSONNEL.

Referred to the **Judiciary II Committee**.

H.B. 817 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 870 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC BODIES TO RECORD MEETINGS HELD IN CLOSED SESSION.

Referred to the **Judiciary I Committee** and upon a favorable report, re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 930 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS OF CARE FOR LARGE COMMERCIAL DOG BREEDING FACILITIES AND TO PROVIDE LAW ENFORCEMENT WITH TOOLS TO ENSURE THAT DOGS AT THOSE FACILITIES ARE TREATED HUMANELY.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 968 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE SUCCESSFUL PARTICIPATION IN CAREER AND TECHNICAL EDUCATION COURSEWORK LEADING TO INDUSTRY CERTIFICATIONS AND CREDENTIALS TO ENHANCE THE EMPLOYABILITY OF HIGH SCHOOL STUDENTS BY IMPLEMENTING A BONUS PROGRAM AVAILABLE TO LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to the **Education/Higher Education Committee**.

H.B. 969 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN SUCCESSFUL PARTICIPATION BY STUDENTS IN ADVANCED COURSES TO HELP ELIMINATE ACHIEVEMENT AND ACCESS GAPS AND TO CREATE PERFORMANCE INCENTIVES FOR SCHOOLS AND TEACHERS FOR STUDENT EXCELLENCE IN ADVANCED COURSES.

Referred to the **Education/Higher Education Committee**.

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H.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.

Referred to the **Rules and Operations of the Senate Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-FIRST DAY

Senate Chamber
Tuesday, May 14, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Without objection, the prayer is postponed until after recess.

Senator J. Davis announces that the Senate Journal of Monday, May 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Senate recesses at 9:51 a.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 2:00 p.m.

RECESS

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Meredith for the **Commerce Committee**:

H.B. 119, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES, with a favorable report.

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S.B. 297, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY UNDERTAKE CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES WITHOUT COMPLYING WITH THE STATE'S CONTRACT LAWS, with a favorable report.

S.J.R. 431, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S APPOINTMENT OF RAY GRACE TO THE OFFICE OF COMMISSIONER OF BANKS, with a favorable report.

S.B. 294, A BILL TO BE ENTITLED AN ACT TO AMEND THE EXCLUSIONS FOR POST-CONSTRUCTION PRACTICES TO INCLUDE PUBLIC AND PRIVATE LINEAR TRANSPORTATION PROJECTS FOR THE CITY OF WINSTON-SALEM, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75325, which changes the title to read **S.B. 294** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ENTITIES REGULATED UNDER PHASE II OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM TO UTILIZE THE DEPARTMENT OF TRANSPORTATION'S BEST MANAGEMENT PRACTICES TOOLBOX FOR LINEAR TRANSPORTATION PROJECTS, is adopted and engrossed.

S.B. 583, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75324, is adopted and engrossed.

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by Chaplain Archie E. Barringer from Hope Mills Presbyterian Church in Fayetteville, North Carolina, as follows:

"Our Father, as we have gathered in this chamber, where laws are passed, history is shaped, and decisions are made that determine the direction and destiny of our great state of North Carolina, we humbly ask your blessings upon us. We thank you for the privilege of living in a free country where we have the right to assemble and represent the will of our people and invoke the laws of this great land. We pray now for your divine direction, wisdom, and guidance in all the issues that will come before this body of legislators today. We ask, too, for your special blessings upon our military: Active Duty, Reserves, and Veterans alike. We know that many of them have fought, bled, and died for the right that we have to be here today. 'Yes, all gave some, but some gave all,'* and 'freedom isn't free,'* but has come to us at hardships and sacrifices made by our military members and their families. May we never take it for granted. And, now, O

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Lord, as we convene this Legislative Assembly, 'Grant us wisdom, grant us courage, for the facing of this hour.'+ May we continue to be strong in our commitment. Temper our pride with humility. Provide us with the dedication, driven by determination, to be the best, to 'stand in the gap,' and to be all that you would have us to be, to protect, preserve, and defend those freedoms that you have intended for all people. May we persevere until that day when 'we shall beat our spears into pruning hooks, our swords into plowshares, and study war no more.'** For we ask it all, O Lord, in your name. Amen."

*Excerpt from "Some Gave All," by Billy Ray Cyrus

+Isaiah 2:4, NIV

**Excerpt from "God of Grace and God of Glory," by Harry E. Fosdick

The Chair extends privileges of the floor to Dr. John Burkard from Raleigh, North Carolina, who is serving the Senate as Doctor of the Day, to Catherine Batts from Scotland Neck, North Carolina, who is serving the Senate as Nurse of the Day, and to Taylor McClellan, a second year medical student at Duke University.

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. 83, AN ACT TO ENCOURAGE VOLUNTEER HEALTH CARE IN FREE CLINICS BY LIMITING THE LIABILITY OF MEDICAL AND HEALTH CARE PROVIDERS IF THE FREE CLINIC PROVIDES PATIENTS WITH NOTICE OF LIMITED LIABILITY. (Became law upon approval of the Governor, May 13, 2013 - S.L. 2013-49.)

H.B. 488, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT. (Became law without the approval of the Governor, May 14, 2013 - S.L. 2013-50.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 248 (Committee Substitute), 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, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID

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DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 269, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

S.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR MINIMUM STANDARDS FOR JAIL DORMITORIES TO ALLOW COUNTIES WITH POPULATIONS IN EXCESS OF TWO HUNDRED FIFTY THOUSAND INMATES TO HOUSE SIXTY-FOUR INMATES PER DORMITORY SO LONG AS CERTAIN MINIMUM STANDARDS ARE MET, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1, which changes the title to read **S.B. 463**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR MINIMUM STANDARDS FOR JAIL DORMITORIES TO ALLOW COUNTIES WITH POPULATIONS IN EXCESS OF TWO HUNDRED FIFTY THOUSAND TO HOUSE SIXTY-FOUR INMATES PER DORMITORY SO LONG AS CERTAIN MINIMUM STANDARDS ARE MET, is adopted and engrossed.

H.B. 484 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30541, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Commerce Committee**.

Upon motion of Senator Apodaca, the sequential referral to the **Commerce Committee** is stricken, and the Senate Committee Substitute bill is placed on today's calendar.

By Senator Newton for the **Judiciary I Committee**:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES, with a favorable report.

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S.B. 584, A BILL TO BE ENTITLED AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, with a favorable report.

S.B. 182, A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS DE NOVO TO THE SUPERIOR COURT IN MISDEMEANOR CASES IN WHICH THE DEFENDANT HAS PLED GUILTY AND TO ELIMINATE APPEALS FROM DISTRICT COURT TO SUPERIOR COURT FOR INFRACTIONS AND PROBATION REVOCATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35342, which changes the title to read **S.B. 182** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO ALLOW FOR AN UNRESTRICTED RESENTENCING HEARING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, is adopted and engrossed.

By Senator Tucker for the **State and Local Government Committee**:

S.B. 226, A BILL TO BE ENTITLED AN ACT RELATING TO THE 22ND SENATORIAL DISTRICT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85226, which changes the title to read **S.B. 226** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A 1935 DURHAM COUNTY LOCAL ACT CONCERNING FIREARM REGISTRATION, is adopted and engrossed.

S.B. 211, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING, with a favorable report.

S.B. 257, A BILL TO BE ENTITLED AN ACT TO FURTHER DEFINE THE BOUNDARY LINE BETWEEN ALAMANCE AND GUILFORD COUNTIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75326, which changes the title to read **S.B. 257** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THEIR COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD COUNTY BY REQUIRING A SURVEY OF THE BOUNDARY LINE BETWEEN THE COUNTIES, is adopted and engrossed.

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By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 112, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) ALLOW 10-YEAR PHASE LANDFILL DEVELOPMENTS TO APPLY FOR A PERMIT TO OPERATE; AND (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85227, which changes the title to read **S.B. 112** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THAT EXTENDED-DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (3) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (4) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (5) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (6) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (7) AMEND THE DEFINITION OF "BUILT-UPON AREA"; (8) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (9) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT OF WAY MAINTENANCE; (10) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM

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RIPARIAN BUFFER RULES; (11) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (12) AMEND THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS; (13) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (14) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; AND (15) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS, is adopted and engrossed.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO CLARIFY THE AUTHORITY OF COUNTIES AND MUNICIPALITIES TO HAVE STRUCTURES REMOVED FROM THE STATE'S PUBLIC TRUST OCEAN BEACHES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85230, which changes the title to read **S.B. 151** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS, AMEND THE LAW GOVERNING THE CONSTRUCTION OF TERMINAL GROINS, AMEND CAMA PERMITTING LAWS, AND CLARIFY THAT CITIES AND COUNTIES MAY ENFORCE ORDINANCES WITHIN THE STATE'S PUBLIC TRUST AREAS, is adopted and engrossed.

S.B. 515, A BILL TO BE ENTITLED AN ACT TO REVISE THE NUTRIENT MANAGEMENT STANDARDS APPLICABLE TO THE JORDAN LAKE WATERSHED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15270, is adopted and engrossed.

S.B. 703, A BILL TO BE ENTITLED AN ACT PROHIBITING LOCAL GOVERNMENTS AND LOCAL COMMUNITY COLLEGES FROM REGULATING OUTDOOR SMOKING IN A MANNER THAT IS MORE RESTRICTIVE THAN STATE LAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85231, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **State and Local Government Committee**.

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By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND COUNTY GOVERNING BOARDS, with a favorable report.

S.B. 156, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, with a favorable report.

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, with a favorable report.

S.B. 174, A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL 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, 35341, which changes the title to read **S.B. 174** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION AND TO AMEND CERTAIN PROVISIONS OF THE WORKER'S COMPENSATION LAW, is adopted and engrossed.

S.B. 494, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75323, which changes the title to read **S.B. 494** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION, is adopted and engrossed.

S.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 85229, is adopted and engrossed.

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Upon motion of Senator Apodaca, the Committee Substitute bill is placed on today's calendar for immediate consideration.

By Senator Apodaca for the **Insurance Committee**:

S.B. 477, A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPHTHALMOLOGIST OR OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPHTHALMOLOGIST OR OPTOMETRIST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35338, which changes the title to read **S.B. 477** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST, AND TO REQUIRE OPTOMETRISTS TO PROVIDE A WRITTEN DISCLOSURE TO PATIENTS, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES, upon second reading.

The bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

S.B. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING REQUIREMENTS ESTABLISHED

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BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 21.

S.B. 32, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES, upon third reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and re-referred to the **Program Evaluation Committee**.

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, May 21.

CALENDAR *(continued)*

S.B. 292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE A PERSON HAS COMMITTED AN IMPLIED-CONSENT OFFENSE AND APPLICABLE LAW REQUIRES A MANDATORY REVOCATION OF THE PERSON'S DRIVERS LICENSE, A REQUEST FOR A HEARING DOES NOT STAY THE REVOCATION PERIOD, WHICH SHALL BE IMMEDIATELY IMPOSED UNDER CERTAIN CIRCUMSTANCES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is displaced to the end of the calendar.

S.B. 613 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CIVIL NO-CONTACT ORDER CASES, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Clodfelter.

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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. 630, 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, upon second reading.

Senator Newton 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.

S.B. 636 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS, 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.

H.B. 243 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, upon second reading.

Without objection, Senator Bingham is excused from voting on the bill because he owns a newspaper.

Senator McKissick offers Amendment No. 1, which fails (23-25).

The Senate Committee Substitute bill passes its second reading (25-23) 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.R. 432, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES, for adoption.

Upon motion of Senator Apodaca, the resolution is taken up out of its regular order of business and placed before the Senate for immediate consideration.

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Upon motion of Senator Brown, the resolution is read in its entirety.

Upon motion of Senator Brown, the resolution is adopted (48-0) with all Senators who are members or veterans of the Armed Forces standing as they cast their vote.

H.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE, upon second reading.

Senator McKissick offers Amendment No. 1, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 433 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (48-1).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill No. 2 placed on the calendar of Wednesday, May 15, upon third reading.

S.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GEOGRAPHICALLY UNIFORM ZONES TO PROMOTE COLLABORATION FOR PROSPERITY WITHIN THIS STATE, TO REPEAL THE STATUTES RELATING TO THE REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS AND TO TRANSFER THEIR FUNCTIONS WITHIN EACH ZONE TO THE DEPARTMENT OF COMMERCE, TO REQUIRE THE DEPARTMENTS OF COMMERCE, ENVIRONMENT AND NATURAL RESOURCES, AND TRANSPORTATION AND THE COMMUNITY COLLEGE SYSTEM TO MAINTAIN LIAISON PERSONNEL WITHIN EACH ZONE, AND TO CREATE THE STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY, upon third reading, as amended.

Without objection, Senator Hise is excused from voting on the bill because his mother serves on the Advantage West Board.

Senator McKissick offers Amendment No. 2, which is adopted (44-3).

The Committee Substitute bill, as amended, passes its third reading (33-15) and is ordered engrossed and sent to the House of Representatives.

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S.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, upon third reading.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 292 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHERE A PERSON HAS COMMITTED AN IMPLIED-CONSENT OFFENSE AND APPLICABLE LAW REQUIRES A MANDATORY REVOCATION OF THE PERSON'S DRIVERS LICENSE, A REQUEST FOR A HEARING DOES NOT STAY THE REVOCATION PERIOD, WHICH SHALL BE IMMEDIATELY IMPOSED UNDER CERTAIN CIRCUMSTANCES, displaced earlier today upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Appropriations/Base Budget Committee**.

WITHDRAWAL FROM FUTURE CALENDAR

S.B. 151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS, AMEND THE LAW GOVERNING THE CONSTRUCTION OF TERMINAL GROINS, AMEND CAMA PERMITTING LAWS, AND CLARIFY THAT CITIES AND COUNTIES MAY ENFORCE ORDINANCES WITHIN THE STATE'S PUBLIC TRUST AREAS, placed on the calendar of Wednesday, May 15.

Senator Apodaca offers a motion that the bill be withdrawn from the calendar of Wednesday, May 15, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAW RELATING TO CONIBEAR TYPE TRAPS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35343, is adopted and engrossed.

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CALENDAR *(continued)*

H.B. 484 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES, 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.

WITHDRAWAL FROM COMMITTEE

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, referred to the **Finance Committee** on May 13.

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 of Wednesday, May 15, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Meredith, the Senate adjourns at 3:49 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, May 15, at 9:45 a.m.

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and filed in the Office of the Principal Clerk, as follows:

Executive Order No. 9, Reauthorizing the North Carolina Motorsports Advisory Council.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 26 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES.

Referred to the **Judiciary II Committee**.

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H.B. 60 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

Referred to the **State and Local Government Committee**.

H.B. 219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY" AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED.

Referred to the **Judiciary II Committee**.

H.B. 281 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR NOT LESS THAN TWO YEARS.

Referred to the **Judiciary II Committee**.

H.B. 364 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE PROGRAM EVALUATION DIVISION TO STUDY THE ABILITY OF STATE AGENCIES OR STATE ENTITIES TO ENTER INTO DEBT OR DEBT-LIKE ARRANGEMENTS OUTSIDE OF THE PURVIEW OF THE GENERAL ASSEMBLY.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 374, A JOINT RESOLUTION (I) RESCINDING ALL EXTANT APPLICATIONS BY THE GENERAL ASSEMBLY HERETOFORE MADE DURING ANY SESSION THEREOF TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONVENTION PURSUANT TO THE

TERMS OF ARTICLE V OF THE UNITED STATES CONSTITUTION FOR PROPOSING ONE OR MORE AMENDMENTS TO THAT CONSTITUTION, (II) URGING THE LEGISLATURES OF OTHER STATES TO DO THE SAME, AND (III) DIRECTING THAT COPIES OF THIS RESOLUTION BE SENT TO SPECIFIED PERSONS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING A COURT TO CONSIDER AS A TYPE OF RELIEF IN GRANTING A DOMESTIC VIOLENCE PROTECTIVE ORDER THE USE OF A GPS TRACKING DEVICE ON A PERSON WHO HAS COMMITTED ACTS OF DOMESTIC VIOLENCE AND REQUIRING THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY TO REPORT ON IMPLEMENTATION AND COST IMPACT.

Referred to the **Judiciary II Committee**.

H.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 526, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT CREATING A FIREMEN'S BENEFIT FUND FOR FIREMEN IN THE CITY OF WILMINGTON, AS AMENDED, AND TO MODIFY THE APPLICATION OF G.S. 58-84-35 TO THE CITY OF WILMINGTON.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 552, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS.

Referred to the **Judiciary II Committee**.

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H.B. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE VEHICLE WEIGHT LIMITS FOR A SINGLE-AXLE TRUCK OWNED, OPERATED BY, OR UNDER CONTRACT TO A PUBLIC UTILITY OR ELECTRIC OR TELEPHONE MEMBERSHIP CORPORATION AND USED IN CONNECTION WITH THE INSTALLATION, RESTORATION, OR MAINTENANCE OF UTILITY SERVICES IN CERTAIN AREAS.

Referred to the **Transportation Committee**.

H.B. 625, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED.

Referred to the **Transportation Committee**.

H.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINA TIMBER PRODUCERS BY REQUIRING THAT SUSTAINABLE BUILDING STANDARDS NOT DISADVANTAGE OR FORBID THE USE OF BUILDING MATERIALS PRODUCED IN THIS STATE.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SPECIAL PURPOSE PROJECT TO INCLUDE AGRICULTURAL AND FORESTRY WASTE DISPOSAL FACILITIES.

Referred to the **Commerce Committee**.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 675 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 677, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE LOCAL GOVERNMENT REGULATORY REFORM ACT.

Referred to the **State and Local Government Committee**.

H.B. 765 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS.

Referred to the **Judiciary I Committee**.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE.

Referred to the **Commerce Committee**.

H.B. 794 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY AMENDING THE DEFINITION OF "POLITICAL PARTY" AND THE NOMINATION PROCESS, AMENDING THE REQUIREMENTS FOR UNAFFILIATED AND WRITE-IN CANDIDATES, ALLOWING FOR NOMINATION BY CONVENTION BY SMALLER PARTIES, AND PROVIDING THAT SMALLER PARTIES ELECTING TO HAVE PRIMARIES WILL HAVE THE RESULTS DETERMINED BY PLURALITY.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT.

Referred to the **Judiciary II Committee**.

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL.

Referred to the **Judiciary II Committee**.

H.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.

Referred to the **Health Care Committee**.

H.B. 850 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT

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POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT.

Referred to the **Judiciary II Committee**.

H.B. 1001, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF STATESVILLE TO REPEAL THE CITY'S CIVIL SERVICE BOARD.

Referred to the **State and Local Government Committee**.

H.B. 1002, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT.

Referred to the **Transportation Committee**.

A SENATORIAL STATEMENT
Submitted by Senator Gene McLaurin

Honoring Tom Ramseur

WHEREAS, after serving in the United States Army, Tom Ramseur worked as the general manager of his family's paint and floor covering business in Concord, North Carolina; and

WHEREAS, between 1988 to 2001, Tom Ramseur served as President and CEO of the Cabarrus Regional Chamber of Commerce; and

WHEREAS, Tom Ramseur then worked in the field of fundraising and development for several private schools and churches; and

WHEREAS, between 2003 through 2005, Tom Ramseur served as Vice President of Sales and Marketing for Technologies Edge in Concord; and

WHEREAS, in January 2006, Tom Ramseur became President and CEO of the Stanly County Chamber of Commerce; and

WHEREAS, Tom Ramseur has been an active member of numerous civic, fraternal, and professional organizations, including the Centralina Workforce Development Board and the Rotary Club; and

WHEREAS, Tom Ramseur is a member of the First Lutheran Church in Albemarle; and

WHEREAS, Tom Ramseur has been married to his wife, Diane Baker Ramseur for 36 years, and has three children and six grandchildren;

NOW, THEREFORE, Tom Ramseur deserves recognition for helping the Stanly County business community thrive while serving as President and CEO of the Stanly County Chamber of Commerce and congratulations on his retirement from that organization.

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IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fourteenth day of May, 2013.

S/Senator Gene McLaurin

S/Sarah Lang
Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 103, A BILL TO BE ENTITLED AN ACT AMENDING THE PROVISIONS OF LAWS RELATING TO SPECIAL ASSESSMENTS AND SPECIAL ASSESSMENTS FOR CRITICAL INFRASTRUCTURE FOR CITIES AND COUNTIES TO ELIMINATE AMBIGUITIES AND INCREASE EQUITABILITY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75321, which changes the title to read **S.B. 103** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, is adopted and engrossed.

S.B. 523, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND REDUCE THE PENALTIES FOR A TAXPAYER'S FAILURE TO FILE A RETURN FOR WHICH A REFUND IS DUE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75322, which changes the title to read **S.B. 523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE PENALTIES FOR A TAXPAYER'S FAILURE TO FILE A RETURN, is adopted and engrossed.

WITHDRAWALS FROM COMMITTEES

S.B. 371, A BILL TO BE ENTITLED AN ACT TO ENHANCE PATIENT SAFETY IN HOSPITAL AND AMBULATORY SURGICAL FACILITY OPERATING ROOMS BY REQUIRING AT LEAST ONE CIRCULATING NURSE TO BE PRESENT IN EACH OPERATING ROOM DURING EACH SURGICAL PROCEDURE, referred to the **Rules and Operations of the Senate Committee** on March 20.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the bill is withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**.

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S.B. 468, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, referred to the **Rules and Operations of the Senate Committee** on May 13.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the bill is withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Insurance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-SECOND DAY

Senate Chamber
Wednesday, May 15, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Without objection, the prayer is postponed until after recess.

Senator Rabin announces that the Senate Journal of Tuesday, May 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 Senate recesses at 9:51 a.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 2:00 p.m.

RECESS

RE-REFERRAL OF BILLS

Upon motion of Senator Apodaca, the rules are suspended to allow all bills reported out of committee today to be placed on today's supplemental calendar.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

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S.B. 376, A BILL TO BE ENTITLED AN ACT TO ALLOW LANDOWNERS AND LESSEES TO TRAP COYOTES ON THEIR LAND AT ANY TIME, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85225, which changes the title to read **S.B. 376** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ENACT RULES FOR THE YEAR ROUND TRAPPING OF COYOTES AND ESTABLISH A PERMIT FOR THE YEAR ROUND TRAPPING OF COYOTES BY LANDOWNERS AND LESSEES ON THEIR LAND; TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH AUTHORITY TO ESTABLISH TRAPPING SEASONS IN THE EXERCISE OF ITS TEMPORARY RULE-MAKING AUTHORITY; TO INCREASE THE PENALTY FOR UNLAWFULLY SELLING, POSSESSING FOR SALE, BUYING A FOX, OR TAKING ANY FOX BY UNLAWFUL TRAPPING OR WITH THE AID OF ANY ELECTRONIC CALLING DEVICE; AND TO CREATE PENALTIES FOR REMOVING A LIVE COYOTE FROM A TRAP AND TRANSPORTING A LIVE COYOTE AFTER REMOVAL, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 580, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PUBLIC-PRIVATE PARTNERSHIP FOR THE REMEDIATION OF PRE-1983 LANDFILLS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85228, which changes the title to read **S.B. 580** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CONTAMINATION SOURCE REMOVAL AND DISPOSAL BOARD, AND TO DIRECT THE BOARD AND THE DIVISION OF WASTE MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY DEVELOPMENT AND IMPLEMENTATION OF A PILOT PROGRAM TO ALLOW A PUBLIC-PRIVATE PARTNERSHIP FOR THE SAFE AND EXPEDITED REMEDIATION OF PRE-1983 LANDFILLS AT LITTLE OR NO COST TO THE STATE, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 27 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT MODIFYING THE ALLOCATION OF THE PROCEEDS FROM THE GROSS PREMIUM TAX ON INSURANCE COMPANIES UNDER G.S. 105-

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228.5 TO INCLUDE DEDICATED FUNDING FOR THE WORKERS' COMPENSATION FUND FOR THE BENEFIT OF VOLUNTEER SAFETY WORKERS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (3) REPEAL THE REQUIREMENT FOR AIR POLLUTION PERMIT HOLDERS TO SUBMIT A WRITTEN DESCRIPTION OF PLANS TO REDUCE EMISSIONS OF AIR CONTAMINANTS BY SOURCE REDUCTION OR RECYCLING; (4) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (5) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; AND (6) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LITERACY TEST FOR VOTERS.

Referred to the **Judiciary I Committee**.

H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES.

Referred to the **Judiciary I Committee**.

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H.B. 428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES.

Referred to the **Transportation Committee**.

H.B. 458 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS BEFORE PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

H.B. 479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE ELECTROLYSIS PRACTICE ACT TO AUTHORIZE THE BOARD OF ELECTROLYSIS EXAMINERS TO HOLD AND USE FUNDS AND TO MAKE CONFORMING AMENDMENTS.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 480 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

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H.B. 530, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY.

Referred to the **State and Local Government Committee**.

H.B. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON.

Referred to the **State and Local Government Committee**.

H.B. 567, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

Referred to the **State and Local Government Committee**.

H.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE PERMITTED USE OF STORMWATER FEES.

Referred to the **Finance Committee**.

H.B. 615 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES; TO MAKE DRIVING WHILE LICENSE REVOKED A NONMOVING VIOLATION FOR CERTAIN PURPOSES; AND TO MAKE OTHER CONFORMING CHANGES.

Referred to the **Judiciary II Committee**.

H.B. 632 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ESTABLISHING A PROPERTY OWNERS PROTECTION ACT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE HANDLING OF HAZARDOUS DRUGS TO PREVENT DISEASE AND INJURY CAUSED BY EXPOSURE.

Referred to the **Health Care Committee**.

H.B. 669, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 674, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE TO DIRECT THE PROGRAM EVALUATION DIVISION TO

STUDY THE CONTESTED CASE PROCESS CONTAINED IN ARTICLE 3 OF CHAPTER 150B OF THE GENERAL STATUTES IN CONNECTION WITH PROVIDER APPEALS UNDER THE MEDICAID PROGRAM.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS.

Referred to the **Transportation Committee**.

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE.

Referred to the **Transportation Committee**.

H.B. 743 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

Referred to the **Finance Committee**.

H.B. 777 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW THAT IMPOSES RESIDENTIAL RESTRICTIONS ON SEX OFFENDERS TO PROVIDE THAT A SEX OFFENDER IS PROHIBITED FROM RESIDING WITHIN ONE THOUSAND FEET OF A SITE WHERE A BOYS AND GIRLS CLUB OF AMERICA IS LOCATED.

Referred to the **Judiciary II Committee**.

H.B. 796, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT.

Referred to the **Commerce Committee**.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COUNTY POPULATION AND MINIMUM ACREAGE REQUIREMENTS IN CERTAIN TRACTS OF LAND USED AS CEMETERIES.

Referred to the **Commerce Committee**.

H.B. 838 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMISSION TO STUDY THE DELIVERY OF EXCEPTIONAL CHILDREN'S SERVICES BY LOCAL SCHOOL ADMINISTRATIVE UNITS AND THE OVERSIGHT OF THOSE SERVICES BY THE DEPARTMENT OF PUBLIC INSTRUCTION.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 842 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY THE SALE OF SPIRITUOUS LIQUOR BY THE HOLDER OF A DISTILLERY PERMIT TO PATRONS WHO HAVE PARTICIPATED IN A TOUR OF THE DISTILLERY.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

S.B. 236, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85234, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Apodaca for the **Insurance Committee**:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND OTHER CHANGES TO THE PROFESSIONAL EMPLOYER ORGANIZATION STATUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85233, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 556, A BILL TO BE ENTITLED AN ACT TO WIND UP THE NORTH CAROLINA HEALTH INSURANCE RISK POOL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35344, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Daniel for the **Transportation Committee**:

S.B. 653, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP DESIGN AND CONSTRUCTION STANDARDS SPECIFIC TO GREENWAYS, with a favorable report.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

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S.B. 501, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35346, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 717, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO GIVE TIMELY NOTICE TO CERTAIN LICENSE HOLDERS OF INSPECTION LAW VIOLATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35345, which changes the title to read **S.B. 717** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO ALLOW THE NORTH CAROLINA BOARD OF ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL PROPERTY.

Referred to the **Judiciary II Committee**.

H.B. 177 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY FEDERAL AND STATE BARRIERS TO A MARKET-BASED HEALTH CARE DELIVERY SYSTEM, TO COMPARE HOSPITAL-BASED OPERATING ROOM AND AMBULATORY SURGICAL CENTERS AS A VENUE FOR THE PROVISION OF SURGICAL SERVICES, TO STUDY NORTH CAROLINA'S CERTIFICATE OF NEED PROGRAM IN COMPARISON WITH OTHER STATES, AND TO STUDY OTHER RELATED CERTIFICATE OF NEED ISSUES.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REINSTATE THE 2009 NORTH CAROLINA ENERGY CONSERVATION CODES AND REPEAL THE 2012 NORTH CAROLINA ENERGY CONSERVATION CODES.

Referred to the **Commerce Committee**.

H.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO ENTER INTO AGREEMENTS WITH LOCAL GOVERNMENTS TO ALLOW PUBLIC SAFETY TECHNOLOGY IN THE RIGHTS-OF-WAY OF THE STATE HIGHWAY SYSTEM.

Referred to the **Transportation Committee**.

H.B. 491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 519 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FAIRNESS AND EQUITY OF THE PROPERTY INSURANCE RATE-MAKING PROCESS BY PROVIDING FOR GREATER TRANSPARENCY REGARDING THE ROLE OF CATASTROPHE MODELING IN PROPERTY INSURANCE RATE FILINGS; AND BY PROVIDING THAT MODELED LOSSES IN A PROPERTY RATE FILING BE PROPERLY ALLOCABLE TO NORTH CAROLINA; AND BY REQUIRING THE RATE BUREAU TO DESIGNATE IN A FILING THAT PORTION OF THE RATE IN EACH TERRITORY ALLOCABLE TO WIND AND HAIL.

Referred to the **Insurance Committee**.

H.B. 634 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE NORTH CAROLINA MEDICAL CARE COMMISSION TO ADOPT RULES ESTABLISHING STANDARDIZED HOSPITAL EMERGENCY CODES AND REQUIRING HOSPITALS TO IMPLEMENT THEM.

Referred to the **Health Care Committee**.

H.B. 759 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST ONE WORKING STOP LAMP ON EACH SIDE OF THE REAR OF THE VEHICLE AND TO MAKE OTHER CLARIFYING CHANGES.

Referred to the **Transportation Committee**.

H.B. 773 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REVISING THE CONDITIONS UNDER WHICH COUNTIES AND CITIES MAY INSPECT BUILDINGS OR STRUCTURES.

Referred to the **Commerce Committee**.

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H.B. 854 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATING TO BROADBAND INFRASTRUCTURE IN RURAL COMMUNITIES AND CHANGES IN THE UNIVERSAL SERVICE FUND USE AND REPORTING.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 884 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A DROPOUT PREVENTION AND RECOVERY PILOT PROGRAM WITH CHARTER SCHOOLS.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 888 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATED TO THE POSSESSION OF CERTAIN PRESCRIPTION DRUGS AND THE CRIMINAL PENALTY FOR THAT OFFENSE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS.

Referred to the **Judiciary II Committee**.

H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 902 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE EDUCATION AND WORKFORCE INNOVATION ACT.

Referred to the **Education/Higher Education Committee**.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE LIST OF CRIMES FOR WHICH AN INVESTIGATIVE GRAND JURY CAN BE CONVENED.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 912 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE TREASURER TO ACCEPT MONETARY CONTRIBUTIONS TO THE GENERAL FUND OF THE STATE OF NORTH CAROLINA FOR GOVERNMENTAL SERVICES.

Referred to the **Finance Committee**.

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H.B. 919 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ELECTRONIC FILING OF CERTAIN CAMPAIGN FINANCE REPORTS BY CANDIDATE CAMPAIGN COMMITTEES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 923, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIFIC TIME FRAMES FOR THE REINSTATEMENT OF LICENSES THAT HAVE BEEN REVOKED FOR FAILURE TO PAY CHILD SUPPORT.

Referred to the **Judiciary II Committee**.

H.B. 926 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CREATING A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.

Referred to the **Judiciary II Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Insurance Committee**:

S.B. 468, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85232, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS RELATING TO THE NOTICE REQUIRED FOR CANCELLATION OF WORKERS' COMPENSATION INSURANCE POLICIES AND TO AMEND THE WORKERS' COMPENSATION ACT CONCERNING THE STATUS OF TRUCK DRIVERS AS EMPLOYEES OR INDEPENDENT CONTRACTORS AND RELATING TO OUT-OF-STATE ACCIDENTS AND STATE RECIPROCITY OF CLAIMS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75327, which changes the title to read **S.B. 614** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS RELATING TO THE NOTICE REQUIRED FOR CANCELLATION OF WORKERS' COMPENSATION INSURANCE POLICIES, is adopted and engrossed.

Pursuant to Senator Apodaca's earlier motion, the Committee Substitute bill is placed on today's supplemental calendar.

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The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by the Reverend Peter Milner, Senate Chaplain, as follows:

“O God, who knows how often we sin against you with our tongues? Keep us free from all untrue and unkind words. Consecrate our speech to your service; keep us often silent that our hearts may speak to you—may listen for your voice, through Jesus Christ, Amen.”

The Chair grants leaves of absence for today to Senator Graham and Senator Jenkins.

The Chair extends privileges of the floor to Dr. Martin Williams from Wilson, North Carolina, who is serving the Senate as Doctor of the Day, and to Brenda Davis from Jamestown, 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 Rucho for the **Finance Committee**:

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, with a favorable report.

Pursuant to Senator Apodaca’s earlier motion, the Committee Substitute bill is placed on today’s supplemental calendar.

S.B. 151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS, AMEND THE LAW GOVERNING THE CONSTRUCTION OF TERMINAL GROINS, AMEND CAMA PERMITTING LAWS, AND CLARIFY THAT CITIES AND COUNTIES MAY ENFORCE ORDINANCES WITHIN THE STATE’S PUBLIC TRUST AREAS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Pursuant to Senator Apodaca’s earlier motion, the Committee Substitute bill, with unengrossed Committee Amendment No. 1, is placed on today’s supplemental calendar.

CALENDAR

Bills and a resolution on today’s calendar are taken up and disposed of as follows:

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S.B. 269, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: Senator Bryant---1.

The bill remains on the calendar for Thursday, May 16, upon third reading.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 297, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY UNDERTAKE CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES WITHOUT COMPLYING WITH THE STATE'S CONTRACT LAWS, upon second reading.

Upon motion of Senator Apodaca, the bill is taken up out of its regular order of business and placed at the end of today's calendar.

CALENDAR (*continued*)

S.B. 226 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL A 1935 DURHAM COUNTY LOCAL ACT CONCERNING FIREARM REGISTRATION, 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.

S.B. 257 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THEIR COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD COUNTY BY REQUIRING A SURVEY OF THE BOUNDARY LINE BETWEEN THE COUNTIES, 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.

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S.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, May 16, upon third reading.

S.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE PENALTIES FOR A TAXPAYER'S FAILURE TO FILE A RETURN, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 29, noes 19, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Brock, Brunstetter, Cook, Curtis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, McKissick, Meredith, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---29.

Voting in the negative: Senators Apodaca, Blue, Brown, Bryant, Clark, Clodfelter, Daniel, D. Davis, J. Davis, Ford, Kinnaird, McLaurin, Nesbitt, Newton, Parmon, Robinson, Stein, Walters and Woodard---19.

The Committee Substitute bill remains on the calendar for Thursday, May 16, upon third reading.

S.B. 85, A BILL TO BE ENTITLED AN ACT TO CONFORM AND MODIFY THE STATUTES ON INITIAL VOTES BY CITY AND COUNTY GOVERNING BOARDS, 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 sent to the House of Representatives.

S.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THAT EXTENDED-DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (2) CLARIFY THE PROCESS FOR APPEALS FROM

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CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (3) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (4) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (5) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (6) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (7) AMEND THE DEFINITION OF "BUILT-UPON AREA"; (8) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (9) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT OF WAY MAINTENANCE; (10) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (11) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (12) AMEND THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS; (13) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (14) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; AND (15) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS, upon second reading.

The Committee Substitute bill passes its second reading (43-5).

Senator Jackson objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Thursday, May 16, upon third reading.

S.B. 156, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, 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 sent to the House of Representatives.

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S.B. 174 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION AND TO AMEND CERTAIN PROVISIONS OF THE WORKER'S COMPENSATION LAW, upon second reading.

The Committee Substitute bill passes its second reading (34-14).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Thursday, May 16, upon third reading.

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO ALLOW FOR AN UNRESTRICTED RESENTENCING HEARING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, upon second reading.

Senator Brunstetter offers Amendment No. 1, which is adopted (48-0), and changes the title to read **S.B. 182** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

The Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 210, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES, 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 sent to the House of Representatives.

S.B. 211, A BILL TO BE ENTITLED AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING, 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 sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR

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HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Insurance Committee**.

WITHDRAWAL FROM FUTURE CALENDAR

S.B. 199 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, placed on the calendar of Tuesday, May 21.

Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the calendar of Tuesday, May 21, and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR *(continued)*

S.B. 294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ENTITIES REGULATED UNDER PHASE II OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM TO UTILIZE THE DEPARTMENT OF TRANSPORTATION'S BEST MANAGEMENT PRACTICES TOOLBOX FOR LINEAR TRANSPORTATION PROJECTS, upon second reading.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 406, A BILL TO BE ENTITLED AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, 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 sent to the House of Representatives.

S.J.R. 431, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S APPOINTMENT OF RAY GRACE TO THE OFFICE OF COMMISSIONER OF BANKS, 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 and is ordered sent to the House of Representatives.

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S.B. 463, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PROVIDING FOR MINIMUM STANDARDS FOR JAIL DORMITORIES TO ALLOW COUNTIES WITH POPULATIONS IN EXCESS OF TWO HUNDRED FIFTY THOUSAND TO HOUSE SIXTY-FOUR INMATES PER DORMITORY SO LONG AS CERTAIN MINIMUM STANDARDS ARE MET, 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 sent to the House of Representatives.

S.B. 477 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT INSURERS AND HEALTH BENEFIT PLANS FROM LIMITING OR FIXING THE FEE AN OPTOMETRIST MAY CHARGE PATIENTS FOR SERVICES OR MATERIALS UNLESS THE SERVICES OR MATERIALS ARE COVERED BY REIMBURSEMENT UNDER THE PLAN OR INSURER CONTRACT WITH THE OPTOMETRIST, AND TO REQUIRE OPTOMETRISTS TO PROVIDE A WRITTEN DISCLOSURE TO PATIENTS, upon second reading.

Without objection, Senator Curtis is excused from voting on the bill due to a possible conflict of interest.

Senator Meredith offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 494 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NUTRIENT MANAGEMENT STANDARDS APPLICABLE TO THE JORDAN LAKE WATERSHED, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed at the end of today's supplemental calendar.

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CALENDAR *(continued)*

S.B. 583 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 584, A BILL TO BE ENTITLED AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE, 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 sent to the House of Representatives.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

CALENDAR *(continued)*

S.B. 689 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE TRAPPING LAW RELATING TO CONIBEAR TYPE TRAPS, upon second reading.

The Committee Substitute bill passes its second reading (46-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 119, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES, 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.

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H.B. 433 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, upon third reading.

Senator Brown offers Amendment No. 1, which is adopted (48-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 297, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF WINSTON-SALEM MAY UNDERTAKE CERTAIN ECONOMIC DEVELOPMENT ACTIVITIES WITHOUT COMPLYING WITH THE STATE'S CONTRACT LAWS, upon second reading.

Senator Parmon offers Amendment No.1, which is adopted (48-0).

The bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THAT EXTENDED-DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (3) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (4) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (5) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (6) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (7) AMEND THE DEFINITION OF "BUILT-UPON AREA"; (8) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (9) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT

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OF WAY MAINTENANCE; (10) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (11) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (12) AMEND THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS; (13) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (14) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; AND (15) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS, upon third reading.

Senator Jackson withdraws his objection to third reading.

Senator Ford offers Amendment No. 1, which is adopted (48-0).

The Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives.

The Senate recesses at 3:33 p.m. to reconvene at 3:45 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

MOTIONS RELATIVE TO THE SUPPLEMENTAL CALENDAR

The following changes are made to today's supplemental calendar:

S.B. 151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS, AMEND THE LAW GOVERNING THE CONSTRUCTION OF TERMINAL GROINS, AMEND CAMA PERMITTING LAWS, AND CLARIFY THAT CITIES AND COUNTIES MAY ENFORCE ORDINANCES WITHIN THE STATE'S PUBLIC TRUST AREAS, upon second reading, as amended in committee.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed at the end of today's supplemental calendar.

S.B. 475 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND OTHER CHANGES TO THE PROFESSIONAL EMPLOYER ORGANIZATION STATUTES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

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SUPPLEMENTAL CALENDAR

Bills on today's supplemental calendar are taken up and disposed of as follows:

S.B. 475 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS TECHNICAL, CLARIFYING, AND OTHER CHANGES TO THE PROFESSIONAL EMPLOYER ORGANIZATION STATUTES, upon second reading.

Senator Meredith offers Amendment No. 1, which is adopted (44-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (33-15) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 376 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ENACT RULES FOR THE YEAR ROUND TRAPPING OF COYOTES AND ESTABLISH A PERMIT FOR THE YEAR ROUND TRAPPING OF COYOTES BY LANDOWNERS AND LESSEES ON THEIR LAND; TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH AUTHORITY TO ESTABLISH TRAPPING SEASONS IN THE EXERCISE OF ITS TEMPORARY RULE-MAKING AUTHORITY; TO INCREASE THE PENALTY FOR UNLAWFULLY SELLING, POSSESSING FOR SALE, BUYING A FOX, OR TAKING ANY FOX BY UNLAWFUL TRAPPING OR WITH THE AID OF ANY ELECTRONIC CALLING DEVICE; AND TO CREATE PENALTIES FOR REMOVING A LIVE COYOTE FROM A TRAP AND TRANSPORTING A LIVE COYOTE AFTER REMOVAL, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator Meredith.

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The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA, 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 sent to the House of Representatives.

S.B. 580 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CONTAMINATION SOURCE REMOVAL AND DISPOSAL BOARD, AND TO DIRECT THE BOARD AND THE DIVISION OF WASTE MANAGEMENT OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY DEVELOPMENT AND IMPLEMENTATION OF A PILOT PROGRAM TO ALLOW A PUBLIC-PRIVATE PARTNERSHIP FOR THE SAFE AND EXPEDITED REMEDIATION OF PRE-1983 LANDFILLS AT LITTLE OR NO COST TO THE STATE, 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 sent to the House of Representatives.

S.B. 614 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS RELATING TO THE NOTICE REQUIRED FOR CANCELLATION OF WORKERS' COMPENSATION INSURANCE POLICIES, upon second reading.

Senator Brown offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 653, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO DEVELOP DESIGN AND CONSTRUCTION STANDARDS SPECIFIC TO GREENWAYS, 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.

S.B. 717 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, upon second reading.

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Without objection, Senator Bingham is excused from voting on the bill because he is in the inspection business.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

S.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NUTRIENT MANAGEMENT STANDARDS APPLICABLE TO THE JORDAN LAKE WATERSHED, upon second reading.

Senator Gunn offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (31-16) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 151 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS, AMEND THE LAW GOVERNING THE CONSTRUCTION OF TERMINAL GROINS, AMEND CAMA PERMITTING LAWS, AND CLARIFY THAT CITIES AND COUNTIES MAY ENFORCE ORDINANCES WITHIN THE STATE'S PUBLIC TRUST AREAS, displaced earlier today upon second reading, as amended in committee.

Senator Rabon offers Amendment No. 1, which is adopted (47-0).

Senator Woodard offers Amendment No. 2, which fails (13-33).

Senator Stein submits Amendment No. 3.

Senator Apodaca offers a motion that Amendment No. 3 lie upon the table, seconded by Senator Brunstetter, which motion prevails (32-15).

The Committee Substitute bill, as amended, passes its second reading (36-11) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

MOTION RELATIVE TO CROSSOVER

Upon motion of Senator Apodaca, without objection, the rules are suspended to the end that all House Bills and Resolutions that pass third reading in the House of Representatives on or before Thursday, May 16, shall be deemed timely under Senate Rule 41 if they are received by the Senate prior to conclusion of the Senate's next legislative day occurring after Thursday, May 16.

Upon motion of Senator Berger, seconded by Senator Tarte, the Senate adjourns at 5:30 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, May 16, at 9:00 a.m.

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SIXTY-THIRD DAY

Senate Chamber
Thursday, May 16, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Isaiah 60, ‘Arise, and shine, for thy light has come, and the glory of the Lord has risen upon thee. For behold, the darkness shall cover the earth, and gross darkness the peoples. But the Lord shall rise upon thee, and his glory shall be seen upon thee, and the Gentiles shall come to the light, kings to the brightness of thy rising. Lift up thine eyes round about, and see; they gather themselves together, they come to thee; your sons shall come from afar and your daughters be nursed at thy side.’ So we pray, Lord, that your light would shine on this world. We thank you that your light does shine on this Senate body—these Senators and their homes and their affections—and on every person in this room. May our governing be saturated with your light. In Christ’s name, Amen.”

The Chair grants leaves of absence for today to Senator Graham, Senator Jenkins, and Senator Newton.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, May 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 119, AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES.

H.B. 484, AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES.

CONVEYANCE OF BILLS

Upon motion of Senator Apodaca, without objection, all bills that pass third reading today will be sent to the House of Representatives by special message.

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CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 269, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY, upon third reading.

The bill passes its third reading (45-0) and is ordered sent to the House of Representatives by special message.

S.B. 103 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, upon third reading.

The Committee Substitute bill passes its third reading (45-0) and is ordered sent to the House of Representatives by special message.

S.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND AMEND THE PENALTIES FOR A TAXPAYER'S FAILURE TO FILE A RETURN, upon third reading.

The Committee Substitute bill passes its third reading (27-18) and is ordered sent to the House of Representatives by special message.

S.B. 174 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION AND TO AMEND CERTAIN PROVISIONS OF THE WORKER'S COMPENSATION LAW, upon third reading.

The Committee Substitute bill passes its third reading (36-9) and is ordered sent to the House of Representatives by special message.

Upon motion of Senator Berger, seconded by Senator Tillman, the Senate adjourns at 9:17 a.m., subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, May 20, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STUDY THE OVERSIGHT OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS AND THEIR ROLE IN TRANSPORTATION PLANNING.

Referred to the **Transportation Committee**.

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H.B. 512, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF SELECTION OF CERTAIN MEMBERS OF THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE.

Referred to the **Education/Higher Education Committee**.

H.B. 735 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT STUDENT ORGANIZATIONS AT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES MAY DETERMINE THE ORGANIZATION'S CORE FUNCTIONS AND RESOLVE ANY DISPUTES OF THE ORGANIZATION AND TO PROHIBIT CONSTITUENT INSTITUTIONS AND COMMUNITY COLLEGES FROM DENYING RECOGNITION TO ORGANIZATIONS FOR EXERCISING THESE RIGHTS.

Referred to the **Education/Higher Education Committee**.

H.B. 834 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING.

Referred to the **Program Evaluation Committee**.

H.B. 109 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE TO REVIEW THE LAWS OF THIS STATE AND OTHER STATES RELATING TO THE USE OF MOTORCYCLE HELMETS, AND TO CONSIDER WHETHER THE STATE'S MOTOR VEHICLE LAWS SHOULD BE AMENDED TO PROVIDE CERTAIN EXCEPTIONS TO THE REQUIREMENT THAT ALL OPERATORS AND PASSENGERS ON MOTORCYCLES OR MOPEDS WEAR A SAFETY HELMET.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE'S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS' COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS' COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES.

Referred to the **Transportation Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 182 (Committee Substitute), 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 **Rules and Operations of the Senate Committee**.

H.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN.

Referred to the **Pensions & Retirement and Aging Committee**.

H.B. 269 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 300 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT CITIES MAY ENFORCE ORDINANCES WITHIN THE STATE'S PUBLIC TRUST AREAS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Judiciary II Committee**.

H.B. 305, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR MEDICAID MANAGED CARE FOR BEHAVIORAL HEALTH SERVICES UNDER THE 1915(B)/(C) MEDICAID WAIVER, INCLUDING THE ESTABLISHMENT OF GRIEVANCE AND APPEAL PROCEDURES FOR ENROLLEES.

Referred to the **Health Care Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

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H.B. 341 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO PARTICIPATE IN AN APPRENTICESHIP PROGRAM APPROVED BY THE DEPARTMENT OF LABOR.

Referred to the **Finance Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, TO PROVIDE THAT THE POLICE CHIEF APPOINTED TO THE 911 BOARD SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE NORTH CAROLINA ASSOCIATION OF CHIEFS OF POLICE, TO EXTEND THE DATE FOR IMPLEMENTATION OF OPERATING STANDARDS SET BY THE 911 BOARD, AND TO PROVIDE FOR A STUDY OF 911 SERVICE BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS.

Referred to the **Pensions & Retirement and Aging Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 362 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS.

Referred to the **Finance Committee**.

H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 421, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE.

Referred to the **State and Local Government Committee**.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT.

Referred to the **Judiciary II Committee**.

H.B. 465, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS WHO ARE NOT LAWFULLY PRESENT IN THIS STATE FROM POSSESSING FIREARMS.

Referred to the **Judiciary II Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 473 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT.

Referred to the **Insurance Committee**.

H.B. 498 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS, INCLUDING THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, TO PROVIDE COVERAGE FOR THE TREATMENT OF AUTISM SPECTRUM DISORDERS.

Referred to the **Insurance Committee**.

H.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER.

Referred to the **Judiciary II Committee**.

H.B. 614 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 639 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE LAWS CONCERNING THE CANCELLATION OF WORKERS' COMPENSATION INSURANCE AND TO ALLOW ELECTRONIC COMMUNICATIONS BETWEEN AN INSURER AND THE INSURED IN PLACE OF WRITTEN COMMUNICATIONS.

Referred to the **Insurance Committee**.

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H.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 691 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT COMMUNITY COLLEGE TUITION FOR REENROLLING ACTIVE DUTY SERVICE MEMBERS SO THAT THE MAXIMUM RATE SHALL NOT EXCEED AVAILABLE FEDERAL TUITION ASSISTANCE.

Referred to the **Education/Higher Education Committee** and upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS.

Referred to the **Finance Committee**.

H.B. 711 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY ISSUES RELATING TO PARENTAL RIGHTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISPOSITION OF FIREARMS BY LAW ENFORCEMENT AGENCIES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 726, A BILL TO BE ENTITLED AN ACT EXEMPTING TIER ONE AND TWO COUNTIES FROM THE NONSUPPLANT REQUIREMENT UNDER THE LOW-WEALTH COUNTIES SCHOOL FUNDING FORMULA, MODIFYING THE NONSUPPLANT REQUIREMENT FOR SUBSEQUENT FISCAL YEARS, AND DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ADJUSTMENTS TO SCHOOL FUNDING FORMULAS.

Referred to the **Rules and Operations of the Senate Committee**.

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H.B. 793 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS SHALL OBTAIN AND MAINTAIN A FIDELITY BOND INSURING THE ASSOCIATIONS FROM LOSSES RESULTING FROM THEFT OR DISHONESTY COMMITTED BY MEMBERS OF THE EXECUTIVE BOARD OR PERSONS EMPLOYED BY THE ASSOCIATIONS, PROVIDING THAT ANY MANAGEMENT AGENT OR COMPANY HIRED BY AN ASSOCIATION SHALL AT ALL TIMES BE COVERED BY A FIDELITY BOND, AND PROVIDING FINANCIAL AUDIT REQUIREMENTS FOR ASSOCIATIONS.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Insurance Committee**.

H.B. 840 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE TASK FORCE ON THE EDUCATIONAL SERVICES FOR CHILDREN WHO ARE DEAF OR HEARING IMPAIRED.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 855 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF ABUSED JUVENILE TO INCLUDE A MINOR WHO IS A VICTIM OF HUMAN TRAFFICKING, TO PROVIDE THAT MISTAKE OF AGE AND CONSENT OF A MINOR ARE NOT DEFENSES TO PROSECUTION OF AN OFFENSE OF HUMAN TRAFFICKING, TO REQUIRE MANDATORY RESTITUTION FOR VICTIMS OF HUMAN TRAFFICKING, TO PROVIDE THAT A MINOR SHALL NOT BE PROSECUTED FOR THE OFFENSE OF PROSTITUTION, TO PROVIDE FOR THE EXPUNCTION OF CERTAIN PERSONS CONVICTED OF PROSTITUTION, TO PROVIDE THAT A PERSON WITH ONE CONVICTION FOR PROSTITUTION THAT IS THE RESULT OF BEING A HUMAN TRAFFICKING VICTIM IS ELIGIBLE FOR VICTIM'S COMPENSATION, TO MAKE EDUCATORS AWARE OF HUMAN TRAFFICKING ISSUES AND TO PROVIDE RESOURCES AND MATERIALS ON HUMAN TRAFFICKING TO EDUCATORS AND FOR DISTRIBUTION TO SCHOOL PERSONNEL, STUDENTS, AND PARENTS, AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A CENTRAL HOTLINE FOR REPORTING SUSPECTED CASES OF HUMAN TRAFFICKING.

Referred to the **Judiciary I Committee**.

H.B. 857 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Finance Committee**.

May 16, 2013

H.B. 868, A BILL TO BE ENTITLED AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Referred to the **Education/Higher Education Committee**.

H.B. 901, A BILL TO BE ENTITLED AN ACT TO DIRECT THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR LEGISLATION TO BETTER PROTECT THE RIGHT OF PERSONS TO BE PAID FOR IMPROVEMENTS TO REAL PROPERTY UNDER A CONTRACT WITH THE TENANT.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 918 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALTER THE REPORTING SCHEDULE FOR INDEPENDENT EXPENDITURES AND ELECTIONEERING COMMUNICATIONS TO PROVIDE INFORMATION IN A TIMELY FASHION.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 936 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS AND TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS' PROBATION AS ASSETS OF THE FUND.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 982 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A.

Referred to the **Health Care Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-FOURTH DAY

Senate Chamber
Monday, May 20, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Paul E. Honeycutt from Pleasant Union Baptist Church in Salemburg, North Carolina, as follows:

“Dear God, I thank you for the United States of America and this great state of North Carolina. I realize that while there are a lot of things wrong in this great country, there is also more things that are right. May our elected leaders work together to strive to do what is best for all citizens. While this great task may seem impossible, with divine help all things are possible. I believe that even with the problems we have in this country, the United States of America is still the best place in the world in which to live, and many of us would agree that North Carolina is the best state. For our state and country to be a better place to live, not only must our leaders work together, but the citizens must work with our leaders. We must build up, caring for others and trying to do our best at home and at work in order for North Carolina and our country to be all it can be. Lord, help us in that area. Lord, be with those in this Senate Chamber. They must make hard decisions during this session, and as they reason together, may they make them with integrity and the assurance that they have made the best decision they could considering the problems at hand. Even though everyone will not agree with the laws they make, may they have peace of mind they did the best that they could. In the day in which we live, we all must make sacrifices to keep America strong. May we as citizens be willing to do our part. God bless America. In Christ’s name we pray. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, 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 Douglas Stanton, Jr. from Garner, North Carolina, who is serving the Senate as Nurse of the Day.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 484, AN ACT TO ESTABLISH A PERMITTING PROGRAM FOR THE SITING AND OPERATION OF WIND ENERGY FACILITIES. (Became law upon approval of the Governor, May 17, 2013 - S.L. 2013-51.)

May 20, 2013

H.B. 149, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO FAIL TO REPORT THE DISAPPEARANCE OF A CHILD TO LAW ENFORCEMENT, TO INCREASE THE CRIMINAL PENALTY FOR CONCEALING THE DEATH OF A CHILD, TO INCREASE THE CRIMINAL PENALTY FOR MAKING A FALSE, MISLEADING, OR UNFOUNDED REPORT TO A LAW ENFORCEMENT AGENCY OR OFFICER FOR THE PURPOSE OF INTERFERING OR OBSTRUCTING AN INVESTIGATION INVOLVING A MISSING CHILD OR CHILD VICTIM OF A CLASS A, B1, B2, OR C FELONY, AND TO MAKE IT A CLASS 1 MISDEMEANOR FOR A PERSON TO FAIL TO REPORT THE ABUSE, NEGLECT, DEPENDENCY, OR DEATH DUE TO MALTREATMENT OF A JUVENILE OR TO PREVENT ANOTHER PERSON FROM MAKING SUCH REPORT. (Became law upon approval of the Governor, May 17, 2013 - S.L. 2013-52.)

S.B. 91, AN ACT TO CLARIFY THE LAW PERTAINING TO ADMINISTRATIVE ACTION THAT MAY BE TAKEN BY AN OCCUPATIONAL LICENSING BOARD AS A RESULT OF EXPUNGED CHARGES OR CONVICTIONS UNDER G.S. 15A-145.4 AND G.S. 15A-145.5; TO PROHIBIT AN EMPLOYER OR EDUCATIONAL INSTITUTION FROM REQUESTING THAT AN APPLICANT PROVIDE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED; AND TO REQUIRE A STATE OR LOCAL GOVERNMENT AGENCY TO ADVISE AN APPLICANT THAT THE APPLICANT IS NOT REQUIRED TO DISCLOSE INFORMATION REGARDING AN ARREST, CRIMINAL CHARGE, OR CRIMINAL CONVICTION OF THE APPLICANT THAT HAS BEEN EXPUNGED PRIOR TO REQUESTING DISCLOSURE. (Became law upon approval of the Governor, May 17, 2013 - S.L. 2013-53.)

H.B. 119, AN ACT AUTHORIZING THE UTILITIES COMMISSION TO ADOPT, IMPLEMENT, MODIFY, OR ELIMINATE A RATE ADJUSTMENT MECHANISM FOR NATURAL GAS LOCAL DISTRIBUTION COMPANY RATES. (Became law upon approval of the Governor, May 17, 2013 - S.L. 2013-54.)

H.B. 706, AN ACT TO PROVIDE THAT THE DISPOSAL OF ON-SITE DEMOLITION DEBRIS FROM THE DECOMMISSIONING OF MANUFACTURING BUILDINGS, INCLUDING ELECTRIC GENERATING STATIONS, IS EXEMPT FROM THE LANDFILL PERMITTING REQUIREMENTS. (Became law upon approval of the Governor, May 17, 2013 - S.L. 2013-55.)

Upon motion of Senator Berger, seconded by Senator Goolsby, the Senate adjourns at 7:07 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, May 21, at 9:30 a.m.

May 20, 2013

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 273 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CHARTER SCHOOLS MAY USE STATE FUNDS FOR OPERATIONAL LEASES AND MAY ASSIGN STATE FUNDS TO OBTAIN FUNDS FOR FACILITIES, EQUIPMENT, AND OPERATIONS; AND TO REQUIRE ACCOUNTING OF CHARTER SCHOOL FUNDS AND A TIME LINE FOR THE TRANSFER OF FUNDS BY LOCAL BOARDS OF EDUCATION TO CHARTER SCHOOLS AND TO PROVIDE FOR ATTORNEYS' FEES, COSTS, AND INTEREST IN ACTIONS TO ENFORCE TRANSFERS.

Referred to the **Education/Higher Education Committee**.

H.B. 522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 649 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES.

Referred to the **Insurance Committee**.

H.B. 663 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE BURDEN OF PROOF IN PRODUCT LIABILITY CASES INVOLVING CERTAIN AGRICULTURAL COMMODITIES.

Referred to the **Judiciary I Committee**.

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW.

Referred to the **Rules and Operations of the Senate Committee**.

May 20, 2013

H.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION HEALTH INSURANCE COVERAGE AND TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY.

Referred to the **Insurance Committee**.

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENACTING THE BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDING CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES.

Referred to the **Education/Higher Education Committee**.

H.B. 805 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SOCIAL SERVICES COMMISSION TO ADOPT A POLICY PROHIBITING A FOSTER PARENT FROM SMOKING IN THE PRESENCE OF AN INFANT IN THE FOSTER PARENT'S CARE.

Referred to the **Health Care Committee**.

H.B. 814, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REDUCTION AND CONSOLIDATION OF THE STATUTORY MODELS FOR ESTABLISHING, OPERATING, AND FINANCING CERTAIN ORGANIZATIONS THAT PROVIDE WATER AND SEWER SERVICES IN THE STATE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANY STUDENT OR STUDENT ORGANIZATION THAT IS CHARGED WITH A VIOLATION OF CONDUCT AT A CONSTITUENT INSTITUTION HAS A RIGHT TO BE REPRESENTED BY AN ATTORNEY OR NON-ATTORNEY ADVOCATE IN CERTAIN CASES.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 846 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE JOB AND EDUCATION PRIVACY ACT TO PREVENT EMPLOYERS AND COLLEGES FROM REQUIRING INDIVIDUALS TO DISCLOSE ACCESS INFORMATION FOR SOCIAL MEDIA AND PERSONAL ELECTRONIC MAIL ACCOUNTS.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CLARIFY THE FUNCTIONAL VALUE OF ISOLATED WETLANDS AND INTERMITTENT STREAMS, (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR, AND (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REVIEW FEES CHARGED BY THE ECOSYSTEM ENHANCEMENT PROGRAM.

Referred to the **Agriculture/Environment/Natural Resources Committee**.

H.B. 980 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR.

Referred to the **Health Care Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-FIFTH DAY

Senate Chamber
Tuesday, May 21, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Ralph Hise, Senator from Mitchell County.

Without objection, the prayer is postponed until after recess.

Senator Rabin announces that the Senate Journal of Monday, May 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 Senate recesses at 9:32 a.m., subject to the receipt of committee reports, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene at 2:00 p.m.

RECESS

May 21, 2013

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the **Appropriations/Base Budget Committee**:

S.B. 402, A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill as amended.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 15273, with attached Amendments Nos. 1-5, is adopted.

Upon recommendation of Senator Brunstetter, the Committee Substitute bill, with attached Amendments Nos. 1-5, is re-referred to the **Finance Committee**.

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Mike Ashcraft from Port City Community Church in Wilmington, North Carolina, as follows:

“Father God, I thank you for the opportunity to come before you. Right now there are those gathered whose futures are very uncertain through the destruction that happened in Oklahoma, and we ask your presence be with them. Father, I am so grateful and humbled by the opportunity to come before you on behalf of the men and women gathered in this room. I come to you, not only on behalf of their great work, but on behalf of the men and women themselves. For you know every part of every person. You know the hidden insecurities and secret struggles that are common to us all. In those, Father, may we find your peace and your grace sufficient to provide the foundation that is sure enough to bear the weight of the burden that is so deeply felt. Father, I pray that you would help us to balance the tension of the call to such prominent positions that we hold. The trusted responsibility to serve humbly and the temptation to seize power both pull with great force, one from within and the other from without. So, Father, we ask your help to guard our hearts. As the situations and issues of our day overwhelm and push us to the end of our wisdom and our strength, there may we find yours. It is my joy to stand here with full assurance and hope in you. I pray these things in the name of your Son, Jesus Christ. Amen.”

CALENDAR

A bill on today's calendar is taken up and disposed of as follows:

May 21, 2013

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY, AND TO REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY, upon third reading.

Senator Hartsell offers Amendment No. 1, which is adopted (47-1), and changes the title to read **H.B. 13** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4) CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY.

The Senate Committee Substitute bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Cameron Bailey, Wilmington; Meredith Criner, Wilmington; Austin Ettefagh, Greensboro; Tyler Goldbach, Raleigh; Elliott Graves, Reidsville; Justin Graves, Wilmington; Hannah Hardy, Whiteville; Spencer Hazel, Greensboro; Megan McKinney, Marion; Jineet Patel, Cary; Josh Perry, Durham; Angela Rogers, Mooresville; Maddie Schulz, Weldon; Laura Shumate, Eden; Kenzie Smith, Kernersville; Hannah Stutts, Youngsville; Parker Tilley, Winston-Salem; and Chance Wade, Fayetteville.

Upon motion of Senator Berger, seconded by Senator Rucho, the Senate adjourns at 2:19 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, May 22, at 1:00 p.m.

May 21, 2013

A SENATORIAL STATEMENT
Submitted by Senator Malcolm Graham

Commending Mecklenburg County on its 250th Anniversary

WHEREAS, in December 1762, Mecklenburg County was formed from a western section of Anson County and named in honor of King George III's wife, Charlotte Sophia of Mecklenburg-Strelitz, Germany; and

WHEREAS, before a courthouse was built at Trade and Tryon streets, court in Mecklenburg County was first conducted on February 26, 1763, at the cabin of Thomas Spratt, which was located near what is now Caswell and Randolph roads; and

WHEREAS, in 1776, Lord Augustus Selwyn agreed to sell 360 acres of land, known today as "Uptown Charlotte," to Abraham Alexander, Thomas Polk, and John Frohock, for the price of 90 British pounds; and

WHEREAS, in 1768, Abraham Alexander and Thomas Polk were put in charge of establishing "Charlotte Town" as the Mecklenburg County seat, an emerging center of political power in Colonial America and in the early years of the United States; and

WHEREAS, the Mecklenburg Declaration of Independence, the first declaration of independence made in the Thirteen Colonies during the American Revolution, was adopted on May 20, 1775, in Mecklenburg County, as honored on the Great Seal and Flag of the State of North Carolina; and

WHEREAS, on May 31, 1775, the 27 signers of the Mecklenburg Declaration of Independence met again to draft the Mecklenburg Resolves, which were new laws to govern the now independent citizens of Mecklenburg County; the signers included patriots representing the families of Alexander, Brevard, Harris, and Polk, among others; and

WHEREAS, the North Carolina State Constitution, approved in 1868, gave the citizens of a county the authority to elect the officials who govern them, called a Board of County Commissioners; and

WHEREAS, the Mecklenburg Board of County Commissioners has honored the rich history of a county by designating February 26, 2013, as the 250th anniversary of the founding of Mecklenburg County; and

WHEREAS, the Mecklenburg Board of County Commissioners celebrates, honors and recognizes this anniversary by designating calendar year 2013 as the year of the Mecklenburg County Sestercentennial Celebration;

NOW, THEREFORE, Mecklenburg County should be commended on its 250th anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-first day of May, 2013.

S/Senator Malcolm Graham

S/Sarah Lang
Senate Principal Clerk

May 21, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 21, 2013

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. 243**, A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, and requests conferees.

The Chair appoints:

Representative Stevens, Chair
Representative Shepard
Representative Murry
Representative Jeter
Representative Saine
Representative Glazier and
Representative McElraft

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
May 21, 2013

May 21, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for **H.B. 433**, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, and requests conferees.

The Chair appoints:

Representative J. Bell, Chair
Representative Whitmire
Representative Stam 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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, with an unfavorable report as to Committee Substitute bill as amended, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 35347, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

May 21, 2013

SIXTY-SIXTH DAY

Senate Chamber
Wednesday, May 22, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend O.D. Sykes from Swift Creek-Springfield Missionary Baptist Churches in Weldon, North Carolina, as follows:

“Eternal and everlasting God our Father, we humbly bow before thee and in thy presence, recognizing your sovereignty and your position as Creator over all that is. We acknowledge you, O God, as the holiest among the mighty and the mightiest among the holy. Thank you for being our sustainer, provider, and protector. We ask your continued blessings upon this state and nation as we live from day to day. I ask in Jesus’ name that you would touch the hearts, minds, and souls of all that have been elected to serve in this State Senate. We pray that all of the words that are articulated and all of the actions shown will be done in a manner that is pleasing in your sight. We ask now that you forgive us for our sins and lead us not into temptation, but deliver us from evil. Dear Lord, you are welcomed here; you are wanted here; you are needed in this place. It is in the name of God the Father, God the Son, and God the Holy Spirit, in Christ Jesus’ name we pray and praise. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, 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 Maria Fry from Knightdale, North Carolina, who is serving the Senate as Nurse of the Day.

FLOOR PRIVILEGES

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff on the Senate Chamber floor while S.B. 402 is being discussed.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 254, AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE.

May 22, 2013

CALENDAR

A bill on today's calendar is taken up and disposed of as follows:

S.B. 402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon second reading.

Senator Stein offers Amendment No. 1, which fails (17-33).

Senator McKissick offers Amendment No. 2, which fails (17-33).

Senator Nesbitt offers Amendment No. 3, which fails (17-33).

Senator Woodard offers Amendment No. 4.

Senator Apodaca offers a motion that Amendment No. 4 lie upon the table, seconded by Senator Brunstetter, which motion prevails (31-17).

Senator McLaurin offers Amendment No. 5.

Senator Apodaca offers Amendment No. 6 as a Substitute Amendment for Amendment No. 5.

Senator Nesbitt offers a motion that Amendment No. 6 lie upon the table, seconded by Senator Blue, which motion fails (17-33).

Amendment No. 6 is adopted (33-17).

Senator Hise offers Amendment No. 7.

Upon motion of Senator Apodaca, Amendment No. 7 is temporarily displaced.

Senator Sanderson offers Amendment No. 8, which is adopted (49-0).

Senator Robinson offers Amendment No. 9.

Upon motion of Senator Apodaca, Amendment No. 9 is temporarily displaced.

Senator Sanderson offers Amendment No. 10, which is adopted (49-0).

Senator Sanderson offers Amendment No. 11, which fails (6-44).

The Committee Substitute bill No. 2, as amended, with Amendment No. 7 and Amendment No. 9 pending, is temporarily displaced for the announcement of conferees and the reading of a committee report.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 243 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.

Pursuant to the message from the House of Representatives received May 21 that the House fails to concur in the Senate Committee Substitute bill for H.B. 243 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*,

May 22, 2013

announces the appointment of Senator Brown, Chair; Senator Newton, Senator Rabon, 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.

H.B. 433 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.

Pursuant to the message from the House of Representatives received May 21 that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 433 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Brown, Chair; Senator Clark, Senator Meredith, Senator Pate, and Senator Sanderson 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.

H.B. 10 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY.

Pursuant to the message from the House of Representatives received April 17 that the House fails to concur in the Senate Committee Substitute bill for H.B. 10, with the announcement of the House conferees pending, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Rabon, Chair; Senator Barefoot, Senator Brown, 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Transportation Committee**:

H.B. 817 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30559, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

CALENDAR (*continued*)

S.B. 402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, displaced earlier today upon second reading, as amended, with Amendment No. 7 and Amendment No. 9 pending.

Senator Barefoot offers Amendment No. 12, which fails (11-39).

Senator Apodaca offers a motion that Amendment No. 9 lie upon the table, seconded by Senator Brunstetter, which motion prevails (33-17).

The Committee Substitute bill No. 2, as amended, with Amendment No. 7 pending, is temporarily displaced for a recess.

The Senate recesses at 4:12 p.m. to reconvene at 4:17 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

CALENDAR (*continued*)

S.B. 402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, displaced earlier today upon second reading, as amended, with Amendment No. 7 pending.

Senator Hise withdraws Amendment No. 7.

Senator Hise offers Amendment No. 13, which is adopted (46-0).

The Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 33, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---33.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Committee Substitute bill No. 2, as amended, remains on the calendar for Thursday, May 23, upon third reading.

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Upon motion of Senator Berger, seconded by Senator Brunstetter, the Senate adjourns at 4:46 p.m., subject to the receipt of conference reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, May 23, at 10:00 a.m.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and filed in the Office of the Principal Clerk as follows:

Executive Order No. 10, Disaster Declaration for the Towns of Murphy and Robbinsville.

Executive Order No. 11, Promulgation and Implementation of the North Carolina Emergency Operations Plan.

Executive Order No. 12, Amending the State E-Mail Retention and Archiving Policy.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 22, 2013

Mr. President:

Pursuant to our message sent on April 17, 2013 that the House failed to concur in the Senate Committee Substitute for **H.B. 10**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY.

Speaker Tillis has appointed:

Representative Dollar, Chair
Representative Stam
Representative W. Brawley
Representative D. Hall

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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

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 267 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SPECIFY THE CONDITIONS UNDER WHICH THE TURNPIKE AUTHORITY MAY COLLECT TOLLS ON AN EXISTING INTERSTATE HIGHWAY.

Referred to the **Rules and Operations of the Senate Committee.**

A SENATORIAL STATEMENT

Submitted by Senator Angela R. Bryant and Senator Gladys A. Robinson

Honoring Delta Sigma Theta Sorority's 100th Anniversary

WHEREAS, Delta Sigma Theta Sorority, Incorporated, was founded on January 13, 1913, by a group of 22 undergraduate women on the campus of Howard University. The organization is the largest African-American Greek letter sorority of more than 250,000 college educated women in over 900 chapters internationally. The organization carries out its mission of service through its Five-Point Programmatic Thrust of Economic Development, Educational Development, International Awareness and Involvement, Physical and Mental Health, and Political Awareness and Involvement; and

WHEREAS, celebrating 100 years of service, Delta Sigma Theta implements programs such as the Financial Fortitude initiative, which seeks to close the widening gap between poor and wealthy and the Dr. Betty Shabazz Delta Academy, which gives opportunities to enrich the education of school age girls across the nation to better prepare them for full participation as leaders in the 21st Century. The sorority demonstrates unwavering global commitment of service by establishing facilities like the Mary Help of the Sick Mission Hospital in Thika, Kenya, and volunteer services to humanitarian efforts regarding worldwide issues and remains committed in the democratic process by instituting its annual Delta Days at the United Nations and Delta Days at the Nation's Capital; and

WHEREAS, today, May 22, 2013, members of Delta Sigma Theta Sorority, Incorporated, along with members of the Links, Inc., North Carolina Black Women Empowerment Network, Triangle Chapter of the National Coalition of 100 Black Women, National Council of Negro Women, Sigma Gamma Rho Sorority, Inc., and Zeta Phi Beta Sorority, Inc., are participating in the "Gathering: Women at the General Assembly" to bring attention to issues affecting women in North Carolina;

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NOW, THEREFORE, Delta Sigma Theta Sorority, Incorporated, should be commended for its continuous commitment to making a difference in America and the international community while being great stewards of sisterhood, scholarship, and service.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-second day of May, 2013.

S/Senator Angela R. Bryant
S/Senator Gladys A. Robinson

S/Sarah Lang
Senate Principal Clerk

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SIXTY-SEVENTH DAY

Senate Chamber
Thursday, May 23, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by Pastor Ray Warren from White Plains Methodist Church in Cary, North Carolina, as follows:

“God, you created all people from every race, tribe, tongue, and ethnic community. God, you call us to live in community marked by love, peace, justice, respect, mercy, and mutual support. God, let it be so in me. God forgive us, for we draw lines between us and therefore you. We raise barriers. We draw lines. We create parties. We treat one another with prejudice and judgmental pride. Have mercy on us. Help us rise to a greater good. God, let it be so in me. God, in every generation you raise up prophets who speak your desires for your people everywhere to live together in mercy, graciousness, and love. You call on the educated, the uneducated, the wealthy, the less resourced, the single dad, and divorced mom to do all we can to care for one another—support one another as is your will. God, let it be so in me. Today, may you lead this body gathered to live into the high calling you model for us, for all people. May this body, too, be above egos, judgment, and self-interest so they may hear your voice, heed your call, be quick to forgive, eager to listen, and desire to govern as you desire for all. God, let it be so in me! Amen and Amen.”

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Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, 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.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES AND CITIES.

FLOOR PRIVILEGES

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff on the Senate Chamber floor while S.B. 402 is being discussed.

CALENDAR

A bill on today's calendar is taken up and disposed of as follows:

S.B. 402 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, upon third reading, as amended.

Senator Brunstetter offers Amendment No. 14, which is adopted (46-0).

Senator Daniel offers Amendment No. 15, which fails (14-33).

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 33, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---33.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives.

May 23, 2013

Upon motion of Senator Berger, seconded by Senator Barefoot, the Senate adjourns at 10:28 a.m., subject to the receipt of conference reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Friday, May 24, at 9:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY.

Referred to the **State and Local Government Committee**.

H.B. 917, A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL.

Referred to the **State and Local Government Committee**.

RE-REFERRAL OF A BILL

H.B. 980 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR, referred to the **Health Care Committee** on May 20.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the Committee Substitute bill is withdrawn from the **Health Care Committee** and re-referred to the **Appropriations/Base Budget Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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SIXTY-EIGHTH DAY

Senate Chamber
Friday, May 24, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Neal Hunt, Senator from Wake County.

Prayer is offered by Senator Tamara Barringer of Wake County as follows:

“Heavenly Father, as our esteemed colleague Senator Tillman often does, let us begin with a verse. ‘O people, the Lord has told us what is good, and this is what He requires of you: to act justly, to love mercy, and to walk humbly with your God.’* Today we pray that you give us the strength and wisdom to be just, merciful, and humble as we serve the citizens of North Carolina. Amen.”

*Adapted from Micah 6:8, NIV

Senator Blue announces that the Senate Journal of Thursday, 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.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS.

Upon motion of Senator Barefoot, seconded by Senator Barringer, the Senate adjourns at 9:09 a.m., subject to the receipt of messages from the House of Representatives and the referral and re-referral of bills and resolutions, to reconvene Tuesday, May 28, at 4:00 p.m.

SIXTY-NINTH DAY

Senate Chamber
Tuesday, May 28, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, as we stand before you, we need a reminder of your grace and your mercy. Sometimes just pausing to pray can be remindful of that. Sometimes it doesn’t do anything. Lord, we come to scripture, and we ask you to teach us what Psalm 94 says, ‘When the cares of my heart are many, your consolations cheer my soul.’ As we pass laws in this amazing intersection of hope and fear, as we exchange remarks and claims, may the cares of our heart not crowd out the consolations from you, O Lord. You are a God that loves to console us, and, Lord, you are in fact consoling us right now. For your glory’s sake, Amen.”

The Chair grants leaves of absence for today to Senator Curtis, Senator J. Davis, Senator Jenkins, Senator Kinnaird, Senator Meredith, and Senator Robinson.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Friday, 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Marcus Alexander, Stanley; Logan Brooks, Pittsboro; Jacob Burnette, Canton; Desmond Clark, Raeford; Grimes Clark V, Tarboro; Henry de St. Aubin, Siler City; Andrew Distell, Fayetteville; Antoinette Dyer, Raleigh; Harrison Froelich, Greensboro; Gabi Gordon, Summerfield; Erial Harris, Weldon; Jazmyn Jones, Knightdale; Kira Jordan, Rutherfordton; Elaine Kearney, Pinehurst; Aviana Lindsey, Reidsville; Thomas McBrayer, Hickory; Cortney McCoy, Clayton; Andrew Scott, Raleigh; Justin Scott, Raleigh; Janna Sims, Autryville; and Lillie Turlington, Clinton.

Upon motion of Senator Berger, seconded by Senator Rucho, the Senate adjourns at 4:11 p.m., subject to the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, May 29, at 2:00 p.m.

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SEVENTIETH DAY

Senate Chamber
Wednesday, May 29, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, thank you for this day—a marvelous day where we can come into this chamber together. We are one body. We ask that you impart wisdom on our fellow brothers and sisters today. We ask that your stream of living water flow richly into their minds and that your knowledge and truth would dwell richly inside of them. Cleanse our thoughts and our hearts from any ill will, and help us to stand upon firm ground. Fill our work with charity. Fill our work with your rich and ever flowing streams of life. May our cities and our citizens be relieved of burdens by this rich stream, and may they shout for joy in their relief. In Christ’s name we pray. Amen.”

The Chair grants a leave of absence for today to Senator J. Davis.

Senator Berger, President *Pro Tempore* announces that the Senate Journal of Tuesday, May 28, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Miranda Kendrick and Terry L. Hosch 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 Tillman for the **Education/Higher Education Committee**:

H.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10409, is adopted and engrossed.

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H.B. 146, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM, with a favorable report.

H.B. 537, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT, with a favorable report.

Upon recommendation of Senator Tillman, the bill is re-referred to the **State and Local Government Committee**.

H.B. 591, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TERM OF OFFICE FOR APPOINTED MEMBERS OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO MAKE THE STATE INFORMATION OFFICER CHAIR OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO SPECIFY THE TIMES FOR MEETING OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, AND TO REQUIRE QUARTERLY REPORTING OF PROGRESS ON THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM, with a favorable report.

H.B. 903 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, with a favorable report.

By Senator Hunt for the **Appropriations/Base Budget Committee**:

H.B. 980 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL 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, 70436, 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 for immediate consideration.

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By Senator Rucho for the **Finance Committee**:

H.B. 32, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE, with a favorable report.

H.B. 252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114, with a favorable report.

H.B. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A VENDOR IS QUALIFIED FOR PURPOSES OF ANY STATE FURNITURE REQUIREMENTS CONTRACT IF THE VENDOR'S PRODUCTS ARE INCLUDED ON A UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FURNITURE SCHEDULE, THE VENDOR IS A FEDERALLY QUALIFIED VENDOR FOR THE GSA FURNITURE SCHEDULE, AND THE VENDOR OFFERS PRODUCTS ON THE SAME PRICING AND SPECIFICATIONS AS THE GSA FURNITURE SCHEDULE, with a favorable report.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX, with a favorable report.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER, with a favorable report.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS, with a favorable report.

H.B. 788 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS, with a favorable report.

By Senator Harrington for the **Transportation Committee**:

H.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION

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USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CONFERENCE REPORT

Senator Rabon, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 10** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY, 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 10, A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540; TO SET FORTH A NEW PRIORITIZATION PROCESS FOR SELECTION OF FUTURE TURNPIKE AUTHORITY PROJECTS; AND TO REMOVE AUTHORIZATION FROM THREE PROJECTS OF THE TURNPIKE AUTHORITY, Senate Transportation Committee Substitute Adopted 3/6/13, Third Edition Engrossed 3/7/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Transportation Committee Substitute Adopted 3/6/13, Third Edition Engrossed 3/7/13, and the House concurs in the Senate Transportation Committee Substitute Adopted 3/6/1, Third Edition Engrossed 3/7/13, as amended:

Page 1, line 2, through page 2, line 19, by rewriting those lines to read:

“AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 136-89.183(a)(2)a. reads as rewritten:

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“(2) To study, plan, develop, and undertake preliminary design work on up to eight Turnpike Projects. At the conclusion of these activities, the Turnpike Authority is authorized to design, establish, purchase, construct, operate, and maintain the following projects:

- a. Triangle Expressway, including segments also known as N.C. 540, Triangle Parkway, and the Western Wake Freeway in Wake and Durham Counties, and Southeast Extension in Wake and Johnston Counties, except that no portion of the Southeast Extension shall be located north of an existing protected corridor established by the Department of Transportation circa 1995, except in the area of Interstate 40 East. Counties. The described segments constitute three projects.”

SECTION 2. The Department of Transportation shall strive to expedite the federal environmental impact statement process to define the route for the Southeast Extension of the Triangle Expressway Turnpike Project by promptly garnering input from local officials and other stakeholders, accelerating any required State studies, promptly submitting permit applications to the federal government, working closely with the federal government during the permitting process, and taking any other appropriate actions to accelerate the environmental permitting process.

SECTION 3. As part of its oversight of the Department of Transportation, the Joint Legislative Transportation Oversight Committee shall closely monitor the progress of the Southeast Extension of the Triangle Expressway Turnpike Project.

SECTION 3.1. This act is effective only if House Bill 817, 2013 Regular Session, becomes law.

SECTION 4. This act is effective when it becomes law.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: May 29, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Bill Rabon, Chair	S/Nelson Dollar, Chair
S/Chad Barefoot	S/Paul Stam
S/Bob Rucho	S/William Brawley
S/Harry Brown	S/Duane Hall

The Conference Report is placed on the calendar of Thursday, May 30, for adoption.

May 29, 2013

CALENDAR

A bill on today's calendar is taken up and disposed of as follows:

H.B. 980 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR, 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.

BILL FILING AFTER DEADLINE

Upon motion of Senator Apodaca, without objection, Rule 40.1 is suspended to allow the filing of a resolution, to be numbered **S.R. 726**, after the bill filing deadline.

Upon motion of Senator Berger, seconded by Senator Tucker, the Senate adjourns at 2:17 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, May 30, at 12:00 p.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rucho for the **Finance Committee**:

H.B. 60 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10407, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Harrington for the **Transportation Committee**:

H.B. 410 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE

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PERSON REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is placed on the calendar of Tuesday, June 4.

RE-REFERRAL OF BILLS

H.B. 32, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE.

Upon motion of Senator Apodaca, the bill is withdrawn from the calendar of Thursday, May 30, and placed on the calendar of Tuesday, June 4.

H.B. 252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from the calendar of Thursday, May 30, and placed on the calendar of Tuesday, June 4.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from the calendar of Thursday, May 30, and placed on the calendar of Tuesday, June 4.

H.B. 903 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from the calendar of Thursday, May 30, and placed on the calendar of Tuesday, June 4.

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H.B. 317 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from the calendar of Thursday, May 30, and placed on the calendar of Tuesday, June 4.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
May 29, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the Senate Committee Substitute for **H.B. 13**, A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE STATE AGENCIES TO BIENNIALY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4) CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY, and requests conferees, Speaker Tillis appoints:

Representative Howard, Chair
Representative Burr
Representative Stam
Representative R. Brown
Representative Goodman

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.J.R. 1006, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JERRY DOCKHAM AND JAMES PATTERSON TO THE UTILITIES COMMISSION.

Referred to the **Rules and Operations of the Senate Committee**.

H.J.R. 1007 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF CHRISTOPHER J. AYERS AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to the **Commerce Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

H.B. 459, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Appropriations/Base Budget Committee**.

S.B. 663, A BILL TO BE ENTITLED AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE HOUSING SUBCOMMITTEE OF THE BLUE RIBBON COMMISSION ON TRANSITIONS TO COMMUNITY LIVING (1) TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM AND AN ASSISTIVE TECHNOLOGY REUTILIZATION PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, (2) TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THESE PROGRAMS, AND (3) TO CREATE A TRANSITIONS TO COMMUNITY LIVING HOUSING BUDGET WITHIN THE TRANSITIONS TO COMMUNITY LIVING FUND TO INTEGRATE INDIVIDUALS WITH MENTAL ILLNESS INTO COMMUNITY-BASED SUPPORTED HOUSING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35352, which changes the title to read **S.B. 663** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND

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HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM AND AN ASSISTIVE TECHNOLOGY REUTILIZATION PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THESE PROGRAMS, AND TO CREATE COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 492 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO 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, 10410, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 399 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; AND PUBLIC HEALTH, 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, 10411, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary II Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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SEVENTY-FIRST DAY

Senate Chamber
Thursday, May 30, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, help us today to learn how to live a life of virtue. We plead that you give us an imagination for living a larger life of virtue rather than a small attempt to boost our own self-image. Give dignity to our work here. Bless each senator to my left and my right. Bless each staff member; bless their families. Send fresh seasoning to each committee meeting. Open our hearts to your virtue—the virtue portrayed in the prophets and in Job and most realistically in Jesus Christ. Make us instruments of your virtue, Lord, today. In Christ’s name, Amen.”

The Chair grants a leave of absence for today to Senator J. Davis.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, 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.

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 BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 234, AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT.

H.B. 980, AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

May 30, 2013

By Senator Meredith for the **Commerce Committee**:

H.B. 301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS AND TO WAIVE THE EXAMINATION REQUIREMENT FOR GIS PRACTITIONERS WITH CERTAIN EXPERIENCE UNTIL JULY 1, 2014, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Judiciary I Committee**.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO AMEND THE NC BUILDING CODE TO ALLOW OCCUPANTS YOUNGER THAN EIGHTEEN IN TEMPORARY OVERFLOW EMERGENCY SHELTERS FOR THE HOMELESS, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.J.R. 1007 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF CHRISTOPHER J. AYERS AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the Joint Resolution is placed at the end of today's calendar.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

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H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 517, A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM COUNTY, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar of Tuesday, June 4.

By Senator Allran for the **Judiciary II Committee**:

H.B. 114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A PARTY, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 545, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Monday, June 3.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Monday, June 3, upon third reading.

H.B. 146, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM, upon second reading.

The bill passes its second reading (46-3) 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. 449 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT A VENDOR IS QUALIFIED FOR PURPOSES OF ANY STATE FURNITURE REQUIREMENTS CONTRACT IF THE VENDOR'S PRODUCTS ARE INCLUDED ON A UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FURNITURE SCHEDULE, THE VENDOR IS A FEDERALLY QUALIFIED VENDOR FOR THE GSA FURNITURE SCHEDULE, AND THE VENDOR OFFERS PRODUCTS ON THE SAME PRICING AND SPECIFICATIONS AS THE GSA FURNITURE SCHEDULE, 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.

H.B. 591, A BILL TO BE ENTITLED AN ACT TO SPECIFY THE TERM OF OFFICE FOR APPOINTED MEMBERS OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO MAKE THE STATE INFORMATION OFFICER CHAIR OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO SPECIFY THE TIMES FOR MEETING OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, AND TO REQUIRE QUARTERLY REPORTING OF PROGRESS ON THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM, upon second reading.

Senator Daniel offers Amendment No. 1, which is adopted (49-0).

The bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 788 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, June 4.

CALENDAR *(continued)*

H.B. 10 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540, for adoption.

Upon motion of Senator Rabon, the Senate adopts the Conference Report (44-5).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

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H.J.R. 1007 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF CHRISTOPHER J. AYERS AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION, upon second reading.

The Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 641, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE COURT HAS THE DISCRETION TO DETERMINE WHETHER TO DEFER PROSECUTION FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, 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, 70439, which changes the title to read **H.B. 641** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, referred to the **Rules and Operations of the Senate Committee** on April 15.

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** and, upon a favorable report, re-referred to the **Health Care Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4) CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY.

Pursuant to the message from the House of Representatives received May 29 that the House fails to concur in the Senate Committee Substitute for H.B. 13 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Brock, Chair; Senator Clark, Senator J. Davis, 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.

Upon motion of Senator Berger, seconded by Senator Jenkins, the Senate adjourns at 12:26 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, the referral and re-referral of bills and resolutions, and the introduction of bills and resolutions, to reconvene Monday, June 3, at 7:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

H.B. 88 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70440, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 4.

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H.B. 343 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70438, is adopted and engrossed.

Upon motion of Senator Apodaca, without objection, the Senate Committee Substitute bill is referred to the **Finance Committee**.

WITHDRAWAL FROM FUTURE CALENDAR

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, placed on the calendar of Monday, June 3.

Senator Apodaca offers a motion that the bill be withdrawn from the calendar of Monday, June 3, and placed on the calendar of Tuesday, June 4, which motion prevails with unanimous consent, and the Chair so orders.

INTRODUCTION OF A RESOLUTION

A resolution filed for introduction is presented to the Senate, read the first time, and disposed of as follows:

By Senator Pate:

S.R. 726, A SENATE RESOLUTION HONORING EAST CAROLINA UNIVERSITY MEN'S BASKETBALL TEAM ON WINNING THE 2013 COLLEGEINSIDERS.COM POSTSEASON TOURNAMENT.

Referred to the **Rules and Operations of the Senate Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 334 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION

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PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 3.

H.J.R. 90, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HAYESVILLE.

Referred to the **Rules and Operations of the Senate Committee**.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS.

Referred to the **Health Care Committee**.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR.

Referred to the **Commerce Committee**.

H.B. 828 (Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT.

Referred to the **Rules and Operations of the Senate Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 279 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER CERTAIN ENVIRONMENTAL PERMITS ASSOCIATED WITH PROPERTY DEVELOPMENT WHEN THE ORIGINAL PROPERTY OWNER IS UNWILLING OR UNABLE TO AGREE TO THE PERMIT TRANSFER, 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, 10414, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 4.

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By Senator Meredith for the **Commerce Committee**:

H.B. 276 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10413, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 4.

H.B. 688 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 30565, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 4.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-SECOND DAY

Senate Chamber
Monday, June 3, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Whoever dwells in the shelter of the Most High will rest in the shadow of the Almighty. I will say of the Lord, “He is my refuge and my fortress, my God, in whom I trust.” Surely He will save you. He will cover you with his feathers, under His wing He will bring you refuge. His faithfulness will be your shield and your rampart.* May this body rest in your presence and perseverance to run the race with which you have trusted us, Lord. It's in Christ's name we pray. Amen.”

*Adapted from Psalm 91:1-4, NIV

June 3, 2013

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator Meredith, and Senator Robinson.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, 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.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX, 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. 334 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (17-29) and the House of Representatives is notified.

June 3, 2013

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Eva Barlowe, Wilmington; Madison Bell, Louisburg; Allison Clark, Raleigh; Caitlyn Ebert, Hickory; William Finch, Reidsville; Alex Hale, Eden; Lilly Kinney, Reidsville; Amelia Mangan, Granite Falls; Grace Replogle, Raleigh; Grayson Russell, Knightdale; Anjan Sapasetty, Cary; Carol Ann Schwarzenbach, Jacksonville; Jordan Smith, Henderson; Mary Catherine Starnes, Hickory; Alex Stroud, Aberdeen; Cody Tatum, Yanceyville; Max Toney, Reidsville; Katherine Treacy, Oxford; Kevin Treacy, Oxford; Haley Webb, Summerfield; and Becca Wilkins, Clayton.

ENROLLED BILLS AND A RESOLUTION

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 146, AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM.

H.B. 449, AN ACT PROVIDING THAT A VENDOR IS QUALIFIED FOR PURPOSES OF ANY STATE FURNITURE REQUIREMENTS CONTRACT IF THE VENDOR'S PRODUCTS ARE INCLUDED ON A UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FURNITURE SCHEDULE, THE VENDOR IS A FEDERALLY QUALIFIED VENDOR FOR THE GSA FURNITURE SCHEDULE, AND THE VENDOR OFFERS PRODUCTS ON THE SAME PRICING AND SPECIFICATIONS AS THE GSA FURNITURE SCHEDULE.

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. 1007, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF CHRISTOPHER J. AYERS AS EXECUTIVE DIRECTOR OF THE PUBLIC STAFF OF THE NORTH CAROLINA UTILITIES COMMISSION. (Res. 2013-12)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

June 3, 2013

H.B. 980, AN ACT TO PROVIDE ADDITIONAL FUNDING IN THE STATE MEDICAID PROGRAM FOR THE 2012-2013 FISCAL YEAR. (Became law upon approval of the Governor, May 30, 2013 - S.L. 2013-56.)

S.B. 189, AN ACT TO AMEND THE LAW DEFINING HOME SCHOOLS. (Became law upon approval of the Governor, May 30, 2013 - S.L. 2013-57.)

S.B. 430, AN ACT TO EXEMPT FROM PERMITTING REQUIREMENTS PERSONS INSTALLING ELECTRIC LOAD CONTROL SWITCHES UNDER THE LAWS REGULATING ELECTRICAL CONTRACTORS AND TO MAKE CONFORMING CHANGES UNDER THE LAWS PERTAINING TO BUILDING INSPECTION PERMITS FOR COUNTIES AND CITIES. (Became law upon approval of the Governor, May 30, 2013 - S.L. 2013-58.)

H.B. 254, AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE. (Became law upon approval of the Governor, May 30, 2013 - S.L. 2013-59.)

APPOINTMENT OF ADDITIONAL CONFEREES

H.B. 13 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE STATE AGENCIES TO BIENNIALY REPORT TO THE DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4) CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY.

Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Bingham and Senator Hartsell 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.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 334 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

June 3, 2013

RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 334 earlier today, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Pate, Chair; Senator Hise, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 982 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A., referred to the **Health Care Committee** on May 16.

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, and the Chair so orders.

Upon motion of Senator Apodaca, seconded by Senator Hartsell, the Senate adjourns at 7:18 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Tuesday, June 4, at 2:00 p.m.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR

PAT McCrory
GOVERNOR

June 3, 2013

Ms. Sarah Lang
Principal Clerk
North Carolina Senate
Legislative Building
Raleigh, NC 27603-5925

Dear Ms. Lang:

This is written to comply with section 1 and 2 of Executive Order Number 107. This shall serve as my official designation of Room 1038 within the Department of Administration Building as the "Office of the Governor's Affairs Office" under provision of Section 1.

June 3, 2013

I hereby designate the following employees of the Governor's Office as the officials to whom delivery of bills can be made under the provisions of Section 2.

-Fred Steen
-Nicole M. Hines
-Reston Jones

Fred Steen and Nicole M. Hines will serve as the official liaisons and lobby on behalf of this office. Fred's office is located in room 1038 of the Administration Building and his phone number is 919-814-2030. Nicole's office is located in room 1030 of the Administration Building and her phone number is 919-814-2029.

Sincerely,
S/Pat McCrory
Governor

cc: President Pro Tempore Phil Berger

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 3, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Pat McCrory on June 1, 2013, David Grier Martin III has been administered the oath of office as a Member of the House of Representatives for the remainder of the 2013-14 General Assembly. Representative Martin has been seated to fill the vacancy created by the resignation of Representative Deborah Ross from the 34th District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

June 3, 2013

SEVENTY-THIRD DAY

Senate Chamber
Tuesday, June 4, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, as we gather today, we want to respond to you by saying, thank you. Thank you. We thank you for the opportunity to bring our voices forward, for the opportunity to represent the people of this great state, for the positions that you have given each man and woman in this chamber to have great authority. We pray that they use that authority as a blessing and with meekness and with gentleness and with poverty of spirit. Blessed are the pure in heart for they shall see God. I know, Lord, that it gets hard. But, Lord, sometimes that heat drives us to our knees, and it is in that place where you most like to meet us. So season each senator today as you season with salt. Shine your light upon them that they might be the ‘light of the world,’ which you have called each of them to be in their own unique ways. It is in the name of Jesus that I make these prayers. Amen.”

The Chair grants leaves of absence for today to Senator Clodfelter, Senator Rucho, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, June 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 369 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

H.B. 480 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM

June 4, 2013

DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA, with a favorable report.

H.B. 581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO IMPLEMENT THE TROPHY WILDLIFE SALE PERMIT, with a favorable report.

H.B. 707, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE, with a favorable report.

H.B. 789, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM, with a favorable report.

H.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE PIEDMONT TRIAD FARMERS MARKET IN MEMORY OF SENATOR ROBERT G. SHAW, with a favorable report.

H.B. 505 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10415, is adopted and engrossed.

By Senator Barringer for the **Commerce Committee**:

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is referred to the **Judiciary I Committee**.

June 4, 2013

H.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS, with a favorable report.

H.B. 610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SEATING CAPACITY REQUIREMENT AND ELIMINATE THE POPULATION REQUIREMENT FOR IN-STAND SALES OF MALT BEVERAGES AND TO DIRECT THE ABC COMMISSION TO ADOPT RULES FOR THE SUSPENSION OF THE SALE OF ALCOHOLIC BEVERAGES DURING PROFESSIONAL SPORTING EVENTS, with a favorable report.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE, with a favorable report.

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES, with a favorable report.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 6.

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 6.

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 6.

June 4, 2013

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 25, A BILL TO BE ENTITLED AN ACT TO AMEND THE FELONY OFFENSE OF BREAKING OR ENTERING, with a favorable report.

H.B. 456, A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10417, which changes the title to read **H.B. 456** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE REVIEW TEAM IN PITT COUNTY AND ALAMANCE COUNTY, is adopted and engrossed.

H.B. 24 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DISTRICT ATTORNEY IS TO BE NOTIFIED IF A PERSON ON SUPERVISED OR UNSUPERVISED PROBATION IS DISCHARGED FROM A DOMESTIC VIOLENCE ABUSER TREATMENT PROGRAM FOR FAILURE TO COMPLY WITH THE PROGRAM OR ITS RULES, AND TO MAKE OTHER CHANGES TO THE REPORTING REQUIREMENT FOR DOMESTIC VIOLENCE OFFENSES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30567, which changes the title to read **H.B. 24** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR PERSONS ON PROBATION WHO ARE DIRECTED TO PARTICIPATE IN AN ABUSER TREATMENT PROGRAM AND MAKE CLARIFYING CHANGES RELATING TO DOMESTIC VIOLENCE OFFENSES, is adopted and engrossed.

H.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL CORRECTIONAL FACILITIES AND JUVENILE FACILITIES IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE FEDERAL PRISON RAPE ELIMINATION ACT (PREA), with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70441, is adopted and engrossed.

June 4, 2013

By Senator Goolsby for the **Judiciary I Committee**:

H.B. 125, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD, with a favorable report.

H.B. 361 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011, with a favorable report.

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS OF SUPERIOR COURT TO DETERMINE THE REASONABLENESS OF COUNSEL FEES PAID TO AN ATTORNEY SERVING AS A TRUSTEE IN A POWER OF SALE FORECLOSURE PROCEEDING, with a favorable report.

H.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF MARITAL PROPERTY TO PROVIDE THAT ENTIRETIES PROPERTY IS SUBJECT TO THE SAME BURDEN OF PROOF IN REBUTTING THE PRESUMPTION AS ALL PROPERTY CLASSIFIED AS MARITAL PROPERTY AND AMENDING THE DEFINITION OF DIVISIBLE PROPERTY TO CLARIFY THAT INCREASES AND DECREASES IN MARITAL DEBT MEANS PASSIVE INCREASES AND PASSIVE DECREASES IN MARITAL DEBT UNDER THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION, with a favorable report.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 3, 2013

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. 10**

June 4, 2013

(Conference Report), A BILL TO BE ENTITLED AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 10, AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 269, AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY.

H.B. 545, AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX.

H.B. 671, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 252 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114, 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 enrolled.

June 4, 2013

H.B. 517, A BILL TO BE ENTITLED AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM 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. 32, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE, 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 enrolled and sent to the Governor.

H.B. 88 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS, upon second reading.

Senator Brunstetter offers Amendment No. 1, which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A PARTY, 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.

H.B. 142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION, 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.

H.B. 276 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT, upon second reading.

Senator Barringer offers Amendment No. 1, which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

June 4, 2013

H.B. 279 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER CERTAIN ENVIRONMENTAL PERMITS ASSOCIATED WITH PROPERTY DEVELOPMENT WHEN THE ORIGINAL PROPERTY OWNER IS UNWILLING OR UNABLE TO AGREE TO THE PERMIT TRANSFER, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 301 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS AND TO WAIVE THE EXAMINATION REQUIREMENT FOR GIS PRACTITIONERS WITH CERTAIN EXPERIENCE UNTIL JULY 1, 2014, upon second reading.

The Committee Substitute bill passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 317 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 368 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE, 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.

H.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION, 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.

June 4, 2013

H.B. 410 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY, 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.

H.B. 687 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO AMEND THE NC BUILDING CODE TO ALLOW OCCUPANTS YOUNGER THAN EIGHTEEN IN TEMPORARY OVERFLOW EMERGENCY SHELTERS FOR THE HOMELESS, 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.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS, 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.

H.B. 788 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS, 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.

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H.B. 813 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL, 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.

H.B. 903 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, 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.

WITHDRAWAL FROM COMMITTEE

H.B. 479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE ELECTROLYSIS PRACTICE ACT TO AUTHORIZE THE BOARD OF ELECTROLYSIS EXAMINERS TO HOLD AND USE FUNDS AND TO MAKE CONFORMING AMENDMENTS, referred to the **Health Care Committee** on May 15.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Health Care Committee** and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Pate, the Senate adjourns at 2:57 p.m., in honor of Dr. Richard Malcom Fields, subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, June 5, at 2:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS, with a favorable report.

June 4, 2013

Upon recommendation of Senator J. Davis, the bill is re-referred to the **Finance Committee**.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX.

Referred to the **Finance Committee**.

S.B. 208 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 5.

A SENATORIAL STATEMENT

Submitted by Senator Trudy Wade

Honoring Doctor Richard Malcom Fields

WHEREAS, Richard Malcom (Dick) Fields grew up in Milan, Tennessee; attended Castle Heights Military Institute in Lebanon, Tennessee; and completed his undergraduate studies at the University of Western Kentucky in Bowling Green, Kentucky, before attending dental school at the University of Tennessee; and

WHEREAS, Dr. Fields began his career as a dentist for the United States Army and later established a successful dental practice in Pleasant Garden, North Carolina, that lasted for 43 years; and

WHEREAS, Dr. Fields was a respected member of his profession, serving as president of the North Carolina Third District Dental Society and President of the North Carolina Chapter of the Pierre Fauchard Academy. Dr. Fields was also honored as a Fellow of the Academy of Dentistry International and the American College of Dentistry; and

WHEREAS, Dr. Fields was active in his community, serving on the Guilford County Board of Health and leading the efforts to incorporate the Town of Pleasant Garden, of which he served as the Town's second Mayor Pro Tem; and

WHEREAS, Dr. Fields was a member of the Pleasant Garden United Methodist Church, Greensboro Kiwanis Club, Pleasant Garden Lions Club, Pleasant Garden Jaycees, and the John Sloan Camp of the Sons of Confederate Veterans, of which he served as Camp Commander; and

June 4, 2013

WHEREAS, Dr. Fields died on May 9, 2013, at the age of 83, leaving his wife, Mary Elizabeth Nowlan Fields; two daughters, Dorothy F. Pullease and Dixie Lee F. Lini; two step sons, Fagg Nowlan Jr. and Scott Nowlan; and four grandchildren to mourn his loss. Dr. Fields was preceded in death by his first wife, Mary D. Fields; daughter, Lisa S. Fields, and step daughter, Margaret Ann N. Bedenbaugh;

NOW, THEREFORE, Dr. Richard Fields should be remembered as a beloved husband, father, grandfather, and friend.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fourth day of June, 2013.

S/Senator Trudy Wade

S/Sarah Lang
Senate Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Barringer for the **Commerce Committee**:

H.B. 793 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT PROVIDING THAT CERTAIN CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS SHALL OBTAIN AND MAINTAIN A FIDELITY BOND INSURING THE ASSOCIATIONS FROM LOSSES RESULTING FROM THEFT OR DISHONESTY COMMITTED BY MEMBERS OF THE EXECUTIVE BOARD OR PERSONS EMPLOYED BY THE ASSOCIATIONS, PROVIDING THAT ANY MANAGEMENT AGENT OR COMPANY HIRED BY AN ASSOCIATION SHALL AT ALL TIMES BE COVERED BY A FIDELITY BOND, AND PROVIDING FINANCIAL AUDIT REQUIREMENTS FOR ASSOCIATIONS, 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, 10416, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Insurance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

June 4, 2013

SEVENTY-FOURTH DAY

Senate Chamber
Wednesday, June 5, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, you are a fortress—not just for one, but for a people. Our thoughts are often singular, but you are a God that has revealed himself in community. Lord, you are the only thing that can buffer us. So we, before you, bow here today re-affirm our dependence upon you, as expressed best by the authors of this state’s constitution written back in 1789. It was these writers that suggested that ‘we are a people,’ that must be thankful to ‘Almighty God.’ It was these writers that said that we must acknowledge our dependence upon Thee for the continuance of these blessings. Let us put our hope in you, the mighty fortress that is our God, as we continue to be your people of this great state. It is in Christ’s name we pray. Amen.”

The Chair grants leaves of absence for today to Senator Allran, Senator Rucho, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, June 4, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Rachael 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:

S.B. 129, AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT.

S.B. 210, AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES.

S.B. 252, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT.

June 5, 2013

S.B. 279, AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES.

H.B. 32, AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE.

H.B. 114, AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A PARTY.

H.B. 142, AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

H.B. 301, AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS AND TO WAIVE THE EXAMINATION REQUIREMENT FOR GIS PRACTITIONERS WITH CERTAIN EXPERIENCE UNTIL JULY 1, 2014.

H.B. 368, AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE.

H.B. 383, AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION.

H.B. 410, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE.

H.B. 532, AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY.

H.B. 687, AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO AMEND THE NC BUILDING CODE TO ALLOW OCCUPANTS YOUNGER THAN EIGHTEEN IN TEMPORARY OVERFLOW EMERGENCY SHELTERS FOR THE HOMELESS.

June 5, 2013

H.B. 710, AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS.

H.B. 788, AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS.

H.B. 813, AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL.

H.B. 903, AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 258, AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO.

H.B. 252, AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114.

H.B. 517, AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

June 5, 2013

S.B. 269, AN ACT REMOVING CERTAIN ROWAN COUNTY OWNED PARCELS IN THE VICINITY OF THE ROWAN COUNTY AIRPORT FROM THE CORPORATE LIMITS OF THE CITY OF SALISBURY. (Became law upon ratification, June 4, 2013 - S.L. 2013-60.)

H.B. 545, AN ACT TO MODIFY THE HENDERSON COUNTY OCCUPANCY TAX. (Became law upon ratification, June 4, 2013 - S.L. 2013-61.)

H.B. 671, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MILLS RIVER. (Became law upon ratification, June 4, 2013 - S.L. 2013-62.)

S.B. 234, AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT. (Became law upon approval of the Governor, June 4, 2013 - S.L. 2013-63.)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, with a favorable report.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's calendar.

By Senator Brunstetter for the **Appropriations/Base Budget Committee**:

H.B. 60 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, with a favorable report.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

June 5, 2013

H.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

By Senator Hise for the **Health Care Committee**:

H.B. 543 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING PROVIDERS OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES TO SERVE AS UNCOMPENSATED, COURT-APPOINTED GUARDIANS TO UNRELATED CLIENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10420, which changes the title to read **H.B. 543** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Judiciary I Committee**.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 421, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, 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, 70442, is adopted and engrossed.

Upon recommendation of Senator J. Davis, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 526, A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

June 5, 2013

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70443, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 567, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, 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, 70444, is adopted and engrossed.

Upon recommendation of Senator J. Davis, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 261 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10419, is adopted and engrossed.

Upon recommendation of Senator J. Davis, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Daniel for the **Transportation Committee**:

H.B. 211, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on the calendar of Tuesday, June 11.

H.B. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE VEHICLE WEIGHT LIMITS FOR A SINGLE-AXLE TRUCK OWNED, OPERATED BY, OR UNDER CONTRACT TO A PUBLIC UTILITY OR ELECTRIC OR TELEPHONE MEMBERSHIP CORPORATION AND USED IN CONNECTION WITH THE INSTALLATION, RESTORATION, OR MAINTENANCE OF UTILITY SERVICES IN CERTAIN AREAS, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS, with a favorable report.

June 5, 2013

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

CONFERENCE REPORT

Senator Hartsell, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 36** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 36, A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, House Committee Substitute Favorable 3/6/13, Third Edition Engrossed 3/13/13, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 3/6/13, Third Edition Engrossed 3/13/13, as amended:

on page 3, line 13, by rewriting the line to read:

“administrative decision resides, resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

June 5, 2013

Date Conferees approved report: June 5, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Fletcher L. Hartsell, Jr., Chair	S/John M. Blust, Chair
S/Thom Goolsby	S/Tom Murry
S/Daniel G. Clodfelter	S/Becky Carney

Upon motion of Senator Apodaca, the Conference Report is placed on the calendar of Tuesday, June 11, for adoption.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Insurance Committee**:

H.B. 473 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10418, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's calendar.

WITHDRAWALS FROM COMMITTEES

H.B. 834 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, referred to the **Program Evaluation Committee** on May 16.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the **Program Evaluation Committee** and re-referred to the **Pensions & Retirement and Aging Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 305, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA, referred to the **Rules and Operations of the Senate Committee** on May 16.

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, and the Chair so orders.

June 5, 2013

WITHDRAWAL FROM FUTURE CALENDAR

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, placed on the calendar of Thursday, June 6.

Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the calendar of Thursday, June 6, and placed on the calendar of Wednesday, June 12, which motion prevails with unanimous consent, and the Chair so orders.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 585 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ALL CORRECTIONAL FACILITIES AND JUVENILE FACILITIES IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE FEDERAL PRISON RAPE ELIMINATION ACT (PREA), upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Appropriations/Base Budget Committee**.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 456 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE REVIEW TEAM IN PITT COUNTY AND ALAMANCE 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 for concurrence in the Senate Committee Substitute bill.

H.B. 24 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURES FOR PERSONS ON PROBATION WHO ARE DIRECTED TO PARTICIPATE IN AN ABUSER TREATMENT PROGRAM AND MAKE CLARIFYING CHANGES RELATING TO DOMESTIC VIOLENCE OFFENSES, 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 for concurrence in the Senate Committee Substitute bill.

June 5, 2013

H.B. 25, A BILL TO BE ENTITLED AN ACT TO AMEND THE FELONY OFFENSE OF BREAKING OR ENTERING, 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 enrolled and sent to the Governor.

H.B. 125, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD, 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 enrolled and sent to the Governor.

H.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS, 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.

H.B. 361 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011, 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.

H.B. 384, A BILL TO BE ENTITLED AN ACT AMENDING THE DEFINITION OF MARITAL PROPERTY TO PROVIDE THAT ENTIRETIES PROPERTY IS SUBJECT TO THE SAME BURDEN OF PROOF IN REBUTTING THE PRESUMPTION AS ALL PROPERTY CLASSIFIED AS MARITAL PROPERTY AND AMENDING THE DEFINITION OF DIVISIBLE PROPERTY TO CLARIFY THAT INCREASES AND DECREASES IN MARITAL DEBT MEANS PASSIVE INCREASES AND PASSIVE DECREASES IN MARITAL DEBT UNDER THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION, 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 enrolled and sent to the Governor.

H.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS OF SUPERIOR COURT TO DETERMINE THE REASONABLENESS OF COUNSEL FEES PAID TO AN ATTORNEY SERVING AS A TRUSTEE IN A POWER OF SALE FORECLOSURE PROCEEDING, upon second reading.

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The Committee Substitute bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 480 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 505 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO IMPLEMENT THE TROPHY WILDLIFE SALE PERMIT, upon second reading.

The Committee Substitute bill passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 610 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SEATING CAPACITY REQUIREMENT AND ELIMINATE THE POPULATION REQUIREMENT FOR IN-STAND SALES OF MALT BEVERAGES AND TO DIRECT THE ABC COMMISSION TO ADOPT RULES FOR THE SUSPENSION OF THE SALE OF ALCOHOLIC BEVERAGES DURING PROFESSIONAL SPORTING EVENTS, upon second reading.

The Committee Substitute bill passes its second reading (42-5) 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. 707, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE, upon second reading.

The bill passes its second reading (47-0).

Senator Brown objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the bill placed on the calendar of Thursday, June 6, upon third reading.

H.B. 774 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE, 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.

H.B. 789, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM, upon second reading.

Without objection, Senator McLaurin is excused from voting on the bill because he manages a company that owns underground storage tanks.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 821 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO NAME THE PIEDMONT TRIAD FARMERS MARKET IN MEMORY OF SENATOR ROBERT G. SHAW, 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.

H.B. 829 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES, upon second reading.

The Committee Substitute bill passes its second reading (45-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

S.B. 208 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Barringer, the Senate concurs in the House Committee Substitute bill (31-16) and the bill is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Soucek for the **Education/Higher Education Committee**:

H.B. 691 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT COMMUNITY COLLEGE TUITION FOR REENROLLING ACTIVE DUTY SERVICE MEMBERS SO THAT THE MAXIMUM RATE SHALL NOT EXCEED AVAILABLE FEDERAL TUITION ASSISTANCE, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 255 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70445, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT STUDENTS ENROLLED IN THE OCCUPATIONAL COURSE OF STUDY AND THE EXTENDED COURSE OF STUDY FROM THE ACT AND ACT PRECURSOR TESTING REQUIREMENTS, 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, 10423, which changes the title to read **H.B. 587** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ALTERNATE ACT AND PLAN PRECURSOR TEST FOR CERTAIN STUDENTS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

CALENDAR *(continued)*

H.B. 473 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Sanderson, Soucek, Stein, Tarte, Tucker, Wade and Walters---45.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Thursday, June 6, upon third reading.

H.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Sanderson, Soucek, Stein, Tarte, Tucker, Wade and Walters---45.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Thursday, June 6, upon third reading.

Upon motion of Senator Berger, seconded by Senator Newton, the Senate adjourns at 2:56 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, June 6, at 12:00 p.m.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 4, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 334** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REESTABLISH THE STATUS QUO ANTE WITH REGARD TO THE DOROTHEA DIX PROPERTY IN ORDER TO ALLOW A TRANSACTION THAT REPRESENTS THE STATE'S NECESSITY OF HOUSING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, RALEIGH'S GOAL OF CREATING A WORLD CLASS DESTINATION PARK, THE MENTAL HEALTH COMMUNITY'S NEED FOR APPROPRIATE SERVICES, AND THE PEOPLE OF NORTH CAROLINA'S RIGHT TO A FAIR RETURN ON INVESTMENT, and requests conferees. Speaker Tillis appoints:

Representative Burr, Chair
Representative Stam
Representative Daughtry 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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in House Amendments No. 1 and No. 2.

The Committee Substitute bill, with House Amendments No. 1 and No. 2, is placed on the calendar of Thursday, June 6.

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S.B. 239 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, June 6.

S.B. 387 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES AND (2) PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, June 6.

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD, for concurrence in House Amendments No. 1 and No. 2.

The bill, with House Amendments No. 1 and No. 2, is placed on the calendar of Thursday, June 6.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Daniel for the **Transportation Committee**:

H.B. 322 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70447, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-FIFTH DAY

Senate Chamber
Thursday, June 6, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“This is Psalm 46, ‘God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea; though the waters thereof roar and be troubled, though the mountains shake with swelling. There is a river, the streams whereof shall make glad the city of God, the holy place of the tabernacles of the Most High. God is in the midst of her; she shall not be moved: God shall help her... The heathen raged, the kingdoms were moved: He uttered His voice, the earth melted. The Lord of hosts is with us; the God of Jacob is our refuge.’* Thank you, Lord, for being our refuge here. It is in Christ’s name we pray. Amen.”

*Excerpt from Psalm 46:1-7, KJV

The Chair grants leaves of absence for today to Senator Allran, Senator Apodaca, Senator Bingham, Senator Ford, Senator Meredith, Senator Stein, Senator Tillman, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, 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.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN INFRASTRUCTURE PROPERTY TAX DEFERRAL PROGRAM, with a favorable report.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

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H.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE ON THE BALLOT THAT AUTHORIZATION OF INDEBTEDNESS INCLUDES INTEREST AND THAT TAXES MAY BE LEVIED TO REPAY THE INDEBTEDNESS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill, with Committee Amendment No. 1, is placed on the calendar of Tuesday, June 11.

S.B. 312, A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM ON WHETHER TO INCORPORATE THE VILLAGE OF LAKE JAMES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35359, is adopted and engrossed.

S.B. 571, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75340, which changes the title to read **S.B. 571** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30570, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 743 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, 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, 30568, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 817 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS, 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, 30569, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

By Senator Daniel for the **Judiciary II Committee**:

H.B. 762, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the bill is placed on the calendar of Tuesday, June 11.

By Senator Brunstetter, on behalf of Senator Apodaca, for the **Insurance Committee**:

H.B. 650, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND OTHER CHANGES TO THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the bill is placed on the calendar of Tuesday, June 11.

S.B. 248 (Committee Substitute), 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, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 240 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO

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IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; AND TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70446, which changes the title to read **H.B. 240** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS

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HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES; AND TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10422, is adopted and engrossed.

Upon recommendation of Senator Brunstetter, without objection, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 649 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES, 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, 10421, which changes the title to read **H.B. 649** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

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By Senator Goolsby for the **Judiciary I Committee**:

H.B. 29, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF POSSESSION OF PSEUDOEPHEDRINE IF THE DEFENDANT HAS A PRIOR CONVICTION FOR THE POSSESSION OR MANUFACTURE OF METHAMPHETAMINE, AND TO AGGRAVATE THE PENALTY FOR MANUFACTURING METHAMPHETAMINE WHEN CHILDREN, DISABLED, OR ELDERLY ARE PRESENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the bill is placed on the calendar of Tuesday, June 11.

H.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the bill is placed on the calendar of Tuesday, June 11.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 765 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill No. 2 is placed on the calendar of Tuesday, June 11.

ENROLLED BILLS AND A RESOLUTION

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 208, AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER.

S.B. 433, AN ACT TO PREVENT CERTAIN PROPERTY-CARRYING VEHICLES FROM PAYING FOR A DECLARED WEIGHT THAT EXCEEDS THE STATUTORY ALLOWANCE.

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S.B. 460, AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT.

S.B. 603, AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG.

S.B. 634, AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH GAS, WATER, OR ELECTRIC LINES.

H.B. 25, AN ACT TO AMEND THE FELONY OFFENSE OF BREAKING OR ENTERING.

H.B. 125, AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD.

H.B. 315, AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS.

H.B. 361, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011.

H.B. 384, AN ACT AMENDING THE DEFINITION OF MARITAL PROPERTY TO PROVIDE THAT ENTIRETIES PROPERTY IS SUBJECT TO THE SAME BURDEN OF PROOF IN REBUTTING THE PRESUMPTION AS ALL PROPERTY CLASSIFIED AS MARITAL PROPERTY AND AMENDING THE DEFINITION OF DIVISIBLE PROPERTY TO CLARIFY THAT INCREASES AND DECREASES IN MARITAL DEBT MEANS PASSIVE INCREASES AND PASSIVE DECREASES IN MARITAL DEBT UNDER THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION.

H.B. 407, AN ACT TO AUTHORIZE CLERKS OF SUPERIOR COURT TO DETERMINE THE REASONABLENESS OF COUNSEL FEES PAID TO AN ATTORNEY SERVING AS A TRUSTEE IN A POWER OF SALE FORECLOSURE PROCEEDING.

H.B. 480, AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL

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RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA.

H.B. 581, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO IMPLEMENT THE TROPHY WILDLIFE SALE PERMIT.

H.B. 591, AN ACT TO SPECIFY THE TERM OF OFFICE FOR APPOINTED MEMBERS OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO MAKE THE STATE INFORMATION OFFICER CHAIR OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO SPECIFY THE TIMES FOR MEETING OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, AND TO REQUIRE QUARTERLY REPORTING OF PROGRESS ON THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM.

H.B. 610, AN ACT TO REDUCE THE SEATING CAPACITY REQUIREMENT AND ELIMINATE THE POPULATION REQUIREMENT FOR IN-STAND SALES OF MALT BEVERAGES AND TO DIRECT THE ABC COMMISSION TO ADOPT RULES FOR THE SUSPENSION OF THE SALE OF ALCOHOLIC BEVERAGES DURING PROFESSIONAL SPORTING EVENTS.

H.B. 774, AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE.

H.B. 789, AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM.

H.B. 821, AN ACT TO NAME THE PIEDMONT TRIAD FARMERS MARKET IN MEMORY OF SENATOR ROBERT G. SHAW.

H.B. 829, AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES.

The Enrolling Clerk reports the following Joint Resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.J.R. 431, A JOINT RESOLUTION TO CONFIRM THE GOVERNOR'S APPOINTMENT OF RAY GRACE TO THE OFFICE OF COMMISSIONER OF BANKS. (Res. 2013-13)

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CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 258, AN ACT AMENDING THE CHARTER OF THE CITY OF ASHEBORO. (Became law upon ratification, June 5, 2013 - S.L. 2013-64.)

H.B. 252, AN ACT TO PROVIDE FUNDING FOR PLANNED STREET AND SIDEWALK IMPROVEMENTS IN THE CITY OF ASHEVILLE FOR THE 2012-2013 FISCAL YEAR AND TO REPEAL S.L. 2009-114. (Became law upon ratification, June 5, 2013 - S.L. 2013-65.)

H.B. 517, AN ACT TO REGULATE HUNTING WITH ARTIFICIAL LIGHT IN ROCKINGHAM COUNTY. (Became law upon ratification, June 5, 2013 - S.L. 2013-66.)

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 200 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, upon third reading.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Brunstetter, without objection, the Committee Substitute bill, with House Amendments No. 1 and No. 2, is withdrawn from today's calendar and placed on the calendar of Tuesday, June 11.

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, upon second reading.

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Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, June 11.

WITHDRAWAL FROM COMMITTEE

H.B. 783 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS, referred to the **Rules and Operations of the Senate Committee** on May 6.

Pursuant to Rule 47(a), Senator Brunstetter 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, and the Chair so orders.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 473 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT, upon third reading.

Senator J. Davis offers Amendment No. 1, which is adopted (41-0).

The Senate Committee Substitute bill, as amended, passes its third reading (42-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS, upon second reading.

Senator Tucker offers Amendment No. 1, which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 707, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE, upon third reading.

Senator Brown offers Amendment No. 1, which is adopted (42-0), and will change the title upon concurrence to read **H.B. 707**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE AND TO CREATE THE OREGON INLET LAND ACQUISITION TASK FORCE.

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The bill, as amended, passes its third reading (42-0) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 239 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Barringer, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 387 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES AND (2) PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Barefoot, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD, for concurrence in House Amendments No. 1 and No. 2.

The Senate fails to concur in House Amendments No. 1 and No. 2 (0-42), and the House of Representatives is notified.

Upon motion of Senator Berger, seconded by Senator Sanderson, the Senate adjourns at 12:40 p.m., in honor of those who served and died in the D-Day invasion, and subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, June 10, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

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S.B. 156 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 200 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 306 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, June 11.

S.B. 411 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE

AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, June 11.

S.B. 539 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY JURY COMMISSION TO OBTAIN DATE OF BIRTH INFORMATION FROM BOARDS OF ELECTIONS WHEN PREPARING THE MASTER JURY LIST AND TO ENSURE THE CONFIDENTIALITY OF THE DATES OF BIRTH OF PROSPECTIVE JURORS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES, for concurrence in House Amendment No. 1.

The Committee Substitute bill, with the attached amendment, is placed on the calendar of Tuesday, June 11.

S.B. 489 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

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S.B. 520 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 10.

A SENATORIAL STATEMENT

Submitted by Senator Ralph Hise

Expressing Support for the Continued

Inclusion of Wrestling as a

Core Sport in the Olympics

WHEREAS, the State of North Carolina is home to thousands of youth, high school, collegiate, and professional wrestling athletes and many that advance to national and international competition; and

WHEREAS, the United States is a key competitor in international wrestling competition, especially the Olympic Games, with 124 medals having been awarded to the United States throughout history; and

WHEREAS, the sport of wrestling is fundamentally important to the success of the United States in overall Olympic Games competition; and

WHEREAS, North Carolina wrestlers such as Dremel Byers, Sara McMann, and others have represented our State and the nation in Olympic competitions; and

WHEREAS, wrestling is a foundational activity for North Carolina's youth and overall economic activity, which is made more robust by the ultimate potential for Olympic success; and

WHEREAS, wrestling is an important sport at many of our State's public and private colleges, with North Carolina boasting the most collegiate wrestling programs of any state in the Southeast; and

WHEREAS, the Town of Carolina Beach recently played host to the United States Beach Wrestling Championships and cities such as Greensboro and Charlotte may be considered as future sites for Olympic Team Trials and other national and international wrestling competitions;

NOW, THEREFORE, freestyle and Greco-Roman wrestling should be included in the 25 athletic competitions of the Olympics Games for 2020.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the sixth day of June, 2013.

S/Senator Ralph Hise

S/Sarah Lang
Senate Principal Clerk

June 6, 2013

A SENATORIAL STATEMENT

Submitted by Senator E. S. (Buck) Newton and Senator Ronald J. Rabin

Honoring Rebecca Wilkins

WHEREAS, the Wounded Warrior Project (WWP) serves veterans and service members who sustained a physical or mental injury, illness, or wound related to their military service on or after September 11, 2001, and their families; and

WHEREAS, the WWP raises awareness and enlists the public's aid for the needs of injured service members, helps injured service members aid and assist each other, and provides unique direct programs and services to meet the needs of injured service members; and

WHEREAS, as a high school senior graduation project, Johnston County resident, Rebecca Wilkins, organized the first annual Wounded Hero Golf Classic to benefit the WWP; and

WHEREAS, with close relatives serving in the military, Rebecca Wilkins wanted to complete a project that would give back to those who have served in the military; and

WHEREAS, Rebecca Wilkins worked hard to find a location for the tournament, participants to play in the tournament, individuals and organizations to sponsor and provide in-kind donations, and media outlets to publicize the event; and

WHEREAS, the Wounded Hero Golf Classic raised a total of \$2,696 for the WWP;

NOW, THEREFORE, Rebecca Wilkins deserves recognition for her success in organizing the Wounded Hero Golf Classic to benefit the Wounded Warrior Project.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the sixth day of June, 2013.

S/Senator E. S. (Buck) Newton
S/Senator Ronald J. Rabin

S/Sarah Lang
Senate Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 5, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Ford has been added as a conferee to **H.B. 13** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REQUIRE STATE AGENCIES TO BIENNIALY REPORT TO THE

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DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION DIVISION ON THEIR USE OF REAL PROPERTY; (2) REQUIRE STATE AGENCIES TO REPORT ANNUALLY THE AMOUNT OF REVENUE GENERATED DURING THE PREVIOUS CALENDAR YEAR FROM THE LEASING OF SPACE ON AGENCY PROPERTY; (3) IMPROVE THE OVERSIGHT AND MANAGEMENT OF STATE-OWNED SUBMERGED LANDS, INCLUDING INITIATING A PROCESS TO INVENTORY CLAIMS ON STATE-OWNED SUBMERGED LANDS; AND (4) CLARIFY THE INFORMATION THAT MUST BE PROVIDED TO THE STATE BUREAU OF INVESTIGATION CONCERNING MISUSE OF STATE PROPERTY.

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 6, 2013

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. 36** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received is presented to the Senate, read, and filed in the Office of the Principal Clerk as follows:

Executive Order No. 13, Health and Safety Leadership Team.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Gunn for the **Commerce Committee**:

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SPECIAL PURPOSE PROJECT TO INCLUDE AGRICULTURAL AND FORESTRY WASTE DISPOSAL FACILITIES, with a favorable report.

Pursuant to a motion by Senator Brunstetter, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 223, A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION AND RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, 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, 10428, which changes the title to read **H.B. 223** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION, RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, AND CLARIFYING THE AUTHORITY OF THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY TO RECEIVE AND INVESTIGATE COMPLAINTS FROM MEMBERS OF ELECTRIC MEMBERSHIP CORPORATIONS, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 390, A BILL TO BE ENTITLED AN ACT MAKING VARIOUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE, 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, 10427, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 662 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING LICENSED IRRIGATION CONTRACTORS TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES, 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, 10426, which changes the title to read **H.B. 662** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

S.B. 328, A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ADOPT AND ENFORCE A RULE REQUIRING VEHICLES OR CONTAINERS USED FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE TO BE LEAK-RESISTANT, RATHER THAN LEAK-PROOF, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35361, which changes the title to read **S.B. 328** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS ("LIFE OF SITE"); (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING CONDUCT OF ENVIRONMENTAL IMPACTS STUDIES, APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND LANDFILL GAS TO ENERGY FEASIBILITY STUDY; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) SPECIFY THAT CLEANUP OF ON-SITE LEACHATE IS NOT REQUIRED WHEN CONDUCTING RISK-BASED REMEDIATION OF LANDFILLS; (6) LIMIT THE FREQUENCY OF CHANGES TO GROUNDWATER STANDARDS; (7) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF"; (8) AMEND RULES GOVERNING CONTROL OF LEACHATE TO CLARIFY THAT LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS OR LIQUID GENERATED DURING THE TRANSPORT OF SOLID WASTE SHALL NOT BE TREATED AS VIOLATIONS OF LEACHATE CONTROL REQUIREMENTS; (9) CITIES AND COUNTIES THAT ACCEPT SOLID

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WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; AND (10) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

By Senator Goolsby for the **Judiciary I Committee**:

H.B. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION, with a favorable report.

Pursuant to a motion by Senator Brunstetter, the Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 122 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY 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, 70448, which changes the title to read **H.B. 122** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

H.B. 332 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70449, is adopted and engrossed.

Pursuant to a motion by Senator Brunstetter, the Senate Committee Substitute bill is placed on the calendar of Tuesday, June 11.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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SEVENTY-SIXTH DAY

Senate Chamber
Monday, June 10, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, thank you for this place to come in a week of unrest. Amidst the arguments about right and wrong, sometimes it’s easiest to abandon our calling. I know, Lord, that I am tempted to run away like Jonah. In fact, this is one of the greatest differences between me and you, Lord. We run away, but you run to embrace us with love and to bless us. Lord, there is a great work to be done here. Democracy is worth the nastiness, and truth is worth the suffering. Alleviate our fears, turn our attention to you, the God that allows us to make mistakes and never gives up on us. I make this prayer in the name of Christ. Amen.”

The Chair grants a leave of absence for tonight to Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, 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 Karen Schnell from Mebane, 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 Daniel for the **Judiciary II Committee**:

H.B. 209, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO DOMESTIC VIOLENCE AND CIVIL NO-CONTACT ORDERS, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10424, which changes the title to read **H.B. 209** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONSENT PROTECTIVE ORDER ENTERED UNDER CHAPTER 50B OF THE GENERAL STATUTES MAY BE ENTERED WITHOUT FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON THE WRITTEN AGREEMENT OF THE PARTIES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Wednesday, June 12.

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H.B. 219 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY" AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10429, which changes the title to read **H.B. 219** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY", TO ALLOW A CHILD BORN OUT OF WEDLOCK TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Wednesday, June 12.

H.B. 331 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30571, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Wednesday, June 12.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT OFFICIAL CREDENTIALS OF A BAIL BONDSMAN SHALL INCLUDE AN OFFICIAL SHIELD AND TO PROVIDE FOR THE DESIGN OF THE SHIELD, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 10425, which changes the title to read **H.B. 597** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROVE AN OFFICIAL SHIELD FOR BAIL BONDSMEN, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on the calendar of Wednesday, June 12.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 239, AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT.

S.B. 387, AN ACT TO (1) MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES AND (2) PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING.

S.B. 583, AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS.

S.B. 584, AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE.

H.B. 88, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS.

H.B. 276, AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT.

H.B. 279, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER CERTAIN ENVIRONMENTAL PERMITS ASSOCIATED WITH PROPERTY DEVELOPMENT WHEN THE ORIGINAL PROPERTY OWNER IS UNWILLING OR UNABLE TO AGREE TO THE PERMIT TRANSFER.

H.B. 317, AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 67, AN ACT TO AUTHORIZE SURRY COMMUNITY COLLEGE TO CONVEY PROPERTY BY GIFT TO YADKIN COUNTY AND TO LEASE A PORTION OF ANY STRUCTURE SUBSEQUENTLY BUILT ON THAT PROPERTY.

S.B. 257, AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THEIR COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD COUNTY BY REQUIRING A SURVEY OF THE BOUNDARY LINE BETWEEN THE COUNTIES.

S.B. 268, AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE.

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CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM ON WHETHER TO INCORPORATE THE VILLAGE OF LAKE JAMES, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Cook, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Soucek, Stein, Tarte, Tillman, Wade and Walters---39.

Voting in the negative: Senators Bryant, Clodfelter, D. Davis, Parmon, Robinson, Rucho and Tucker---7.

The Committee Substitute bill remains on the calendar for Tuesday, June 11, upon third reading.

S.B. 137 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tillman, the Senate concurs in the House Committee Substitute bill (46-2) and the bill is ordered enrolled and sent to the Governor.

S.B. 156 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 200 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1-47) and the House of Representatives is notified.

S.B. 411 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Harrington, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 486 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tarte, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 489 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gunn, the Senate concurs in the House Committee Substitute bill (40-8) and the bill is ordered enrolled and sent to the Governor.

S.B. 520 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 528 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 539 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY JURY COMMISSION TO OBTAIN DATE OF BIRTH INFORMATION FROM BOARDS OF ELECTIONS WHEN PREPARING THE MASTER JURY LIST AND TO ENSURE THE CONFIDENTIALITY OF THE DATES OF BIRTH OF PROSPECTIVE JURORS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Clodfelter, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

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SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

William Cheung, Taylorsville; Ali Clary, Battleboro; Jonathon Coby, Wake Forest; Amanda Davis, Red Oak; Griffin Evans, Wilmington; Tristan Gordon, Monroe; Tyler Hendricks, Greensboro; Katy Jarema, Raleigh; Austin Jeffreys, Goldsboro; David Kostenberger, Wake Forest; Sara Paige Liles, Laurinburg; Hayley Meier, Wilmington; Mackenzie Morgan, Charlotte; Ashlyn Murray, Laurinburg; Jelisa Murray, Raleigh; Lilly Myers, Winston-Salem; Jordan Perry, Durham; Maggie Powell, Wilmington; Amanda Pruthi, Durham; Daniel Rangel, Greensboro; Kathryn Anne Robinson, Raleigh; Greg Stewart, Garner; and Spencer Zachary, Taylorsville.

WITHDRAWAL FROM FUTURE CALENDAR

S.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS ("LIFE OF SITE"); (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING CONDUCT OF ENVIRONMENTAL IMPACTS STUDIES, APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND LANDFILL GAS TO ENERGY FEASIBILITY STUDY; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) SPECIFY THAT CLEANUP OF ON-SITE LEACHATE IS NOT REQUIRED WHEN CONDUCTING RISK-BASED REMEDIATION OF LANDFILLS; (6) LIMIT THE FREQUENCY OF CHANGES TO GROUNDWATER STANDARDS; (7) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF"; (8) AMEND RULES GOVERNING CONTROL OF LEACHATE TO CLARIFY THAT LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS OR LIQUID GENERATED DURING THE TRANSPORT OF SOLID WASTE SHALL NOT BE TREATED AS VIOLATIONS OF LEACHATE CONTROL REQUIREMENTS; (9) CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; AND (10) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, placed on the calendar of Tuesday, June 11.

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Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the calendar of Tuesday, June 11, and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 649 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, placed on the calendar of Tuesday, June 11.

Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the calendar of Tuesday, June 11, and placed on the calendar of Wednesday, June 12, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, placed on the calendar of Tuesday, June 11.

Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the calendar of Tuesday, June 11, and re-referred to the **Judiciary I Committee**, which motion prevails with unanimous consent, and the Chair so orders.

WITHDRAWAL FROM COMMITTEE

H.B. 937 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON THE PREMISES OF A COMMUNITY COLLEGE, OR PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF

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HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; AND TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW, referred to the **Rules and Operations of the Senate Committee** on May 8.

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, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Brown, the Senate adjourns at 7:26 p.m., subject to the ratification of bills, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, June 11, at 3:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY

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ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) MODIFY PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

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S.B. 124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISPOSITION OF FIREARMS BY LAW ENFORCEMENT AGENCIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 630 (House 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, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

H.B. 558, A BILL TO BE ENTITLED AN ACT TO ALLOW SALES TAX REFUNDS FOR SOIL AND WATER CONSERVATION DISTRICTS.

Referred to the **Finance Committee**.

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H.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.

Referred to the **State and Local Government Committee** and upon a favorable report, re-referred to the **Education/Higher Education Committee**.

H.B. 998 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES AND TO EXPAND THE SALES TAX BASE TO INCLUDE SERVICES COMMONLY TAXED IN OTHER STATES.

Referred to the **Finance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-SEVENTH DAY

Senate Chamber
Tuesday, June 11, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, Lord God, Maker of all things, creation is upheld by you. While all must change and know decay, you are unchanging, always new. You are our solace and our shield, our rock secure on which to build. You are the spirit’s tranquil home; in you alone is hope fulfilled.* We ask you today, Father, we come to you and we ask you to save us from every evil and every trial on earth that we may seek with our hearts, and our deeds, our Lord and helper, Jesus, whom we look to in the heavens. Amen.”

*Stanbrook Abbey Hymnal

The Chair grants a leave of absence for today to Senator Woodard.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Monday, June 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Sharon Davis from Raleigh, 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. 137, AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS.

S.B. 156, AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE.

S.B. 207, AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS.

S.B. 211, AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING.

S.B. 411, AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS.

S.B. 486, AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE.

S.B. 489, AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT.

S.B. 520, AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED.

S.B. 528, AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS.

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S.B. 539, AN ACT TO AUTHORIZE A COUNTY JURY COMMISSION TO OBTAIN DATE OF BIRTH INFORMATION FROM BOARDS OF ELECTIONS WHEN PREPARING THE MASTER JURY LIST AND TO ENSURE THE CONFIDENTIALITY OF THE DATES OF BIRTH OF PROSPECTIVE JURORS.

H.B. 24, AN ACT TO AMEND THE PROCEDURES FOR PERSONS ON PROBATION WHO ARE DIRECTED TO PARTICIPATE IN AN ABUSER TREATMENT PROGRAM AND MAKE CLARIFYING CHANGES RELATING TO DOMESTIC VIOLENCE OFFENSES.

H.B. 505, AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION.

The Enrolling Clerk reports the following bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 456, AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE REVIEW TEAM IN PITT COUNTY AND ALAMANCE COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 67, AN ACT TO AUTHORIZE SURRY COMMUNITY COLLEGE TO CONVEY PROPERTY BY GIFT TO YADKIN COUNTY AND TO LEASE A PORTION OF ANY STRUCTURE SUBSEQUENTLY BUILT ON THAT PROPERTY. (Became law upon ratification, June 10, 2013 - S.L. 2013-67.)

S.B. 257, AN ACT TO ENABLE THE TRANSITION OF PROPERTIES OF THE AREA ALONG THEIR COMMON BOUNDARY BETWEEN ALAMANCE COUNTY AND GUILFORD COUNTY BY REQUIRING A SURVEY OF THE BOUNDARY LINE BETWEEN THE COUNTIES. (Became law upon ratification, June 10, 2013 - S.L. 2013-68.)

S.B. 268, AN ACT TO ALLOW THE TOWN OF SUNSET BEACH TO IMPOSE A CANAL DREDGING AND MAINTENANCE FEE. (Became law upon ratification, June 10, 2013 - S.L. 2013-69.)

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MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, June 12.

H.B. 743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is taken up out of its regular order of business and placed at the end of today's calendar.

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed at the end of today's calendar.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, with a favorable report.

H.B. 548 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEANS OF PROVIDING ACCESS TO RULES OF THE DIVISION OF MARINE FISHERIES, with a favorable report.

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H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Judiciary I Committee**.

H.B. 936 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS AND TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS' PROBATION AS ASSETS OF THE FUND, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

H.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT NORTH CAROLINA TIMBER PRODUCERS BY REQUIRING THAT SUSTAINABLE BUILDING STANDARDS NOT DISADVANTAGE OR FORBID THE USE OF BUILDING MATERIALS PRODUCED IN THIS 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, 80375, which changes the title to read **H.B. 628** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM, is adopted and engrossed.

H.B. 614 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES, 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, 70450, which changes the title to read **H.B. 614** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, is adopted and engrossed.

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By Senator J. Davis for the **State and Local Government Committee**:

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY, with a favorable report.

H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY, with a favorable report.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 289, A BILL TO BE ENTITLED AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES, with a favorable report.

By Senator Daniel for the **Judiciary II Committee**:

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT, with a favorable report.

H.B. 465, A BILL TO BE ENTITLED AN ACT TO PROHIBIT PERSONS WHO ARE NOT LAWFULLY PRESENT IN THIS STATE FROM POSSESSING FIREARMS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

H.B. 611, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR

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PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD, with a favorable report.

H.B. 850 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT, with a favorable report.

H.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT JURORS WHO SERVE THEIR FULL TERM OF SERVICE ON A GRAND JURY SHALL NOT BE REQUIRED TO SERVE AGAIN AS A GRAND JUROR OR AS A JUROR FOR A PERIOD OF SIX YEARS, with a favorable report.

By Senator Barringer for the **Commerce Committee**:

H.B. 120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS, with a favorable report.

By Senator Goolsby for the **Judiciary I Committee**:

H.B. 937 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON THE PREMISES OF A COMMUNITY COLLEGE, OR PUBLIC OR PRIVATE COLLEGE OR UNIVERSITY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE

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AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; AND TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS 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, 80373, which changes the title to read **H.B. 937** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL

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DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; AND TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM ON WHETHER TO INCORPORATE THE VILLAGE OF LAKE JAMES, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 38, noes 10, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Cook, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Soucek, Stein, Tarte, Tillman, Wade and Walters---38.

Voting in the negative: Senators Blue, Bryant, Clodfelter, D. Davis, Meredith, Nesbitt, Parmon, Robinson, Rucho and Tucker---10.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 248 (Committee Substitute), 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, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS, upon second reading.

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The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 29, A BILL TO BE ENTITLED AN ACT TO CREATE THE OFFENSE OF POSSESSION OF PSEUDOEPHEDRINE IF THE DEFENDANT HAS A PRIOR CONVICTION FOR THE POSSESSION OR MANUFACTURE OF METHAMPHETAMINE, AND TO AGGRAVATE THE PENALTY FOR MANUFACTURING METHAMPHETAMINE WHEN CHILDREN, DISABLED, OR ELDERLY ARE PRESENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE, 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.

H.B. 60 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon second reading.

The Senate Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES, 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.

H.B. 211, A BILL TO BE ENTITLED AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS, 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.

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H.B. 223 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION, RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, AND CLARIFYING THE AUTHORITY OF THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY TO RECEIVE AND INVESTIGATE COMPLAINTS FROM MEMBERS OF ELECTRIC MEMBERSHIP CORPORATIONS, 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.

H.B. 240 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES; AND TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE, 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. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCLOSURE ON THE BALLOT THAT AUTHORIZATION OF INDEBTEDNESS INCLUDES INTEREST AND THAT TAXES MAY BE LEVIED TO REPAY THE INDEBTEDNESS, upon second reading, as amended in committee.

The Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 255 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, 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. 278 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION, 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.

H.B. 322 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS, 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. 332 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS, 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. 390 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING VARIOUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE, 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. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AN INFRASTRUCTURE PROPERTY TAX DEFERRAL PROGRAM, upon second reading.

The Committee Substitute bill passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 515, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS, 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.

H.B. 587 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE AN ALTERNATE ACT AND PLAN PRECURSOR TEST FOR CERTAIN STUDENTS, upon second reading.

Senator Soucek offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 623 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE VEHICLE WEIGHT LIMITS FOR A SINGLE-AXLE TRUCK OWNED, OPERATED BY, OR UNDER CONTRACT TO A PUBLIC UTILITY OR ELECTRIC OR TELEPHONE MEMBERSHIP CORPORATION AND USED IN CONNECTION WITH THE INSTALLATION, RESTORATION, OR MAINTENANCE OF UTILITY SERVICES IN CERTAIN AREAS, 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.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF A SPECIAL PURPOSE PROJECT TO INCLUDE AGRICULTURAL AND FORESTRY WASTE DISPOSAL FACILITIES, 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.

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, upon second reading.

Upon motion of Senator Allran, without objection, the Senate Committee Substitute bill is taken up out of its regular order of business and placed at the end of today's calendar.

H.B. 650, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND OTHER CHANGES TO THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT, 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.

H.B. 662 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, 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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H.B. 664 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS, upon second reading.

Senator Gunn offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWALS FROM TODAY'S CALENDAR

Upon motion of Senator Apodaca, without objection, the remaining bills on today's calendar are withdrawn from today's calendar and placed on the calendar of Wednesday, June 12, as follows:

H.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS, upon second reading.

H.B. 762, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS, upon second reading.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE, upon second reading

H.B. 765 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS, upon second reading.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE, upon second reading.

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in House Amendments No. 1 and No. 2.

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S.B. 306 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES, for concurrence in the House Committee Substitute bill.

S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, for concurrence in the House Committee Substitute bill.

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES, for concurrence in House Amendment No. 1.

S.B. 36 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for adoption.

H.B. 743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, upon second reading.

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, upon second reading.

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, upon second reading.

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WITHDRAWAL FROM COMMITTEE

H.B. 491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS, referred to the **Rules and Operations of the Senate Committee** on May 15.

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 **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Gunn, the Senate adjourns at 3:56 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, June 12, at 3:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 9 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Wednesday, June 12.

S.B. 325 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

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S.B. 439 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

S.B. 545 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 12.

H.B. 816 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS.

Referred to the **Agriculture/Environment/Natural Resources Committee** and upon a favorable report, re-referred to the **Finance Committee**.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 562 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70451, is adopted and engrossed.

H.B. 857 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80376, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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SEVENTY-EIGHTH DAY

Senate Chamber
Wednesday, June 12, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, you say to us in scripture, ‘Do not be anxious about your life, what you will eat or what you will drink, nor about your body and what you will put on.’* You speak, and we must listen. We are more precious to you than silver or gold, more precious to you than the lilies of the field. Thank you, Jesus, for giving us the much needed reassurance that through you all things are being ordered rightly and will be put right. For Christ’s sake, Amen.”

*Matthew 6:25, ESV

The Chair grants a leave of absence for today to Senator Woodard.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Tuesday, 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 Chair extends privileges of the floor to Dr. Melissa Aselage from Hillsborough, North Carolina, and to Brittney DiMeglio from Hillsborough, North Carolina, who are serving the Senate as Nurses of the Day.

WITHDRAWAL FROM COMMITTEE

S.R. 726, A SENATE RESOLUTION HONORING EAST CAROLINA UNIVERSITY MEN’S BASKETBALL TEAM ON WINNING THE 2013 COLLEGEINSIDERS.COM POSTSEASON TOURNAMENT, referred to the **Rules and Operations of the Senate Committee** on May 30.

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 calendar for immediate consideration, which motion prevails with unanimous consent, and the Chair so orders.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR

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DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 13.

H.B. 548 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEANS OF PROVIDING ACCESS TO RULES OF THE DIVISION OF MARINE FISHERIES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 13.

WITHDRAWAL FROM COMMITTEE

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, TO PROVIDE THAT THE POLICE CHIEF APPOINTED TO THE 911 BOARD SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE NORTH CAROLINA ASSOCIATION OF CHIEFS OF POLICE, TO EXTEND THE DATE FOR IMPLEMENTATION OF OPERATING STANDARDS SET BY THE 911 BOARD, AND TO PROVIDE FOR A STUDY OF 911 SERVICE BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, referred to the **Rules and Operations of the Senate Committee** on May 16.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Judiciary II Committee**, which motion prevails with unanimous consent, and the Chair so orders.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 628 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 13.

H.B. 593 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, upon second reading.

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Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.R. 726, A SENATE RESOLUTION HONORING EAST CAROLINA UNIVERSITY MEN'S BASKETBALL TEAM ON WINNING THE 2013 COLLEGEINSIDERS.COM POSTSEASON TOURNAMENT, for adoption.

The Chair grants a leave of absence for the remainder of today's session to Senator Blue.

Upon motion of Senator Pate, the Senate Resolution is adopted (48-0).

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 29, AN ACT TO CREATE THE OFFENSE OF POSSESSION OF PSEUDOEPHEDRINE IF THE DEFENDANT HAS A PRIOR CONVICTION FOR THE POSSESSION OR MANUFACTURE OF METHAMPHETAMINE, AND TO AGGRAVATE THE PENALTY FOR MANUFACTURING METHAMPHETAMINE WHEN CHILDREN, DISABLED, OR ELDERLY ARE PRESENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE.

H.B. 157, AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES.

H.B. 211, AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS.

H.B. 278, AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION.

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H.B. 439, AN ACT TO CREATE AN INFRASTRUCTURE PROPERTY TAX DEFERRAL PROGRAM.

H.B. 515, AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS.

H.B. 623, AN ACT TO MODIFY THE VEHICLE WEIGHT LIMITS FOR A SINGLE-AXLE TRUCK OWNED, OPERATED BY, OR UNDER CONTRACT TO A PUBLIC UTILITY OR ELECTRIC OR TELEPHONE MEMBERSHIP CORPORATION AND USED IN CONNECTION WITH THE INSTALLATION, RESTORATION, OR MAINTENANCE OF UTILITY SERVICES IN CERTAIN AREAS.

H.B. 629, AN ACT TO AMEND THE DEFINITION OF A SPECIAL PURPOSE PROJECT TO INCLUDE AGRICULTURAL AND FORESTRY WASTE DISPOSAL FACILITIES.

H.B. 650, AN ACT TO MAKE CLARIFYING, CONFORMING, AND OTHER CHANGES TO THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT.

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. 456, AN ACT CONCERNING MEMBERSHIP ON THE DOMESTIC VIOLENCE REVIEW TEAM IN MECKLENBURG COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE REVIEW TEAM IN PITT COUNTY AND ALAMANCE COUNTY. (Became law upon ratification, June 11, 2013 - S.L. 2013-70.)

CALENDAR *(continued)*

H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Thursday, June 13, upon third reading.

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H.B. 68 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY, upon second reading.

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. 501 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY, upon second reading.

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.

S.B. 325 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hunt, the Senate concurs in the House Committee Substitute bill (33-15) and the bill is ordered enrolled.

H.B. 743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, upon second reading.

Senator Rabon offers Amendment No. 1, which is adopted (43-5).

Senator Nesbitt offers Amendment No. 2.

Senator Apodaca offers a motion that Amendment No. 2 lie upon the table, seconded by Senator Brunstetter, which motion prevails (33-15).

The Senate Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 40, noes 8, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McKissick, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---40.

Voting in the negative: Senators Bryant, D. Davis, Ford, Graham, Kinnaird, Nesbitt, Parmon and Robinson---8.

The Senate Committee Substitute bill, as amended, remains on the calendar for Thursday, June 13, upon third reading.

S.B. 571 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, upon second reading.

Without objection, Senator Rabin is excused from voting on the bill because he has a personal interest in the content.

Senator Brunstetter offers Amendment No. 1, which is adopted (47-0).

Senator Hunt offers Amendment No. 2, which is adopted (47-0).

The Committee Substitute bill, as amended, passes its second reading (46-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

The Chair grants a leave of absence for the remainder of today's session to Senator Tucker.

H.B. 120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS, upon second reading.

Upon the appearance of Senator Blue in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

The Committee Substitute bill passes its second reading (47-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 209 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONSENT PROTECTIVE ORDER ENTERED UNDER CHAPTER 50B OF THE GENERAL STATUTES MAY BE ENTERED WITHOUT FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON THE WRITTEN AGREEMENT OF THE PARTIES, upon second reading.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator McKissick objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Thursday, June 13, upon third reading.

H.B. 219 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY", TO ALLOW A CHILD BORN OUT OF WEDLOCK TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED, upon second reading.

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The Senate Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 289, A BILL TO BE ENTITLED AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES, 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. 331 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS, 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.

H.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 396 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 597 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROVE AN OFFICIAL SHIELD FOR BAIL BONDSMEN, upon second reading.

Without objection, Senator Apodaca is excused from voting on the bill due to a possible conflict of interest.

The Senate Committee Substitute bill passes its second reading (36-11) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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H.B. 611, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD, 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 enrolled and sent to the Governor.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, upon second reading.

The Senate Committee Substitute bill passes its second reading (47-1).

Senator Newton objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Thursday, June 13, upon third reading.

H.B. 641 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES, 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.

H.B. 649 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (46-2).

The Senate Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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H.B. 684 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS, 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.

H.B. 762, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS, upon second reading.

Without objection, Senator Apodaca is excused from voting on the bill due to a possible conflict of interest.

The bill passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 763 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 765 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS, 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.

H.B. 850 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 879 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT JURORS WHO SERVE THEIR FULL TERM OF SERVICE ON A GRAND JURY SHALL NOT BE REQUIRED TO SERVE AGAIN AS A GRAND JUROR OR AS A JUROR FOR A PERIOD OF SIX YEARS, upon second reading.

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The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 937 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A

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HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; AND TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW, upon second reading.

Without objection, Senator Barringer is excused from voting on the bill because she is an employee of the University of North Carolina at Chapel Hill. Chancellor Holden Thorp and President Tom Ross have publicly stated the position of UNC-Chapel Hill and the UNC System regarding this bill.

Senator Newton offers Amendment No. 1, which is adopted (39-8).

Upon the appearance of Senator Tucker in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Kinnaird offers Amendment No. 2, which fails (16-32).

Senator Goolsby offers Amendment No. 3, which is adopted (48-0), and changes the title to read **H.B. 937** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE

PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS.

The Senate Committee Substitute bill, as amended, passes its second reading (32-16).

Senator Bryant objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill, as amended, placed on the calendar of Thursday, June 13, upon third reading.

S.B. 9 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Meredith, the Senate concurs in the House Committee Substitute bill No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor.

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S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) MODIFY PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND

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GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (8-41), and the House of Representatives is notified by special message.

S.B. 124 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, for concurrence in House Amendments No. 1 and No. 2.

Upon motion of Senator Allran, the Senate concurs in House Amendments No. 1 and No. 2 (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 306 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (33-16) and the bill is ordered enrolled and sent to the Governor.

S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-49), and the House of Representatives is notified by special message.

S.B. 439 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Barringer, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 443 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE DISPOSITION OF FIREARMS BY LAW ENFORCEMENT AGENCIES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brock, the Senate concurs in the House Committee Substitute bill (48-1) and the bill is ordered enrolled and sent to the Governor.

S.B. 452 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 468 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Jenkins, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

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S.B. 530 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 542 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES, for concurrence in House Amendment No. 1.

Upon motion of Senator Cook, the Senate concurs in House Amendment No. 1 (47-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 545 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabin, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 630 (House 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, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Newton, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 36 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, for adoption.

Upon motion of Senator Hartsell, the Senate adopts the Conference Report (48-0) and it is ordered enrolled and sent to the Governor. A message is ordered sent to the House of Representatives informing that honorable body of such action.

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Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 5:58 p.m., subject to the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, June 13, at 11:00 a.m.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Harrington for the **Transportation Committee**:

S.B. 305, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75347, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 428 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80381, is adopted and engrossed.

H.B. 626 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED, 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, 70457, which changes the title to read **H.B. 626** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE VEHICLE, is adopted and engrossed.

H.B. 785 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70455, which changes the title to read **H.B. 785** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED SERVICES COST-SAVINGS, is adopted and engrossed.

By Senator Soucek for the **Education/Higher Education Committee**:

H.B. 868, A BILL TO BE ENTITLED AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70456, is adopted and engrossed.

H.B. 57 (Committee Substitute), 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 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, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80378, is adopted and engrossed.

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CONFERENCE REPORT

Senator Brown, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 433** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 433, A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, Senate Judiciary I Committee Substitute Adopted 5/9/13, Sixth Edition Engrossed 5/15/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 5/9/13, Sixth Edition Engrossed 5/15/13, 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 H433-PCCS80374-TA-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 12, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Harry Brown, Chair	S/John R. Bell, IV, Chair
S/Louis Pate	S/Chris Whitmire
S/Norman W. Sanderson	S/Paul Stam
S/Wesley Meredith	S/Rick Glazier
S/Ben Clark	

The full text of the proposed Conference Committee Substitute can be found in Chapter 206 of the 2013 Session Laws.

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The proposed Conference Committee Substitute is placed on the calendar of Thursday, June 13, for adoption.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brown for the **Appropriations/Base Budget Committee**:

S.B. 663 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM AND AN ASSISTIVE TECHNOLOGY REUTILIZATION PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THESE PROGRAMS, AND TO CREATE COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING, 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, 35366, which changes the title to read **S.B. 663** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING, is adopted and engrossed.

H.B. 459, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE, with a favorable report.

H.B. 817 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS, with an unfavorable report as to Senate Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill No. 3.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 3, 90114, is adopted and engrossed.

A SENATORIAL STATEMENT

Submitted by Senator Gladys A. Robinson

Honoring Karyn Collie Dickerson

WHEREAS, Karyn Collie Dickerson is a graduate of the University of North Carolina at Chapel Hill with a Bachelor's degree with Honors and Highest Distinction in English and a Master of Philosophy Degree with Distinction in Romanticism and the Forms of Modernity from the University of Glasgow in Scotland; and

WHEREAS, Karyn Collie Dickerson has been an English teacher at Grimsley High School for seven years, instructing students in grades 9-12 in subjects that include the English Block Recovery, Honors, Advanced Placement, and International Baccalaureate classes; and

WHEREAS, Karyn Collie Dickerson has a number of certifications, a National Board Certified Teacher of Adolescence and Young Adulthood/English Language Arts Teacher, Advanced Placement English Literature Teacher; and

WHEREAS, in addition to her teaching duties at Grimsley High School, Karyn Collie Dickerson has served on the School Leadership Team, mentored Prospective English Teacher Student Interns from Guilford College and the University of North Carolina at Greensboro, and coached the Grimsley High School Women's Varsity Tennis Team; and

WHEREAS, Karyn Collie Dickerson has also served as an Instructor for an English Teaching Methods Course for Guilford College and was recently featured as a Co-Presenter of "A New Way to Text" at the North Carolina English Teacher Association Conference; and

WHEREAS, as a testament to her success as a teacher, Karyn Collie Dickerson holds the distinction of being named the Grimsley High School Teacher of the Year, Guilford County Schools Teacher of the Year, the Piedmont-Triad Regional Teacher of the Year;

NOW, THEREFORE, Karyn Collie Dickerson should be commended as outstanding educator for her students, an excellent role model for her profession; and for being named the 2013-14 North Carolina Teacher of the Year.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twelfth day of June, 2013.

S/Senator Gladys A. Robinson

S/Sarah Lang
Senate Principal Clerk

June 12, 2013

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 998 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES AND TO EXPAND THE SALES TAX BASE TO INCLUDE SERVICES COMMONLY TAXED IN OTHER STATES, 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, 70458, which changes the title to read **H.B. 998** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

SEVENTY-NINTH DAY

Senate Chamber
Thursday, June 13, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, you are here with us, and you are holy, and you are everlasting. Lord, we pray that senators from Wrightsville Beach to Asheville, North Carolina will be reminded of your holiness—your everlasting love—today. We pray that that will saturate the conversation, their hearts, and their minds. It’s in Christ’s name we pray. Amen.”

The Chair grants leaves of absence for today to Senator Brunstetter, Senator Graham, and Senator Woodard.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, 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.

June 13, 2013

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 548 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEANS OF PROVIDING ACCESS TO RULES OF THE DIVISION OF MARINE FISHERIES, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, June 18.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.J.R. 271, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DON M. BAILEY TO THE UTILITIES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's calendar for immediate consideration.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

H.J.R. 271, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DON M. BAILEY TO THE UTILITIES COMMISSION, upon second reading.

The Joint Resolution passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

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H.B. 562 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---46.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

H.B. 543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, with a favorable report.

CALENDAR *(continued)*

H.B. 743 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, upon third reading, as amended.

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 41, noes 6, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---41.

Voting in the negative: Senators Bryant, D. Davis, Meredith, Nesbitt, Parmon and Robinson---6.

The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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H.B. 817 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS, upon second reading.

The Senate Committee Substitute bill No. 3 passes its second reading, by roll-call vote, ayes 42, noes 5, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---42.

Voting in the negative: Senators Clodfelter, Cook, Kinnaird, Nesbitt and Robinson---5.

The Senate Committee Substitute bill No. 3 remains on the calendar for Monday, June 17, upon third reading.

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, upon second reading.

Senator Jenkins offers Amendment No. 1, which fails (18-29).

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 30, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Soucek, Tarte, Tillman and Wade---30.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Rucho, Stein, Tucker and Walters---17.

The Senate Committee Substitute bill remains on the calendar for Monday, June 17, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from the calendar of Monday, June 17, and placed on the calendar of Tuesday, June 18.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS PERTAINING TO ADOPTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70459, is adopted and engrossed.

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H.B. 122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, 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, 30572, is adopted and engrossed.

CALENDAR (*continued*)

H.B. 937 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE'S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE'S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO

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PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; AND TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW, upon third reading, as amended.

Upon motion of Senator Apodaca, without objection, the Senate Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

The Chair grants leaves of absence for the remainder of today's session to Senator Barringer and Senator Jenkins.

Senator Bryant offers Amendment No. 4, which fails (14-31).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 31, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Berger, Bingham, Brock, Brown, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---31.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein and Walters---14.

The Senate Committee Substitute bill is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWALS FROM TODAY'S CALENDAR

Upon motion of Senator Apodaca, without objection, the remaining bills on today's calendar are withdrawn from today's calendar and placed on the calendar of Monday, June 17, as follows:

S.B. 663 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING, upon second reading.

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H.B. 57 (Senate Committee Substitute), 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 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, upon second reading.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

H.B. 459, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE, upon second reading.

H.B. 626 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE VEHICLE, upon second reading.

H.B. 628 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM, upon second reading.

H.B. 785 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED SERVICES COST-SAVINGS, upon second reading.

June 13, 2013

H.B. 868 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, upon second reading.

H.B. 209 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONSENT PROTECTIVE ORDER ENTERED UNDER CHAPTER 50B OF THE GENERAL STATUTES MAY BE ENTERED WITHOUT FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON THE WRITTEN AGREEMENT OF THE PARTIES, upon third reading.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, upon third reading.

H.B. 433 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, for adoption

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 333, A BILL TO BE ENTITLED AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION, with a favorable report.

H.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER, with a favorable report.

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H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS, with a favorable report.

Upon motion of Senator Berger, seconded by Senator Brown, the Senate adjourns at 2:14 p.m., subject to the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, June 17, 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 12, 2013

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. 688**, A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS, and requests conferees.

Speaker Tillis has appointed:

Representative Hardister, Chair
Representative Millis
Representative Dobson and
Representative Tine

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 13, 2013

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 9, AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.

S.B. 36, AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

S.B. 124, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR.

S.B. 222, AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.

S.B. 306, AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES.

S.B. 439, AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES.

S.B. 443, AN ACT TO PROVIDE FOR THE DISPOSITION OF FIREARMS BY LAW ENFORCEMENT AGENCIES.

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S.B. 452, AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL.

S.B. 468, AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED.

S.B. 530, AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS.

S.B. 542, AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES.

S.B. 545, AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME.

S.B. 630, 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.

H.B. 120, AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS.

H.B. 289, AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES.

H.B. 350, AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT.

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H.B. 396, AN ACT TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

H.B. 473, AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT.

H.B. 611, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD.

H.B. 684, AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS.

H.B. 707, AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE AND TO CREATE THE OREGON INLET LAND ACQUISITION TASK FORCE.

H.B. 762, AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS.

H.B. 763, AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE.

H.B. 765, AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS.

H.B. 850, AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT.

H.B. 879, AN ACT PROVIDING THAT JURORS WHO SERVE THEIR FULL TERM OF SERVICE ON A GRAND JURY SHALL NOT BE REQUIRED TO SERVE AGAIN AS A GRAND JUROR OR AS A JUROR FOR A PERIOD OF SIX YEARS.

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H.B. 892, AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 325, AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS.

H.B. 68, AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY.

H.B. 501, AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

H.B. 146, AN ACT TO REQUIRE THE STATE BOARD OF EDUCATION TO ENSURE INSTRUCTION IN CURSIVE WRITING AND MEMORIZATION OF MULTIPLICATION TABLES AS A PART OF THE BASIC EDUCATION PROGRAM. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-71.)

H.B. 903, AN ACT TO REQUIRE ALL CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO FULLY ADHERE TO THE COMPREHENSIVE ARTICULATION AGREEMENT WITH THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM REGARDING THE TRANSFER OF COURSES AND ACADEMIC CREDITS BETWEEN THE TWO SYSTEMS AND THE ADMISSION OF TRANSFER STUDENTS AND TO DIRECT THE UNIVERSITY OF NORTH CAROLINA AND THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO REPORT BIANNUALLY REGARDING THE AGREEMENT TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-72.)

H.B. 449, AN ACT PROVIDING THAT A VENDOR IS QUALIFIED FOR PURPOSES OF ANY STATE FURNITURE REQUIREMENTS CONTRACT IF THE VENDOR'S PRODUCTS ARE INCLUDED ON A UNITED STATES GENERAL SERVICES ADMINISTRATION (GSA) FURNITURE

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SCHEDULE, THE VENDOR IS A FEDERALLY QUALIFIED VENDOR FOR THE GSA FURNITURE SCHEDULE, AND THE VENDOR OFFERS PRODUCTS ON THE SAME PRICING AND SPECIFICATIONS AS THE GSA FURNITURE SCHEDULE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-73.)

H.B. 315, AN ACT TO REQUIRE THAT DEGRADABLE PLASTIC PRODUCTS BE CLEARLY LABELED TO PREVENT CONTAMINATION OF RECYCLED PLASTIC FEEDSTOCKS. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-74.)

H.B. 774, AN ACT TO EXEMPT CERTAIN PRIMITIVE STRUCTURES FROM THE BUILDING CODE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-75.)

H.B. 829, AN ACT TO ALLOW CERTAIN ABC PERMITTEES TO SELL MALT BEVERAGES IN CERTAIN CONTAINERS FOR CONSUMPTION OFF THE PERMITTED PREMISES. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-76.)

H.B. 687, AN ACT TO REQUIRE THE BUILDING CODE COUNCIL TO AMEND THE NC BUILDING CODE TO ALLOW OCCUPANTS YOUNGER THAN EIGHTEEN IN TEMPORARY OVERFLOW EMERGENCY SHELTERS FOR THE HOMELESS. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-77.)

S.B. 129, AN ACT TO PROHIBIT ISSUANCE OF DEBT UNDER THE STATE CAPITAL FACILITIES FINANCE ACT. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-78.)

H.B. 410, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO CANCEL A CERTIFICATE OF TITLE TO A MANUFACTURED HOME WHEN THE PERSON REQUESTING CANCELLATION DOES NOT HAVE THE CERTIFICATE OF TITLE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-79.)

H.B. 591, AN ACT TO SPECIFY THE TERM OF OFFICE FOR APPOINTED MEMBERS OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO MAKE THE STATE INFORMATION OFFICER CHAIR OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, TO SPECIFY THE TIMES FOR MEETING OF THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM BOARD, AND TO REQUIRE QUARTERLY REPORTING OF PROGRESS ON THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-80.)

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H.B. 32, AN ACT TO INCREASE THE AMOUNT OF THE YEAR'S ALLOWANCE FOR A SURVIVING SPOUSE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-81.)

H.B. 480, AN ACT TO PROVIDE REGULATORY CERTAINTY FOR NORTH CAROLINA BY REQUIRING THE DEVELOPMENT OF MINIMUM DESIGN CRITERIA FOR STORMWATER PERMITS TO GUIDE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES IN PERMIT ISSUANCE AND TO REFORM THE PERMITTING PROCESS TO ALLOW A FAST-TRACK PERMITTING PROCESS FOR APPLICATIONS CERTIFIED BY A QUALIFIED PROFESSIONAL TO BE IN COMPLIANCE WITH THE MINIMUM DESIGN CRITERIA. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-82.)

H.B. 610, AN ACT TO REDUCE THE SEATING CAPACITY REQUIREMENT AND ELIMINATE THE POPULATION REQUIREMENT FOR IN-STAND SALES OF MALT BEVERAGES AND TO DIRECT THE ABC COMMISSION TO ADOPT RULES FOR THE SUSPENSION OF THE SALE OF ALCOHOLIC BEVERAGES DURING PROFESSIONAL SPORTING EVENTS. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-83.)

H.B. 821, AN ACT TO NAME THE PIEDMONT TRIAD FARMERS MARKET IN MEMORY OF SENATOR ROBERT G. SHAW. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-84.)

S.B. 208, AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C) MEDICAID WAIVER. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-85.)

S.B. 460, AN ACT TO PROVIDE THAT THE CITY OF BELMONT MAY LEASE FROM THE DEPARTMENT OF TRANSPORTATION THE DEPARTMENT'S INTEREST IN A PORTION OF THE PIEDMONT AND NORTHERN RAIL CORRIDOR WITHIN THE LIMITS OF THE TOWN OF BELMONT. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-86.)

S.B. 603, AN ACT TO CLARIFY THAT REGISTRATION PLATES, REGISTRATION CERTIFICATES, AND CERTIFICATES OF TITLES CAN BE ISSUED DIRECTLY BY THE DIVISION OF MOTOR VEHICLES OFFICES LOCATED IN THE COUNTIES OF WAKE, CUMBERLAND, AND MECKLENBURG. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-87.)

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S.B. 634, AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR INTERFERENCE WITH GAS, WATER, OR ELECTRIC LINES. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-88.)

S.B. 210, AN ACT TO PROVIDE FOR THE APPOINTMENT OF CHIEF MAGISTRATES. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-89.)

S.B. 252, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN VIOLATIONS OF THE CONTROLLED SUBSTANCES ACT. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-90.)

S.B. 279, AN ACT TO UPDATE AND CLARIFY PROVISIONS OF THE LAWS GOVERNING ESTATES, TRUSTS, GUARDIANSHIPS, POWERS OF ATTORNEY, AND OTHER FIDUCIARIES. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-91.)

S.B. 433, AN ACT TO PREVENT CERTAIN PROPERTY-CARRYING VEHICLES FROM PAYING FOR A DECLARED WEIGHT THAT EXCEEDS THE STATUTORY ALLOWANCE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-92.)

H.B. 114, AN ACT TO NO LONGER REQUIRE THAT A COMPLAINT OR JUDGMENT FOR ABSOLUTE DIVORCE CONTAIN THE SOCIAL SECURITY NUMBER OF A PARTY. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-93.)

H.B. 10, AN ACT TO REMOVE THE RESTRICTION ON THE TURNPIKE AUTHORITY'S SELECTION OF A CORRIDOR LOCATION FOR THE SOUTHEAST EXTENSION PROJECT OF N.C. 540. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-94.)

H.B. 25, AN ACT TO AMEND THE FELONY OFFENSE OF BREAKING OR ENTERING. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-95.)

H.B. 125, AN ACT TO CLARIFY THAT CERTAIN TYPES OF PROPRIETARY COMPUTER CODE ARE NOT A PUBLIC RECORD. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-96.)

H.B. 142, AN ACT TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION MAINTAINED BY CAMPUS POLICE AGENCIES AFFILIATED WITH PRIVATE, NONPROFIT INSTITUTIONS OF HIGHER EDUCATION. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-97.)

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H.B. 301, AN ACT TO MAKE CLARIFYING CHANGES TO THE LAWS REGULATING ENGINEERS AND LAND SURVEYORS AND TO WAIVE THE EXAMINATION REQUIREMENT FOR GIS PRACTITIONERS WITH CERTAIN EXPERIENCE UNTIL JULY 1, 2014. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-98.)

H.B. 368, AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-99.)

H.B. 581, AN ACT TO DIRECT THE WILDLIFE RESOURCES COMMISSION TO ADOPT RULES TO IMPLEMENT THE TROPHY WILDLIFE SALE PERMIT. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-100.)

H.B. 361, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE JUSTICE REINVESTMENT ACT OF 2011. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-101.)

H.B. 383, AN ACT TO AMEND THE GRAIN DEALER LICENSING ACT TO INCREASE THE BONDING AMOUNT THAT MUST ACCOMPANY LICENSE APPLICATIONS AND TO SPECIFY ADDITIONAL GROUNDS FOR LICENSE REFUSAL OR REVOCATION. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-102.)

H.B. 384, AN ACT AMENDING THE DEFINITION OF MARITAL PROPERTY TO PROVIDE THAT ENTIRETIES PROPERTY IS SUBJECT TO THE SAME BURDEN OF PROOF IN REBUTTING THE PRESUMPTION AS ALL PROPERTY CLASSIFIED AS MARITAL PROPERTY AND AMENDING THE DEFINITION OF DIVISIBLE PROPERTY TO CLARIFY THAT INCREASES AND DECREASES IN MARITAL DEBT MEANS PASSIVE INCREASES AND PASSIVE DECREASES IN MARITAL DEBT UNDER THE LAWS PERTAINING TO EQUITABLE DISTRIBUTION. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-103.)

H.B. 407, AN ACT TO AUTHORIZE CLERKS OF SUPERIOR COURT TO DETERMINE THE REASONABLENESS OF COUNSEL FEES PAID TO AN ATTORNEY SERVING AS A TRUSTEE IN A POWER OF SALE FORECLOSURE PROCEEDING. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-104.)

H.B. 532, AN ACT TO MAKE IT A CRIME TO OPERATE AN AMBULANCE, EMS VEHICLE, FIREFIGHTING VEHICLE, OR LAW ENFORCEMENT VEHICLE UPON ANY HIGHWAY, STREET, OR PUBLIC VEHICULAR AREA WITHIN THE STATE WHILE CONSUMING ALCOHOL OR WHILE ALCOHOL REMAINS IN THE PERSON'S BODY. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-105.)

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H.B. 710, AN ACT TO PERMIT WATER UTILITIES TO ADJUST RATES FOR CHANGES IN COSTS BASED ON THIRD-PARTY RATES AND TO AUTHORIZE THE UTILITIES COMMISSION TO APPROVE A RATE ADJUSTMENT MECHANISM FOR WATER AND SEWER UTILITIES TO RECOVER COSTS FOR WATER AND SEWER SYSTEM IMPROVEMENTS. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-106.)

H.B. 788, AN ACT TO AMEND THE STATUTE GOVERNING THE POWERS OF WATER AND SEWER AUTHORITIES TO ALLOW THE AUTHORITY TO SET RATES FOR WATER RESOURCES STORAGE OR PROTECTION PROGRAMS. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-107.)

H.B. 789, AN ACT TO CLARIFY THAT THE PRESENCE OF A SUBSTANCE RELEASED FROM AN UNDERGROUND STORAGE TANK DOES NOT DISQUALIFY A PROPERTY FROM PARTICIPATION IN THE NORTH CAROLINA BROWNFIELDS PROGRAM. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-108.)

H.B. 813, AN ACT TO MAKE THE MANUFACTURE, POSSESSION, SALE, USE, AND DELIVERY OF ALL SYNTHETIC CANNABINOIDS UNLAWFUL. (Became law upon approval of the Governor, June 12, 2013 - S.L. 2013-109.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 494 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 17.

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 17.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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EIGHTIETH DAY

Senate Chamber
Monday, June 17, 2013

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:

“Whoever dwells in the shelter of the Most High will rest in the shadow of the Almighty. I will say of the Lord, “He is my refuge and my fortress, my God, in whom I trust.” Surely he will save you. He will cover you with his feathers, and under his wings you will find refuge. His faithfulness will be your shield and rampart.* Once again we ask, Lord, for you to cover us. Lord, we especially pray for the family of former Governor Holshouser, who served this great state with dignity and truth. Give us pause, and redirect us, and redirect our paths because we still have time. Stir these current leaders to serve as previous great leaders have—men and women who have served their people. It’s in Christ’s name we pray. Amen.”

*Excerpt from Psalm 91:1-4, NIV

The Chair grants leaves of absence for tonight to Senator Clodfelter and Senator Meredith.

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Thursday, June 13, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Kim Christopher from Chapel Hill, 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. 26 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80383, is adopted and engrossed.

H.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS GOVERNING THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30573, is adopted and engrossed.

H.B. 784 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REMEDIES AND PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF DIFFERENT LISTED TERMS, with an unfavorable report 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, is adopted and engrossed.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following Joint Resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.J.R. 271, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF DON M. BAILEY TO THE UTILITIES COMMISSION. (Res. 2013-14)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 325, AN ACT TO PROVIDE THAT MEMBERS OF THE WAKE COUNTY BOARD OF EDUCATION SHALL BE ELECTED FROM DISTRICTS. (Became law upon ratification, June 13, 2013 - S.L. 2013-110.)

H.B. 68, AN ACT TO ESTABLISH A FOSTER CARE OMBUDSMAN PILOT PROGRAM IN GASTON COUNTY. (Became law upon ratification, June 13, 2013 - S.L. 2013-111.)

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H.B. 501, AN ACT PROVIDING THAT BUNCOMBE COUNTY IS AUTHORIZED TO CONSTRUCT COMMUNITY COLLEGE BUILDINGS ON THE CAMPUSES OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE WITHIN THE COUNTY. (Became law upon ratification, June 13, 2013 - S.L. 2013-112.)

WITHDRAWAL FROM COMMITTEE

S.J.R. 7, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DON W. EAST, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on January 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 placed on the calendar of Tuesday, June 18, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

H.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER, 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 enrolled.

H.B. 817 (Senate Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS, upon third reading.

The Senate Committee Substitute bill No. 3 passes its third reading, by roll-call vote, ayes 44, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Clark, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McKissick, McLaurin, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---44.

Voting in the negative: Senators Cook and Kinnaird---2.

The Senate Committee Substitute bill No. 3 is ordered sent by special message to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 3.

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S.B. 663 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (47-0).

The Committee Substitute bill No. 2, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives.

H.B. 57 (Senate Committee Substitute), 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 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, 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 for concurrence in the Senate Committee Substitute bill.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to tonight's calendar:

H.B. 122 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from tonight's calendar and placed on the calendar of Tuesday, June 18.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S

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DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight's calendar and placed on the calendar of Wednesday, June 19.

CALENDAR (*continued*)

H.B. 147 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS PERTAINING TO ADOPTION, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 333, A BILL TO BE ENTITLED AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION, 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 enrolled and sent to the Governor.

H.B. 459, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE, 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 enrolled and sent to the Governor.

H.B. 543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, 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 for concurrence in the Senate Committee Substitute bill.

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H.B. 626 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE VEHICLE, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 628 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM, upon second reading.

Without objection, Senator Walters is excused from voting on the bill due to a possible conflict of interest.

Senator Tucker offers Amendment No. 1, which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 785 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED SERVICES COST-SAVINGS, upon second reading.

Senator Gunn offers Amendment No. 1, which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (47-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 868 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, 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 for concurrence in the Senate Committee Substitute bill.

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H.B. 891 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS, 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.

H.B. 209 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CONSENT PROTECTIVE ORDER ENTERED UNDER CHAPTER 50B OF THE GENERAL STATUTES MAY BE ENTERED WITHOUT FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON THE WRITTEN AGREEMENT OF THE PARTIES, upon third reading.

Senator McKissick offers Amendment No. 1, which fails (10-37).

The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, upon third reading.

The Senate Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-47) and the House of Representatives is notified by special message.

S.B. 494 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

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H.B. 433 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE, for adoption.

Upon motion of Senator Brown, 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.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Bradley Anderton, Wake Forest; David Andrews, Morrisville; J.C. Barringer, Cary; Jake Barton, Stella; Allison Berger, Raleigh; Austin Bright, Morrisville; Kaitlynn Divine, Waxhaw; Katilyn Hinson, Youngsville; Divya Juneja, Cary; Austin Kirley, Apex; Parker Lee, Fuquay-Varina; Kellen Long, Elizabeth City; Gordon Ma, Cary; Emma Nance, Rutherfordton; Caroline Peebles, Raleigh; Colton Rouse, Gastonia; Brandon Thibaudeau, Burlington; Jackson Valentine, Nashville; Ty Van de Zande, Raleigh; Allyson Yelton, Rutherfordton; and Tarek M. Zikry, Chapel Hill.

CONFERENCE REPORT

Senator Brown, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 243** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 243, A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE

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OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, Senate Judiciary I Committee Substitute Adopted 4/30/13, submit the following report:

The House concurs in the Senate Committee Substitute.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 17, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Harry Brown, Chair	S/Sarah Stevens, Chair
S/Bob Rucho	S/Phil Shepard
S/Bill Rabon	S/Tom Murry
S/E. S. (Buck) Newton	S/Charles Jeter
	S/Jason Saine
	S/Pat McElraft
	S/Rick Glazier

The Conference Report is placed on the calendar of Tuesday, June 18, for adoption.

Upon motion of Senator Pate, seconded by Senator McKissick, the Senate adjourns at 7:59 p.m., in memory of former North Carolina Governor Jim Holshouser, subject to the ratification of bills, the receipt of messages from the Governor, and the receipt of messages from the House of Representatives, to reconvene Tuesday, June 18, 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 17, 2013

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. 662**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO

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INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, and requests conferees.

Speaker Tillis has appointed:

Representative Samuelson, Chair
Representative Hardister and
Representative Goodman

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 17, 2013

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. 255** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, and requests conferees.

Speaker Tillis has appointed:

Representative Glazier, Chair
Representative Holloway
Representative Johnson and
Representative Horn

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on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Pate's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-FIRST DAY

Senate Chamber
Tuesday, June 18, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Ground us, O Lord, in your truth. Ground us, O Lord, in your providential care. Ground us in your peace. Thank you, thank you for another opportunity to walk into this chamber and work through issues to make this state a better state. We need you, Lord, oh, how we need you. In Christ's name we pray. Amen.”

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, June 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 Gail Lane from Roanoke Rapids, North Carolina, who is serving the Senate as Nurse of the Day, and to Al Lane, an EMT from Roanoke Rapids, North Carolina.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, upon third reading.

Upon motion of Senator Berger, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of June 19.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, with a favorable report.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, with a favorable report.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 140, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LOWELL TO REGULATE UTILITY VEHICLES, with a favorable report.

H.B. 195, A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS, with a favorable report.

H.B. 305, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA, with a favorable report.

H.B. 326, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, with a favorable report.

H.B. 334, A BILL TO BE ENTITLED AN ACT TO AUGMENT THE USES OF CERTAIN MONEYS IN THE BUNCOMBE SCHOOL CAPITAL FUND, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

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H.B. 354, A BILL TO BE ENTITLED AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE, with a favorable report.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

Upon recommendation of Senator J. Davis, the bill is re-referred to the **Finance Committee**.

H.B. 408, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT COUNTY, with a favorable report.

H.B. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS, with a favorable report.

By Senator Goolsby for the **Judiciary I Committee**:

H.B. 392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO CONDUCT A CRIMINAL CHECK ON APPLICANTS FOR OR RECIPIENTS OF TEMPORARY ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS TO REQUIRE DSS TO SHARE INFORMATION WITH A LOCAL LAW ENFORCEMENT AGENCY REGARDING AN APPLICANT FOR OR RECIPIENT OF TANF OR FNS BENEFITS WHO HAS AN OUTSTANDING ARREST WARRANT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT SUBJECT TO AN OUTSTANDING WARRANT FOR A FELONY OR FOR A PROBATION OR PAROLE VIOLATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the **Health Care Committee**.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION, with a favorable report.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 8, AN ACT TO INCREASE THE FINE FOR THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS PURSUANT TO G.S. 20-219.2.

S.B. 25, AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES.

S.B. 358, AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE.

S.B. 494, AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION.

H.B. 223, AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION, RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, AND CLARIFYING THE AUTHORITY OF THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY TO RECEIVE AND INVESTIGATE COMPLAINTS FROM MEMBERS OF ELECTRIC MEMBERSHIP CORPORATIONS.

H.B. 240, AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN

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CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES; AND TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE.

H.B. 248, AN ACT TO REQUIRE DISCLOSURE ON THE BALLOT THAT AUTHORIZATION OF INDEBTEDNESS INCLUDES INTEREST AND THAT TAXES MAY BE LEVIED TO REPAY THE INDEBTEDNESS.

H.B. 322, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS.

H.B. 332, AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS.

H.B. 333, AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION.

H.B. 390, AN ACT MAKING VARIOUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

H.B. 433, AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.

H.B. 459, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE.

H.B. 587, AN ACT TO REQUIRE AN ALTERNATE ACT AND PLAN PRECURSOR TEST FOR CERTAIN STUDENTS.

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H.B. 664, AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS.

H.B. 891, AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 128, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS.

H.B. 533, AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.J.R. 7, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DON W. EAST, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

Upon motion of Senator Apodaca, the Joint Resolution is read in its entirety.

Upon motion of Senator Randleman, the words spoken on the Joint Resolution are spread upon the Journal as follows:

SENATOR RANDLEMAN: "Mr. President, senators, and special guests, each of us is the author of our life's book, and at the end of each day we decide the content on each page. Senator East also wrote his life's book, which began when a baby boy was born to Ralph and Viola East. There would have been a chapter,

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probably a lengthy chapter, describing the occasion when Senator East met and later married the love of his life, Connie. No doubt there would have been many entries about his beloved little girl, Gina, conversations and events with his son-in-law, Mickey, and how proud he was of his grandsons, Matthew and Jacob. Senator Don East was a proud public servant serving with the Winston-Salem Police Department, the Surry County Board of Commissioners, and the North Carolina General Assembly. He was devoted to his constituents, his community, and to the State of North Carolina. It has been my honor to bring this resolution forward. I commend it to you and ask for your support. Mr. President, I move that the words of the resolution be spread upon the pages of the Journal.”

SENATOR BROWN: “I think all of us that served with Don really saw Don as a unique individual whose personality was just unique in so many ways. When you really got to know Don, you had to love him because he was just maybe a little rough on the outside at times, but inside he was probably the most tenderhearted guy I think we all had ever met. He didn’t say much on the floor, but he was one of those guys that when he stood up to speak on the floor you normally had to pay attention because he was very, very passionate about that thing that he was going to talk about. There are several events we can think about. A couple that just jump out at me was the Barber bill, where he was trying to help his local barber in his local community, and that bill kind-of worked its way through the Senate and went over to the House. It got amended over in the House, and it came back here, and somehow that bill got changed, and his little piece about the barber got taken out. He told Senator Basnight exactly how he felt about that. That was one of those shining moments that I’ll never forget. It was just kind-of Don. Of course, Senator Bingham is tied to Don with his Charger that he bought from me, and I’ll let Senator Bingham maybe talk about that a little more. At the end, Don became my roommate, and that’s where I really got to know Don East. Don talked to me a whole lot about certain things, and one of the things he talked to me about was how he helped individuals back in his district. One of them was a young lady who had a problem with her eye, and she was from a poor family, and that family just never had the money to help that young lady. Don convinced the family to have her have some surgery on that eye, and Don paid for it right out of his pocket. I think it was about a \$10,000 surgery. I’m one of the few he probably ever told that to because that’s just the kind of guy he was. He really talked to me about his family. He truly, truly loved his family. Every night when we’d be sitting after session, we’d always spend time talking about his grandkids and his daughter, just how much he enjoyed being around them. They were really, really special to him, I think, later in his life. I think the real key thing for Don is, he had a couple of loves, and one of them is he wanted to travel. He bought a motor home, I guess a couple of years ago, and he finally got a chance to travel in that motor home, and he did a lot of it. He covered most of the United States in that motor home. I think Nashville might have been his best stop because he talked about going to Nashville and spending days going in and out of the bars listening to different people play in those bars and how much he enjoyed that. His other passion was old cars. He had a couple of old ‘40 Fords that he was

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trying to restore, and he talked to me about that, how he spent most of his weekends working on those old vehicles. That's just kind-of those passions he had. But Don, he became a very good friend of mine. I'm going to surely miss him."

SENATOR TILLMAN: "Senator East sat right here where you sit now. This incident about the hair braiding deal—he was going to have his local barber to go over to the rest homes and cut their hair without getting all this certification mess, and that got took out. That day we were sitting back there on the back row. It was a lot of fun back then, we could do about anything. But, Harry, he was sitting beside me, he was shaking like this while this debate was going on with Senator Garrou and others, and I said, 'Are you going to say anything?' He said, 'You wait just a damn minute!' Well, his blood pressure had to be 200. When he did speak, I won't even say what he said, but he told them to take that bill and to you know what with it where the sun don't shine. That made national news. I've never seen as fast a time out as Marc Basnight and Tony and them huddled around Garrou, and that bill got fixed in two or three minutes right on the floor. Now that was action. I accused Don, and some of y'all have known Don longer than me, but I doubt if you've known him any better than me. I went in that motor home two or three times with him. We went to the Outer Banks for a week. His grandsons, I know, I see one or two of them up there, right in front of Zeb Alley, who knew him well. He loved their picking and singing, and he had them down here one time to do a little, and he would talk about that a lot. Harry, you're right. I called him a man with a sawmill personality and a Philadelphia lawyer's mind. If you knew Don, he didn't miss out, unless we were telling a joke or something. Stan, he didn't miss out on anything. I'll tell you about one incident that Senator Berger stole from me at the funeral. It's a true story, but I think I own this one so I'm going to tell it. He kept bugging me to see Richard Petty. I said, all right, you're going to get a 'sit down' with Richard Petty and his wife, too. We have a fish fry every year with the party, but I planned a different one over at this local restaurant that Richard eats most of the time on Thursday nights. So we got him over there, and we had 200-300 people there, and we saved this big table for Linda and Richard, Marian and myself, and Don and his friend at that time. We chit-chatted about cars and everything, and Don had bought this Charger that you all were riding down the road in at a high rate of speed. He had that parked right in the front door. Now there were 200 people trying to get in around that thing. Well, Richard comes in and sees that super bird there—it was like one of those Dodges he used to drive. He looked it over, and he came in, and we got him over there at the table, and we got our food and [Don] said, 'Richard, come outside, I want to show you something.' We went out there, and he said, 'Look here, how do you like this light baby blue Dodge Charger?' Harry, you sold it to him, didn't you? Richard said, 'Man, I like that.' [Don] said, 'How about, you got your grease pen?' and Richard always has his grease pen. He said, 'Oh, yeah.' [Don] said, 'How about signing right up over the door here.' He did. Richard's big black Dodge was sitting over here. [Don] said, 'Let me see your grease pen.' He walks over to Richard's car and writes 'Don East,' true story. Richard didn't know what to

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say. I said, 'What are you going to do with that?' He said, 'I'm going to leave it, I've never had a fool put his name on my car!' About a month later it was still on there. I don't know if it's on there today or not, but that is a true story. I've got many others that we can't tell, but I do know that when Connie was sick and I would call and talk to Don, this was a very low point in his life, and it took him a long time to get over that. He loved his family, as we all say, and he loved Connie, and I talked to Don about every day, and we do miss him."

SENATOR KINNAIRD: "As many of you who are here know, for a long time Don and I used to have vigorous debates about guns, but we were good friends. We enjoyed each other's company, we liked the banter, and we respected each other, worked on bills together. He was a great friend. I remember how he suffered at the loss of his beloved wife. It was one of the very difficult parts of his life, but he had another difficult part that he didn't share with anybody. When he told the story, it was such a shock—especially to me because we had talked about guns and debated about guns. He never revealed to anybody that his own father had been killed, had been murdered, by a gun. It was so moving, and I felt so strongly about it, but that was the type of person that Don was. He would not bring anything out of his private life that would change any of the dynamics and the relationships, and I miss Don very much."

SENATOR BINGHAM: "Thank you, ladies and gentlemen of the Senate. The last time I stood up I got in a lot of trouble talking about Don East. This time I'm a little wiser, but I did find out one valuable thing: I can't be prosecuted for what I say whether it be the truth or not. So I'm going to try to continue to tell the truth. After the last time I spoke concerning Don—of course, Don and I go back a long ways. I didn't realize it when I came down here, but there was a gentleman named Ralph Johnson, who I know the family knows well. He lived in the area I was from. Ralph and I—he was a little older than I, but we got in as much trouble as Don and I did but in a different era. Don was riding motorcycles with Ralph years ago and was in an accident, and Ralph was one of the first ones there to aid Don, and, of course, you noticed he walked with a limp. Don—when we got to know each other, we had a lot of similar interests. I had a '66 Ford pickup that I'd restored, drive in parades, and he also has one. He likes fast cars and motorcycles. I know after the last episode that I spoke of, I think Don was interviewed by the New York Times or somebody, I don't know who, and I think he told them, he said, 'That Bingham exaggerates. He said we were going 145 mph. If you only knew him, you would realize that he does exaggerate quite a bit. We wasn't going one bit over 144.' But, anyway, there's a lot of other things I could talk about Don, but he was a dear friend, loved by everyone here and will forever be remembered. I certainly appreciate the family sharing him with us here. He was very special, and I'll have many memories of Don East from things we did here and things that I'm not going to say anything else about, especially on this floor because Senator Hartsell told me that felonies are—they don't go away, or whatever that terminology is, but anyway, thank you very much. We appreciated and loved Don East, and thank you for your family being here."

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SENATOR NESBITT: “Thank you, Mr. President, members of the Senate. When you listen to these speeches today, you pick up a common theme. Don East was a very good listener. If you’d just spend five minutes with him, he’d know what you cared about. I felt like, in our case, it’s fairly well known that I participate in crew-chieving my son’s race car so I’m around cars all the time, and my granddaughter races. He latched right onto that, and I felt like I helped him build that ‘44 a fender at a time. Every time I’d see him I’d get an update on how we were coming and how well everything was going. It’s very seldom in here that you can remember a role model in a current time. Usually, we’re talking about great people from the past and how good they were, and if you knew Don East, he was a man of his word. Period. You didn’t have to ask him twice. I will not forget when we were in here arguing over some of our deregulation. We did a bill that was, in my opinion, the most important piece of deregulation that we did—making final decision-making of administrative law judges final. It gives everybody a fair hearing. It will force settlement of cases. Well, we put that bill together, and somehow it got muddled up in conference or somewhere, and half a bill came back, and Don East stood up over there and said, ‘Uh-uh, that wasn’t the deal we made, and we’re going to go back and put this all back together,’ and we did. For those of you who are new to the back row, we unanimously overrode a gubernatorial veto on that bill. Don East is the one that stood up and said, ‘No, we’re going to do what we said we were going to do.’ Just thought I’d bring that up. It’s something we can all learn from.”

SENATOR ALLRAN: “Whenever Don was around, you always knew it, and when he wasn’t around, you also knew he wasn’t around. That’s because he was straightforward and colorful and outspoken and even cantankerous. He never hedged on what his views were politically or otherwise, and I think we all knew that. One thing I wanted to follow up on was one more little story about how he would—the other aspect of Don, was the way he’d go out of his way to be helpful to people, and this is right before he died, which, of course, was a shock to all of us. In his travels, he had gotten to know the Outer Banks, and he was out on Manteo where he was hanging around with a lot of new friends, including—he became close to Marc Basnight, actually. But he was out there, and he ran into a gentlemen whose son was involved in a real estate transaction with me, and it had become a real sticky real estate transaction with a lot of glitches, and the father of the son was concerned that it wasn’t going to go through, and Don took the time to call me and talk to me about it. We worked it out, and the gentlemen got assured that the real estate transaction would work out, and, as a matter of fact, it did. The point being, he didn’t have to get involved in that private business, but he did do that type of thing. He would go to the trouble just to help people. That really impressed me. Don is a person that is very hard not to miss, and, of course, we do miss him.”

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SENATOR BERGER: “Members of the Senate, you know we do a number of these resolutions, and over the years I’ve heard a number of them, and it’s always—especially if you knew the person that was being talked about—it brings back some memories, it puts a smile on your face, but it also reminds you in many respects about how fragile life is. In this instance, what we’re doing and who we’re talking about is somebody, and I think you get a feel for the fact that Don East was a real person. He was somebody that you wanted to have on your side because if he was on your side, you had somebody, no matter what, was going to look after you and was going to look after what was important. We’ve heard the stories, really, the night, I think it was in the evening, that his Barber bill got sideways, and he explained to the Senate and to the world what could happen to that bill was something that was just vintage Don East, it really was, because that was the person that we all knew because he was straightforward, he didn’t mince words, he didn’t try to shape things in any way. He was who he was, and who he was is someone that a lot of people cared a lot about. Gina, I know that you and your boys miss him. We all miss him, and the only thing I can say is we appreciate the time that we were allowed to spend with him because it was special to us. I urge your support for the resolution.”

SENATOR APODACA: “I’d just like to add a couple of quick comments before we vote. There’s been no one greater in this body and meant more to me than Don East. The days Don East and John Garwood and Ed Jones and all of those who have gone on before us had together were days we should never forget, and we should try to imitate and emulate those folks because they set an example. Don was a true advocate. If he got something that he wanted to get done, you knew it, and he would get it done.”

The Joint Resolution passes its second reading (50-0) 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.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

H.B. 26 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES, upon second reading.

Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Senate Committee Substitute bill is withdrawn from today’s calendar and re-referred to the **Rules and Operations of the Senate Committee**.

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WITHDRAWAL FROM COMMITTEE

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, referred to the **Rules and Operations of the Senate Committee** on May 20.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the Committee Substitute bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

S.J.R. 15, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on January 31.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the Joint Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Education/Higher Education Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR *(continued)*

H.B. 122 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (36-14) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 656 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS GOVERNING THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST, upon second reading.

The Senate Committee Substitute bill passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR

DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon second reading.

Senator Rabon offers Amendment No. 1, which he subsequently withdraws.

The Committee Substitute bill passes its second reading (50-0).

Senator Nesbitt objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Wednesday, June 19, upon third reading.

H.B. 784 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE REMEDIES AND PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF DIFFERENT LISTED TERMS, upon second reading.

Senator Rabin offers Amendment No. 1, which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its second reading (50-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 243 (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS, for adoption.

Without objection, Senator Bingham is excused from voting on the bill because he owns a newspaper.

Upon motion of Senator Brown, the Senate adopts the Conference Report (31-16).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Berger, seconded by Senator Jenkins, the Senate adjourns at 3:03 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, June 19, at 2:00 p.m.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 18, 2013

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. 649**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, and requests conferees.

Speaker Tillis has appointed:

Representative Collins, Chair
Representative Stone
Representative Moffitt
Representative Ross 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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 17, 2013

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. 433** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO

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MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 285 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT WOULD COME INTO EFFECT ON JULY 1, 2013, THAT A LABORATORY PROVIDING CHEMICAL ANALYSES UNDER G.S. 20-139.1 BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO CLARIFY THAT THE RESULTS OF CHEMICAL ANALYSIS OF BLOOD OR URINE FROM ALL HOSPITAL LABORATORIES IN NORTH CAROLINA THAT ARE APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA) PROGRAM ARE ADMISSIBLE AS EVIDENCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 19.

H.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION ON A TAX RETURN BY AN INDIVIDUAL FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND.

Referred to the **Finance Committee**.

RE-REFERRAL OF A BILL

H.B. 830 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM, referred to the **Rules and Operations of the Senate Committee** on May 7.

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Pursuant to a motion by Senator Apodaca, the Committee Substitute bill is withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Health Care Committee**.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.B. 220, A BILL TO BE ENTITLED AN ACT DESIGNATING JULY TWENTY-SECOND OF EACH YEAR AS NORTH CAROLINA FRAGILE X AWARENESS DAY, with a favorable report.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 290 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY 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, 70461, is adopted and engrossed.

H.B. 294 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80387, is adopted and engrossed.

H.B. 418 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY, OR BUNCOMBE COUNTY AND MUNICIPALITIES LOCATED THEREIN, TO ESTABLISH A CULTURE AND RECREATION 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, 80386, is adopted and engrossed.

Upon recommendation of Senator J. Davis, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Gunn for the **Commerce Committee**:

H.B. 56 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING

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NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80388, is adopted and engrossed.

H.B. 201 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REINSTATE THE 2009 NORTH CAROLINA ENERGY CONSERVATION CODES AND REPEAL THE 2012 NORTH CAROLINA ENERGY CONSERVATION CODES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 90115, which changes the title to read **H.B. 201** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REINSTATE THE 2009 NORTH CAROLINA ENERGY CONSERVATION CODES FOR COMMERCIAL BUILDINGS AND REPEAL THE PORTIONS OF THE 2012 NORTH CAROLINA ENERGY CONSERVATION CODES THAT APPLY TO COMMERCIAL BUILDINGS, is adopted and engrossed.

H.B. 700 (Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE, with an unfavorable report 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, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-SECOND DAY

Senate Chamber
Wednesday, June 19, 2013

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:

“God, you are a God of even Jacob. We come to you, and we have to admit that we are deceptive in our ways, each of us, and yet you want to give us a

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blessing. You say in scripture, ‘If my people, which are called by my name, shall humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land.’* So we pray today, Lord, in this company of people assembled, and in this land, that it will begin, now, to meet the conditions that will enable you, Lord, to fulfill your promises. Teach us how to live life rightly, how to follow in the footsteps of Moses and the prophets. Change us to look more like a redeemed Jacob and a liberated Jacob who is now Israel. For Christ’s sake we pray. Amen.”

*2 Chronicles 7:14, KJV

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Tuesday, 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 Chirayil Jackson from Cary, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS AND A RESOLUTION

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 639, AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS.

H.B. 60, AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

H.B. 219, AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO “ILLEGITIMATE” WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO “BASTARDY”, TO ALLOW A CHILD BORN OUT OF WEDLOCK TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED.

H.B. 331, AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS.

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H.B. 597, AN ACT TO APPROVE AN OFFICIAL SHIELD FOR BAIL BONDSMEN.

H.B. 641, AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES.

The Enrolling Clerk reports the following bill and resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 111, AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION.

S.J.R. 7, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DON W. EAST, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2013-15)

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. 128, AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO TO PROVIDE THAT VACANCIES IN THE OFFICE OF ALDERMAN SHALL BE FILLED BY APPOINTMENT IN ACCORDANCE WITH THE NORTH CAROLINA GENERAL STATUTES OR MAY BE FILLED THROUGH A SPECIAL ELECTION PROCESS UNDER CERTAIN CONDITIONS. (Became law upon ratification, June 18, 2013 - S.L. 2013-113.)

H.B. 533, AN ACT TO AUTHORIZE COMPANY POLICE OFFICERS IN CERTAIN COUNTIES TO USE APPROPRIATE AND REASONABLE FORCE TO KEEP A RESPONDENT AT THE FACILITY WHERE THE RESPONDENT IS TO OBTAIN AN EXAMINATION BY A PHYSICIAN OR PSYCHOLOGIST PURSUANT TO COURT ORDER. (Became law upon ratification, June 18, 2013 - S.L. 2013-114.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tillman for the **Education/Higher Education Committee**:

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER, with a favorable report.

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S.J.R. 15, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER 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, 75350, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute Joint Resolution is placed on today's calendar for immediate consideration.

CALENDAR

Bills and a resolution on today's calendar are taken up and disposed of as follows:

S.J.R. 15 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute Joint Resolution is read in its entirety.

Upon motion of Senator Brock, the words spoken on the Committee Substitute Joint Resolution are spread upon the Journal as follows:

SENATOR BROWN: "All of us who served with Jean, I think, had to say that she became a dear friend to all of us. One thing I'll say about Jean Preston is the term 'lady' was definitely Jean Preston. She was as genuine as they come; you just couldn't find a person any more genuine than Jean. When I think about Jean, and I remember when she decided to run for the House—it was a dual district back then, including part of Onslow County, so she came over to Onslow County to campaign for that seat—she was running against a couple of incumbents. Of the three running, she was definitely the underdog, and I remember somebody in Richlands telling Jean that they didn't know why she was over there because she wouldn't get a single vote out of Richlands. Well, naturally, she carried the precinct when the election came around, and Jean won one of those seats, and she served representing Onslow County for a while. Then through redistricting, Jean's House District became Carteret and Jones Counties. Well, I grew up in Jones County, so I felt like it would be great to have Jean representing Jones County with me. What I didn't realize is when it comes election time, Jean gets more votes than I do, and I grew up over there, so that will just tell you how tough Jean was. You couldn't go to an event that Jean Preston wasn't at. She was the hardest worker I've ever seen in my entire life, and that's why her constituents just loved her, because she didn't miss any event. You could not outwork that lady. She was just relentless, and when it came to constituent work, she was the absolute best. Of course, when she came over to the Senate, our districts were beside each other, and we spent many, many hours working together on coastal issues and then, as far as education, on career tech and, of course, her special needs were near to her heart, those issues

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as well, but she and I just became very good friends. There were very few weekends that we weren't at the same event or talking on the phone about some legislation. We just spent a lot of time together. Jean talked about—I remember the last time she ran we kind of had to talk her into running. She was kind of ready to retire, and, of course, we talked her into running, and she got her 60 percent of the vote like she always did, and she served those two years, and then she was ready to retire and spend more time with Suzanne and the grandkids. In particular, Cameron was getting ready to go to UNC and play soccer, and Parker, he was in baseball, and she talked about wanting to spend a whole lot more time with them. It was tragic the way Jean left us because I just know she was really looking forward to her future spending time with her family. She was really just a great lady, and I do truly miss her, especially on some education and coastal issues that we worked so close together, and I know everybody in this body misses her too. I have a picture of her and myself in my office, and I look at that picture quite often and just think about how good a lady she really was.”

SENATOR TILLMAN: “Senator Preston—we’re honoring her today in this resolution, and I’m proud to speak briefly to it. I certainly treasure the time that I spent with Jean. I knew her when she was in the House. When there were education issues that I was working on when I was in the school system, I would talk to Jean. She was the voice of education over there in the House for six or seven terms, and then she was a trusted colleague here as we worked on education things, and I’ll always remember that. We’re honoring and saying goodbye to two of our great friends. We did Don East’s yesterday and Jean Preston, and their memories will remain with me a long time. I am honored to have Jean’s daughter, Suzanne, as my legislative assistant, a sweet, gentile person through and through, and sincere through and through, just like Jean. One of the great joys of Jean’s life was Suzanne, her daughter, and Cameron and Parker, her two grandchildren, who are also here somewhere today. Mr. President, with your indulgence, I would ask them—maybe we’ll do that later, we’ll have them stand later. They’re here and proud for them to be here. I know Jean is looking and smiling down, Suzanne and Cameron and Parker, and so proud of you all. I just ask you to support this resolution.”

SENATOR BLUE: “I can’t let the opportunity go by to say something about Jean Preston. I first met her when she came to the legislature after she was elected in 1992, and I served with her in the House ten years. The first meeting I had with her, she came by my office and told me the kinds of things she was interested in, and she kept emphasizing her background in education, and I said—then I called her Representative Preston, later started calling her Jean—’If you really are committed to this education stuff, you tell me where you want to be and what you want to do so that you can enhance that.’ She was put on the Education Committee, and she played a major role on educational issues, it didn’t matter whether the House was under Democratic control or Republican control. She had a sense of dedication and commitment that is probably unequalled by anybody that I’ve seen in this place on those issues. She really

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had a compassion for them. Over the course of time, those who serve here tend to establish a bond between each other, and it's almost like a family bond in many ways, and I just felt so proud to be associated with Jean both in the House and over here in the Senate. Her advocacy for young people and for the kind of quality education that she felt that she had received in North Carolina is unequalled. I knew a lot about her, but I didn't realize that she spent time down in Robeson County at Flora MacDonald College at the time, and I've got to believe that's part of what made her so special that she carried away some of the good attributes that Robeson County has to offer. I'm honored to have known her, I'm honored to have served with her, and I'm honored to commend this resolution to you because we really do celebrate the life of a very wonderful, special individual."

SENATOR D. DAVIS: "Ladies and Gentlemen of the Senate, I stand before you today to reflect and say farewell to a person I actually considered a friend. Jean was a native of Greene County. Greene County is a small community; it is tight-knit, and you tend to know everyone, and I can tell you that she was very well known and highly regarded in our community. Growing up there and made my way to the Senate, so often residents across the community would always ask about her, and when I would go back and often find myself sitting down, often sometimes with administrators with the school system, they would always bring her up and something she had done to help students in our community. It was a tremendous loss to us at the time when she left to go to the coast, but we understand why she had to go, but one of the greatest gains then was when she returned to the General Assembly. I remember so often, again, people conveying messages to send back and forth, and what I miss so often now having had an opportunity to come back, is we would often meet right in the corner at nearly every session and talk about Greene County. She would say, 'Well, Don, how's everybody doing back home?' When I'd go back home, people would ask me, and they were given reports on how I was doing here, but she always checked on me and even asked how I was doing when I first came. She reached out, and I appreciated that more than ever, and I would simply say a couple of things. When we come here, in many ways we come with a charge. We have interests in many issues, but there are probably a few things we really stake our ground in. She staked her ground in education. Not only did she stake her ground in education, but she had a long track record of making a difference in education, especially with special needs children. For me that was important, as my interest has been in education. She taught me. The second thing I would say about her, as we heard earlier, a first class lady, and I would better characterize her as truly just a sweet, sweet spirit and the epitome of grace the way she carried herself. On behalf of not only the Senate today, but all of the residents in Greene County, not only do I say that we miss Senator Preston, but I end by saying that we miss, as we called her in Greene County, 'Pookie.'"

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SENATOR PARMON: “I just will tell you that when I first came to the General Assembly, I met Senator Preston because of my interest in education and got involved with the wrong group of people in trying to get something done. Senator Preston said to me, ‘Little Lady, that’s not the way to get that done.’ She proceeded to take me under her wing and to help me, and because of that we were able to get scholarships to recruit African American males into the teaching profession. Senator Preston and I continued to work in her years in the House on education, and I never met a finer person nor a person more committed to education than Senator Preston. She indeed was a lady, and she was committed to teaching young people across this state. I will never forget her for what she did to help me in trying to help education and help educate our students. I do honor her and had the pleasure of working with her. Thank you.”

SENATOR HUNT: “We’ve talked about what a wonderful lady Senator Preston was—and she really was. She was gentile, she was sweet, but she was also no shrinking violet, y’all. One time I was walking—we were walking to the elevator together, and I said, ‘Jean, how you doing?’ She said, ‘I’m doing pretty good, but we need to get rid of the leadership!’ Now, I need to point out that we were in charge then. I said, ‘OK.’ But I do commend this resolution to you.”

SENATOR APODACA: “We’ve talked about Senator Preston. She truly was a lady in every sense of the word, but there’s another word—Senator Hunt almost was talking about it. She was tenacious as much as any lady I’ve ever met in my life. The grandchildren, I think, got that tenacity from their grandmother and they’re excelling in athletics, probably due to their grandmother. I can think about when she was running, and—Mr. President, you’ve lived this memory with me—I’d go to bed about 10:30, and my phone would ring about quarter to eleven. It would be Jean Preston. Somebody had said something, ‘Oh, my God,’ we were ‘going to lose that election.’ This went on for a good three or four months, and Lisa said, finally, ‘I’m a little worried about you and this Jean Preston!’ I said, ‘If you look as good at 70 as she does, you better worry!’ With that being said, Suzanne, one of the main things internally here we regret that happened to you by the loss of your mother is having to work with Senator Tillman, so we want you to know, you’re in our prayers every day, but we miss your mother every day. She was one of the finest ladies I’ve ever known in my life.”

SENATOR MCKISSICK: “I would feel very remiss if I didn’t say some very kind, thoughtful words about Senator Preston. I really had not gotten to know her well until Senator Basnight’s wife passed away, and the Senate took a bus down to her funeral. Senator Preston and I were seated close to each other during that trip, so we spent about four hours down talking, and after the funeral having lunch together as well as the trip back up. I got to really learn who Jean Preston was, her background, her history, her connections to the community, but, most importantly, just the intrinsic values that she had as a person and her passion for issues related to education. I used her consistently as a tool when it

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came to seeking input on legislation that came before us in the Education Committee. One of those persons I could go to and say, 'Jean, I'm not feeling quite right. What do you think, what are your thoughts? Give me an additional perspective on this.' She was always thoughtful, she was always insightful, she always took the time to communicate, but most importantly, she was very principled in what she said, and she was one of those people who approached issues with a sense of bipartisanship. I know there were issues which I felt strongly about as a member on the other side of the aisle. I'd speak to her about it, and if she felt she could lend me her support, she would. Likewise, she'd come to me, and we would discuss things that might go the other direction. But she was always open, she was always receptive, she was always warm and friendly and connected to everyone and somebody who I had the deepest admiration for and someone who will be sorely missed in this chamber."

SENATOR ALLRAN: "What has already been said has been done so well, and I can't add too much to it because the comments have been so good, but I would feel remiss if I did not stand up and just acknowledge how very much I liked this individual. She sat behind me here in the chamber, and I got to talk to her. I got to talk to her in caucuses and visit with her in her office sometimes, and I just really appreciated her quiet dignity. She didn't say all that much, but when she did, people listened to her. She had beautiful Southern manners, she was a pleasure to be around, and—as people have already said, but which is so true—she was just the epitome of what we call a great lady. Quite frankly, I feel privileged and honored that I was able to serve with Jean Preston."

SENATOR PATE: "I got to know Jean Preston when I was elected to the House. She and I served over there several terms together, and then she came over here to the Senate prior to me coming. When I got recruited to run for the Senate seat, I went to Jean right off the bat to see if she could help me because the Senate District included Greene County. Although Jean has been brought out today to live down in Carteret lately, but prior to that time she was a Greene County native, and, luckily for me, she had a large family that still lived in Greene County. She made sure that I got to meet all those people, and was sort of, took me under her wing—or I'd say she put a noose around my neck to be sure that I was led to meet the various people in Greene County, 'Because,' she said, 'it's going to be tough.' Thanks to her help, I was able to join her in the Senate. Our time together was much too short over here, but I certainly appreciate all the help that Jean Preston and her family gave me during those campaigns. Thank you very much."

SENATOR NEWTON: "I won't belabor what's been said, but I didn't have the benefit of knowing Jean as long as so many of you all did, but I felt like I did. The reason I felt like I did was because of this connection that I had with Jean that has already been talked about, and that's Greene County. You see, I married a Greene County girl. I married a girl that's a lot like Senator Preston, and I knew a lot about Senator Preston before I got here because one of her dear

friends was a very close friend of my wife's family, and I had known her since I was about 16 years old. So when Ms. Patricia Sugg found out that I was running, she kept telling me, 'Oh, you're going to enjoy my friend Jean Preston so much.' When I got here, Jean really did what everybody else has talked about. She took me under her wing. She was always looking out for me, and every time I saw her, 'How're you doing, Buck, are they treating you OK? If they're not treating you OK, you let me know, and we'll figure it out, we'll take care of it.' One of the education ties, one of the ways she helped me the most was in our difficult budget session in the last session. She let me know that the Eastern School for the Deaf was on the chopping block, and she told me she didn't feel like that was right that I didn't know that. So I talked with her about it and kind of came up with a little plan of action, and in the end, we were able to show that that was not the right choice for the state to close that school. So the folks back home really can credit Jean for helping me figure out a way to skin that cat. But she was always looking out for me. She was a great lady, and I'm really sorry that I didn't get to serve more time with her, and I'll miss her, so I commend the resolution to you."

SENATOR SANDERSON: "Out of everyone in this chamber, I want to take the definition—I think Senator Brown said it first when he gave us Jean Preston as the lady that she was—I want to carry it one step further. She is the epitome of what I call a Southern Lady. I think that everyone in this chamber knows exactly what I'm saying. I had the unique opportunity to learn about Jean Preston in three ways that most of you probably never did, in fact, I know you didn't. The first way that I learned about her was running head to head against her in a primary campaign. Now, when I look in retrospect at that it might have been a very foolish decision on my part, but the reason I did that was a story all of its own. I met this lady—the very first time I ever saw her, she and I were standing, I was standing behind her, and we were in a line getting ready to speak in front of about four or five hundred voters in Craven County, and she turned around to me and she said, 'Norm, we need to get together and talk.' That expression became so familiar to me in the next three or four years because that's what she would say when we had a problem that we wanted to solve together. For the next six months on the campaign trail, Jean Preston and I, a lot of times, were campaigning in front of groups, two or three or four or five, in outlying areas of our district, and I just began to get such an appreciation for this lady because I never heard her say anything that didn't come straight from her heart, and never did she say anything that she totally didn't mean. Jean Preston never said anything to gain a vote. She said it because she believed it. When we went through this primary election—and I'm not even going to tell you the results because I don't want to embarrass myself—but I had become so impressed with her a few weeks after that when I was offered the chairmanship of our county party, I took it. I took it primarily so that I could get our county organized and help this lady win this seat because I knew that she would be a tremendous asset to our county, to Pamlico County, which was the new county

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in her district. The second way that I got to know Jean Preston was by serving with her. Three of the counties that she had—because I did go back later and win the House seat when she was running for the Senate or when she won the Senate seat, and I was able to serve her representing two of the three counties that she had. To my great delight, when I first came into the House, I was able to serve with her on the Appropriations/Education Committee, her from the Senate and me from the House. I do not want to even tell you some of the conversations that she and I had about some of our senior appropriations chairmen after the lights were turned down and the halls were empty and the chambers were empty, because we really gave you guys and ladies a hard time about what we thought needed to be done in our district for education. She was such a lady who—somebody said tenacious. What an appropriate word, because she really was. Just to know her under those circumstances, to be able to serve with her and to represent a portion of the same folks that she was representing, I learned so very much after that two years serving with her in the House while she was in the Senate. The third way that I got to know Jean Preston, more than anyone in this room, was by stepping into the position that she had held in this chamber. When I was campaigning for this Senate seat, when I would go into places and present myself and ask for peoples' votes and tell them what I was going to do, I knew without any doubt whatsoever, especially to people over in Carteret County, when I stood up to speak they were not measuring me by what I was saying or what I looked like or how I said it, they were measuring me by how I would compare to Senator Jean Preston. I am so thrilled to say that evidently somehow, just a little bit, I was able to live up to what she meant to those people, because when you go time after time after time, and you hear folks talk about what a marvelous person she was, you begin to understand. Without even soliciting it, you began to realize that that's the truth because people don't say that just to impress you. They say things like that because they really mean it, and so I count myself blessed to have known her in those three ways. I, too, miss her, I will always miss her, I will always hold her up as a standard as long as I'm serving the people in that district. It's just a delight to be able to see Suzanne and the children and her husband and just to see them every day because every day I walk in my office, I pass Suzanne in Senator Tillman's office, and I see her, and it just brings me back in to remembrance of why I truly am here, and that's to serve the people of the State of North Carolina in my district. I commend this resolution to you."

SENATOR BERGER: "Members of the Senate, I'm just going to take a moment before we vote, and I just want to echo what has already been said. I think the thing about Jean Preston that struck me as much as anything—I think Senator Apodaca alluded to it and a couple of others have said something about it—she was one tough lady. She was someone, however, that if she told you what she was going to do, you could count on it. We have now—two consecutive days this body has taken the time to honor former members, and I would just like for you, the members of the Senate, to reflect on that fact, and

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reflect on the comments that have been made about both Senator Preston and Senator East and how those comments have come from members of both parties and have been, I think, in very obvious terms, straight from the heart and an indication of the relationships that are developed on this floor and in the halls of this building and the legislative office building over the years. It is one of the grand things, in my view, of serving in the Senate. Suzanne, we are continued to be blessed by your presence, and we thank you for the willingness of you and your family to share Jean with us for all those years. It is a treasured memory for all of us, and it's something that we will continue to keep in our hearts and minds."

The Committee Substitute Joint Resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading, with all present members standing, and is ordered sent to the House of Representatives by special message.

SENATOR BERGER: "Upon the motion of Senator Tillman and Senator Apodaca, the Chair is happy to extend courtesies to Senator Jean Preston's daughter, Suzanne Castleberry, her grandchildren, Cameron and Parker, and friends from Greene County. Suzanne, if you all would please stand to be recognized."

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 195, A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS, upon second reading

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and re-referred to the **Ways & Means Committee**.

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Finance Committee**.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Wednesday, June 26.

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H.B. 201 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REINSTATE THE 2009 NORTH CAROLINA ENERGY CONSERVATION CODES FOR COMMERCIAL BUILDINGS AND REPEAL THE PORTIONS OF THE 2012 NORTH CAROLINA ENERGY CONSERVATION CODES THAT APPLY TO COMMERCIAL BUILDINGS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, June 26.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, June 26.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Wednesday, June 26.

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from today's calendar and re-referred to the **Rules and Operations of the Senate Committee**.

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The Chair grants a leave of absence for the remainder of today's session to Senator Robinson.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 817, AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS.

The Chair grants a leave of absence for the remainder of today's session to Senator Stein.

CALENDAR *(continued)*

H.B. 140, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF LOWELL TO REGULATE UTILITY VEHICLES, 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. 290 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY 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.

H.B. 294 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS, 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.

H.B. 305, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN 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 enrolled.

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H.B. 326, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE 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. 354, A BILL TO BE ENTITLED AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE 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. 408, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT 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. 427 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR 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 enrolled.

H.B. 56 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE, upon second reading.

Senator Gunn offers Amendment No. 1, which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 220, A BILL TO BE ENTITLED AN ACT DESIGNATING JULY TWENTY-SECOND OF EACH YEAR AS NORTH CAROLINA FRAGILE X AWARENESS DAY, upon second reading.

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Senator Hunt offers Amendment No. 1, which is adopted (48-0).

The bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Pate for the **Health Care Committee**:

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, with a favorable report.

Upon motion of Senator Apodaca, the bill is re-referred to the **Finance Committee**.

H.B. 830 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on today's calendar for immediate consideration.

H.B. 467 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30575, is adopted and engrossed.

H.B. 832 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80389, is adopted and engrossed.

CALENDAR *(continued)*

H.B. 830 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM, upon second reading.

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The Committee Substitute bill passes its second reading (45-3) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor by special message.

H.B. 686 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 700 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE, 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, with a favorable report.

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS, with a favorable report.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES, with a favorable report.

H.B. 261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS, with a favorable report.

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H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS, with a favorable report.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.

H.B. 421 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, with a favorable report.

H.B. 526 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, with a favorable report.

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX, with a favorable report.

H.B. 567 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, with a favorable report.

S.B. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

CALENDAR *(continued)*

S.B. 285 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT THAT WOULD COME INTO EFFECT ON JULY 1, 2013, THAT A LABORATORY PROVIDING CHEMICAL ANALYSES UNDER G.S. 20-139.1 BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO CLARIFY THAT THE RESULTS OF CHEMICAL ANALYSIS OF BLOOD OR URINE FROM ALL HOSPITAL LABORATORIES IN NORTH CAROLINA THAT

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ARE APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA) PROGRAM ARE ADMISSIBLE AS EVIDENCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator J. Davis, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 76 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE

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DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) MODIFY PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 76 on June 12, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Newton, Chair; Senator Brock, Senator Harrington, Senator McLaurin, 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.

S.B. 393, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD.

Pursuant to the Senate having failed to concur in House Amendments No. 1 and No. 2 for S.B. 393 on June 6, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Clodfelter, Chair; Senator Barringer, Senator Blue, 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.

S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

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Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 402 on June 17, Senator Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Brunstetter, Chair; Senator Apodaca, Senator Brown, Senator Hise, Senator Hunt, 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 and requesting conferees.

Upon motion of Senator Pate, seconded by Senator Tarte, the Senate adjourns at 3:33 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, June 20, at 11:00 a.m.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 493, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX.

Referred to the **Finance Committee**.

A SENATORIAL STATEMENT

Submitted by Senator Jim Davis

Honoring Hayesville's 100th Anniversary

WHEREAS, Hayesville started as a hilltop village nestled between the mountains and valleys of Clay County; and

WHEREAS, Hayesville was named for George Washington Hayes a former member of the General Assembly who was instrumental in the formation of Clay County in 1861; and

WHEREAS, Hayesville was incorporated by an act of the General Assembly in March, 1913; and

WHEREAS, Hayesville's first officers included Mayor S.E. Hogsed; Commissioners P.N. Tiger, John O. Scroggs, and Early Anderson; and Marshal Frank McClure; and

WHEREAS, Hayesville now serves as the county seat of Clayton County; and

WHEREAS, the citizens of Hayesville have contributed to the social, cultural, political, and economic prosperity of the State of North Carolina; and

WHEREAS, 2013 marks the 100th anniversary of the Town of Hayesville, which will be celebrated with events sponsored by both local government and community organizations working together to recognize key moments, businesses, and people that have impacted the Town; and

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WHEREAS, the citizens of Hayesville hope the Town's future will be built on the success of their past values and continued commitment to working together;

NOW, THEREFORE, the Town of Hayesville should be commended on its 100th anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the nineteenth day of June, 2013.

S/Senator Jim Davis

S/Sarah Lang
Senate Principal Clerk

A SENATORIAL STATEMENT

Submitted by Senator E. S. "Buck" Newton

Honoring Vollis Simpson, Folk Artist

WHEREAS, Vollis Simpson was a Wilson County native, a World War II veteran, and the owner of machinery repair shop and a house-moving business; and

WHEREAS, around the age of 65, Vollis Simpson began making giant windmills known as "whirligigs" with materials he collected or spare parts left over from his businesses; and

WHEREAS, Vollis Simpson created unique and fanciful whirligigs that measured as wide as 55 feet and as tall as 60 feet with parts that reflected light that he displayed across the family farm in Lucama; and

WHEREAS, Vollis Simpson was a self-taught artist whose creations caught the attention of people from all around the world and made the farm a tourist attraction; and

WHEREAS, Vollis Simpson made whirligigs for the 1996 Olympics in Atlanta, Georgia, the North Carolina Museum of Art in Raleigh, and the Visionary Art Museum in Baltimore, Maryland; and

WHEREAS, Vollis Simpson's whirligigs have been exhibited at the High Museum of Art in Atlanta, Georgia, and at other locations, including New York, California, Canada, and England; and

WHEREAS, Vollis Simpson received the North Carolina Award, the State's highest civilian honor, in in 2011; and

WHEREAS, Vollis Simpson died on May 31, 2013, at the age of 94, but his legacy will live on through the Vollis Simpson Whirligig Park, which will feature a large collection of his restored whirligigs in historic downtown Wilson;

NOW, THEREFORE, Vollis Simpson should be honored for his service to our country and remembered for his artistry and craftsmanship.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the nineteenth day of June, 2013.

S/Senator E. S. "Buck" Newton

S/Sarah Lang
Senate Principal Clerk

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A SENATORIAL STATEMENT

Submitted by Senator Shirley B. Randleman

Honoring the West Wilkes High School Softball Team

WHEREAS, the West Wilkes High School softball team (Lady Hawks) won the State 1A softball championship on June 2, 2013; and

WHEREAS, the Lady Hawks defeated Robersonville's South Creek High School 2 games to 1 in a best of 3 series for the State championship; and

WHEREAS, this championship gave the Wilkes County schools its first State softball title; and

WHEREAS, the Lady Hawks finished their season with a 29-5 record; and

WHEREAS, head coach, Michael Woodruff, and assistant coaches, Kevin Cardwell, Tim Lackey, and Jackie Stone, should be commended for their leadership in helping the team have an outstanding season; and

WHEREAS, team members, Hannah Cardwell, Lauren Church, Rachel Eller, Gabriella Gilbert, Courtney Huffman, Courtney Lackey, Taylor Lowe, Kaitlyn Pierce, Katie Rumburg, Lakyn Rutledge, Caitlyn Shepard, Aerianna Williams, Taylor Woods, Emily Visnik, should be recognized for their accomplishments;

NOW, THEREFORE, the players and coaches of the West Wilkes High School softball team deserve congratulations on winning the 2013 State 1A softball championship.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the nineteenth day of June, 2013.

S/Senator Shirley B. Randleman

S/Sarah Lang

*Senate Principal Clerk***REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 18, A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 35368, is adopted and engrossed.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 19, 2013

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. 543**, A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, and requests conferees.

Speaker Tillis has appointed:

Representative Jones, Chair
Representative Avila
Representative Turner 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

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 407, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTEREST AND CERTIFICATE OF TITLE DATA, 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, 35369, which changes the title to read **S.B. 407** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTERESTS AND CERTIFICATE OF TITLE DATA, is adopted and engrossed.

S.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS (“LIFE OF SITE”); (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES’ AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING CONDUCT OF ENVIRONMENTAL IMPACTS STUDIES, APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND LANDFILL GAS TO ENERGY FEASIBILITY STUDY; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) SPECIFY THAT CLEANUP OF ON-SITE LEACHATE IS NOT REQUIRED WHEN CONDUCTING RISK-BASED REMEDIATION OF LANDFILLS; (6) LIMIT THE FREQUENCY OF CHANGES TO GROUNDWATER STANDARDS; (7) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE “LEAK-RESISTANT” RATHER THAN “LEAK-PROOF”; (8) AMEND RULES GOVERNING CONTROL OF LEACHATE TO CLARIFY THAT LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS OR LIQUID GENERATED DURING THE TRANSPORT OF SOLID WASTE SHALL NOT BE TREATED AS VIOLATIONS OF LEACHATE CONTROL REQUIREMENTS; (9) CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION’S GENERAL FUND UPON CERTAIN FINDINGS; AND (10) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 85240, which changes the title to read **S.B. 328** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES’ AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS,

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INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A PORTION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, is adopted and engrossed.

Pursuant to Senator Pate's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-THIRD DAY

Senate Chamber
Thursday, June 20, 2013

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:

"Blessed be the Lord, who in His mercy visits us like the dayspring from on high. Bless you, Lord, for being a light to those shadowed by death. Bless you, Lord, for being a guide for our feet on the way of peace. Lord, today, in 1782, Congress adopted our Great Seal in this nation, a seal of hope and a seal that witnessed to your providence. May that providence favor our undertakings and give us hope. May you, Lord, Father, give us proper humility in our own lives as we, the members of this historical body of a great nation, honor you. It's in Christ's name we pray. Amen."

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The Chair grants leaves of absence for today to Senator Ford, Senator Jenkins, Senator Newton, and Senator Robinson.

Senator Apodaca, Rules Chairman, announces that the Senate Journal of Wednesday, 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 Janice Garner from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---43.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 24, upon third reading.

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H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 421 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 526 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, upon second reading.

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The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 567 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Monday, June 24, upon third reading.

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX, upon second reading.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 40, noes 6, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Daniel, D. Davis, J. Davis, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Sanderson, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---40.

Voting in the negative: Senators Curtis, Goolsby, Harrington, Meredith, Rucho and Soucek---6.

The Committee Substitute bill remains on the calendar for Monday, June 24, upon third reading.

ENROLLED BILLS AND A RESOLUTION

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 285, AN ACT TO ELIMINATE THE REQUIREMENT THAT WOULD COME INTO EFFECT ON JULY 1, 2013, THAT A LABORATORY PROVIDING CHEMICAL ANALYSES UNDER G.S. 20-139.1 BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO CLARIFY THAT THE RESULTS OF CHEMICAL ANALYSIS OF BLOOD OR URINE FROM ALL HOSPITAL LABORATORIES IN NORTH CAROLINA THAT ARE APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA) PROGRAM ARE ADMISSIBLE AS EVIDENCE.

S.B. 336, AN ACT REQUIRING THE DIVISIONS OF MEDICAL ASSISTANCE AND PUBLIC HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE STATE HEALTH PLAN DIVISION WITHIN THE DEPARTMENT OF THE STATE TREASURER, TO COORDINATE THE DIABETES PROGRAMS THEY EACH ADMINISTER; TO EACH DEVELOP PLANS TO REDUCE THE INCIDENCE OF DIABETES, TO IMPROVE CARE, AND TO CONTROL COMPLICATIONS; AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION.

S.B. 461, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO SIXTY DAYS.

H.B. 686, AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION.

H.B. 830, AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM.

The Enrolling Clerk reports the following bills and a resolution duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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H.B. 140, AN ACT TO ALLOW THE CITY OF LOWELL TO REGULATE UTILITY VEHICLES.

H.B. 305, AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA.

H.B. 326, AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

H.B. 354, AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE.

H.B. 408, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT COUNTY.

H.B. 427, AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS.

H.B. 562, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON.

S.J.R. 15, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JEAN ROUSE PRESTON, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2013-16)

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 111, AN ACT TO ALLOW THE CITY OF CLINTON TO USE THE DESIGN-BUILD METHOD OF CONSTRUCTION. (Became law upon ratification, June 19, 2013 - S.L. 2013-115.)

H.B. 473, AN ACT TO ENACT THE NORTH CAROLINA CAPTIVE INSURANCE ACT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-116.)

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H.B. 88, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE LAW PERTAINING TO LIEN AGENTS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-117.)

H.B. 120, AN ACT TO REQUIRE APPROVAL FROM THE NORTH CAROLINA BUILDING CODE COUNCIL BEFORE A UNIT OF LOCAL GOVERNMENT MAY REQUIRE BUILDING INSPECTIONS IN ADDITION TO THOSE REQUIRED BY THE BUILDING CODE; TO SPECIFY THE FREQUENCY AND EFFECTIVE DATES OF CODE UPDATES; AND TO EXEMPT CABLE TELEVISION EQUIPMENT INSTALLATION FROM BUILDING CODE REQUIREMENTS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-118.)

H.B. 317, AN ACT TO IMPROVE EDUCATIONAL OUTCOMES FOR NORTH CAROLINA CHILDREN WHO ARE DEAF OR HARD OF HEARING. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-119.)

H.B. 211, AN ACT TO MODIFY THE WEIGHT RESTRICTIONS APPLICABLE TO VEHICLES TRANSPORTING FEED THAT IS USED IN THE FEEDING OF POULTRY OR LIVESTOCK WHEN TRAVELING WITHIN ONE HUNDRED FIFTY MILES OF THE POINT OF ORIGIN TO CERTAIN LOCATIONS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-120.)

H.B. 279, AN ACT TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO TRANSFER CERTAIN ENVIRONMENTAL PERMITS ASSOCIATED WITH PROPERTY DEVELOPMENT WHEN THE ORIGINAL PROPERTY OWNER IS UNWILLING OR UNABLE TO AGREE TO THE PERMIT TRANSFER. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-121.)

H.B. 396, AN ACT TO ENACT THE PRIVATE WELL WATER EDUCATION ACT AT THE REQUEST OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-122.)

H.B. 24, AN ACT TO AMEND THE PROCEDURES FOR PERSONS ON PROBATION WHO ARE DIRECTED TO PARTICIPATE IN AN ABUSER TREATMENT PROGRAM AND MAKE CLARIFYING CHANGES RELATING TO DOMESTIC VIOLENCE OFFENSES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-123.)

H.B. 29, AN ACT TO CREATE THE OFFENSE OF POSSESSION OF PSEUDOEPHEDRINE IF THE DEFENDANT HAS A PRIOR CONVICTION FOR THE POSSESSION OR MANUFACTURE OF METHAMPHETAMINE,

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AND TO AGGRAVATE THE PENALTY FOR MANUFACTURING METHAMPHETAMINE WHEN CHILDREN, DISABLED, OR ELDERLY ARE PRESENT, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON METHAMPHETAMINE ABUSE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-124.)

H.B. 157, AN ACT TO PROTECT THE TAXPAYERS OF NORTH CAROLINA FROM THE DIVERSION OF FUEL TAX PROCEEDS FOR NONTRANSPORTATION USES BY REQUIRING THAT THE UNRESERVED CREDIT BALANCE IN THE HIGHWAY FUND BE USED FOR ROAD-RELATED USES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-125.)

H.B. 276, AN ACT TO CLARIFY AND MODERNIZE STATUTES REGARDING ZONING BOARDS OF ADJUSTMENT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-126.)

H.B. 278, AN ACT ENCOURAGING PARTIES TO A DISPUTE INVOLVING CERTAIN MATTERS RELATED TO REAL ESTATE UNDER THE JURISDICTION OF A HOMEOWNERS ASSOCIATION TO INITIATE MEDIATION TO TRY TO RESOLVE THE DISPUTE PRIOR TO FILING A CIVIL ACTION. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-127.)

H.B. 289, AN ACT RELATED TO THE PURCHASING OF REFURBISHED COMPUTER EQUIPMENT AS A METHOD OF ACQUISITION FOR STATE AND LOCAL GOVERNMENTAL ENTITIES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-128.)

H.B. 350, AN ACT TO MAKE VARIOUS CHANGES TO THE JUVENILE CODE PURSUANT TO REVISIONS PROPOSED BY THE COURT IMPROVEMENT PROJECT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-129.)

H.B. 439, AN ACT TO CREATE AN INFRASTRUCTURE PROPERTY TAX DEFERRAL PROGRAM. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-130.)

H.B. 505, AN ACT TO CODIFY AND MAKE PERMANENT THE PROGRAM FOR INSPECTIONS OF CERTAIN ANIMAL OPERATIONS BY THE DIVISION OF SOIL AND WATER CONSERVATION. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-131.)

H.B. 515, AN ACT TO AMEND THE LAWS GOVERNING CREDIT UNIONS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-132.)

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H.B. 611, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO EXPUNGE SUSPENSIONS AND REVOCATIONS ENTERED ON A LIMITED PERMITTEE OR PROVISIONAL LICENSEE'S DRIVING RECORD IF THE STUDENT PROVIDES THE REQUIRED DOCUMENTATION TO THE DIVISION THAT THE STUDENT MEETS THE ELIGIBILITY REQUIREMENTS AND IF THE LIMITED PERMITTEE OR PROVISIONAL LICENSEE HAS NEVER HAD A PRIOR EXPUNCTION FROM THE PERMITTEE'S DRIVING RECORD. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-133.)

H.B. 623, AN ACT TO MODIFY THE VEHICLE WEIGHT LIMITS FOR A SINGLE-AXLE TRUCK OWNED, OPERATED BY, OR UNDER CONTRACT TO A PUBLIC UTILITY OR ELECTRIC OR TELEPHONE MEMBERSHIP CORPORATION AND USED IN CONNECTION WITH THE INSTALLATION, RESTORATION, OR MAINTENANCE OF UTILITY SERVICES IN CERTAIN AREAS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-134.)

H.B. 629, AN ACT TO AMEND THE DEFINITION OF A SPECIAL PURPOSE PROJECT TO INCLUDE AGRICULTURAL AND FORESTRY WASTE DISPOSAL FACILITIES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-135.)

H.B. 650, AN ACT TO MAKE CLARIFYING, CONFORMING, AND OTHER CHANGES TO THE NORTH CAROLINA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-136.)

H.B. 684, AN ACT TO INCREASE DRIVEWAY SAFETY ON CURVY ROADS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-137.)

H.B. 707, AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO PURSUE VARIOUS STRATEGIES TO ENSURE THAT THE STATE'S SHALLOW DRAFT NAVIGATION CHANNELS ARE SAFE AND NAVIGABLE AND TO CREATE THE OREGON INLET LAND ACQUISITION TASK FORCE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-138.)

H.B. 762, AN ACT TO AMEND VARIOUS PROCEDURAL REQUIREMENTS REGARDING BAIL BONDS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-139.)

H.B. 763, AN ACT AMENDING THE LAWS PERTAINING TO CONTRACTS BETWEEN A HUSBAND AND WIFE TO ALLOW A SPOUSE TO WAIVE OR ESTABLISH ALIMONY AND POST SEPARATION SUPPORT DURING THE MARRIAGE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-140.)

June 20, 2013

H.B. 765, AN ACT TO CLARIFY AND CODIFY JURY INSTRUCTIONS FOR A BUDGET DISPUTE BETWEEN BOARD OF EDUCATION AND BOARD OF COUNTY COMMISSIONERS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-141.)

S.B. 9, AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-142.)

S.B. 36, AN ACT TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-143.)

S.B. 124, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO DISCHARGE A FIREARM WITHIN AN ENCLOSURE WITH THE INTENT TO INCITE FEAR. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-144.)

S.B. 137, AN ACT TO PROHIBIT THE REGULAR BUSINESS PRACTICE OF WAIVING REQUIRED MEDICAID AND HEALTH CHOICE RECIPIENT CO-PAYMENTS BY CERTAIN PROVIDERS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-145.)

S.B. 156, AN ACT TO CLARIFY THE LEGISLATIVE ETHICS COMMITTEE'S INVESTIGATIVE PROCEDURES AND TO MAKE OTHER TECHNICAL CHANGES AS RECOMMENDED BY THE LEGISLATIVE ETHICS COMMITTEE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-146.)

H.B. 850, AN ACT TO PROVIDE THAT A PERSON WHO ALERTS AN OFFICER OF THE PRESENCE OF A HYPODERMIC NEEDLE OR OTHER SHARP OBJECT POSSESSED BY THE PERSON PRIOR TO A SEARCH BY THE OFFICER SHALL NOT BE CHARGED WITH POSSESSION OF DRUG PARAPHERNALIA FOR POSSESSION OF THE NEEDLE OR OTHER SHARP OBJECT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-147.)

H.B. 879, AN ACT PROVIDING THAT JURORS WHO SERVE THEIR FULL TERM OF SERVICE ON A GRAND JURY SHALL NOT BE REQUIRED TO SERVE AGAIN AS A GRAND JUROR OR AS A JUROR FOR A PERIOD OF SIX YEARS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-148.)

June 20, 2013

H.B. 892, AN ACT TO AMEND THE ADMINISTRATIVE PROCEDURE ACT TO ELIMINATE THE REQUIREMENT THAT AN AGENCY PREPARE A FISCAL NOTE WHEN REPEALING A RULE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-149.)

S.B. 207, AN ACT TO PROTECT THE FISCAL HEALTH OF NORTH CAROLINA'S WATER AND SEWER SYSTEMS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-150.)

S.B. 211, AN ACT AUTHORIZING CITIES TO PROVIDE ANNUAL NOTICE TO CHRONIC VIOLATORS OF PUBLIC NUISANCE ORDINANCES BY REGULAR MAIL AND POSTING. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-151.)

S.B. 222, AN ACT TO REVISE THE NORTH CAROLINA CONTROLLED SUBSTANCES REPORTING SYSTEM ACT, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-152.)

S.B. 239, AN ACT TO MAKE VARIOUS REVISIONS TO THE NORTH CAROLINA BUSINESS CORPORATION ACT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-153.)

S.B. 306, AN ACT TO EXCLUDE THE ADMINISTRATION OF A LETHAL INJECTION FROM THE PRACTICE OF MEDICINE; TO CODIFY THE LAW THAT PROHIBITS REGULATORY BOARDS FROM SANCTIONING HEALTH CARE PROFESSIONALS FOR ASSISTING IN THE EXECUTION PROCESS; TO AMEND THE LAW ON THE ADMINISTRATION OF A LETHAL INJECTION; TO REQUIRE THE SETTING OF AN EXECUTION DATE IF ANY OF THE EVENTS WHICH ARE PROVIDED BY STATUTE HAVE OCCURRED; TO ELIMINATE THE PROCESS BY WHICH A DEFENDANT MAY USE STATISTICS TO HAVE A SENTENCE OF DEATH REDUCED TO LIFE IN PRISON WITHOUT PAROLE; TO REQUIRE PERIODIC REPORTS ON THE TRAINING AND AVAILABILITY OF PERSONNEL TO CARRY OUT A DEATH SENTENCE; AND TO REQUIRE PERIODIC REPORTS ON THE STATUS OF PENDING POSTCONVICTION CAPITAL CASES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-154.)

S.B. 387, AN ACT TO (1) MAKE TECHNICAL AND CONFORMING CHANGES PERTAINING TO THE RENAMING OF THE NORTH CAROLINA FOREST SERVICE AND TO MAKE OTHER CHANGES IN THE FOREST SERVICE STATUTES AND (2) PROVIDE A RIGHT OF ENTRY FOR THE COMMISSIONER OF AGRICULTURE TO ENFORCE THE LAWS RELATED TO BEDDING. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-155.)

June 20, 2013

S.B. 411, AN ACT TO PROVIDE THAT THE TRANSPORTATION ADVISORY COMMITTEES OF METROPOLITAN PLANNING ORGANIZATIONS AND RURAL TRANSPORTATION PLANNING ORGANIZATIONS ARE SUBJECT TO STANDARD ETHICS PROVISIONS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-156.)

S.B. 439, AN ACT TO AMEND AND RESTATE THE NORTH CAROLINA LIMITED LIABILITY COMPANY ACT AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-157.)

S.B. 443, AN ACT TO PROVIDE FOR THE DISPOSITION OF FIREARMS BY LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-158.)

S.B. 452, AN ACT TO INCREASE THE JURISDICTIONAL AMOUNTS IN THE GENERAL COURT OF JUSTICE, TO MAKE ARBITRATION MANDATORY IN CERTAIN CIVIL CASES, AND TO PROVIDE GUIDANCE TO THE COURT FOR THE ASSESSMENT OF COURT COSTS AND ATTORNEYS' FEES IN SMALL CLAIMS MATTERS WHEN AN ARBITRATOR'S DECISION IN FAVOR OF THE APPELLEE IS AFFIRMED ON APPEAL. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-159.)

S.B. 468, AN ACT TO SPECIFY THAT WHEN APPLIANCE INSTALLERS ARE LICENSED TO PERFORM ALL ASPECTS OF AN INSTALLATION, JUST ONE PERMIT AND INSPECTION WILL BE REQUIRED. (Became law upon ratification, June 19, 2013 - S.L. 2013-160.)

S.B. 486, AN ACT REQUIRING HOSPITALS TO PROVIDE PARENTS OF NEWBORNS WITH EDUCATIONAL INFORMATION ABOUT PERTUSSIS DISEASE AND AVAILABLE VACCINE PROTECTIONS IN ORDER TO BETTER PROTECT NEWBORNS AGAINST PERTUSSIS DISEASE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-161.)

S.B. 489, AN ACT TO MODIFY THE MAXIMUM INTEREST RATE ALLOWED AND TO MAKE VARIOUS AMENDMENTS TO THE NORTH CAROLINA CONSUMER FINANCE ACT TO ENSURE CONTINUED ACCESS TO CREDIT. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-162.)

S.B. 520, AN ACT TO REQUIRE THAT HEARINGS OF THE INDUSTRIAL COMMISSION ARE RECORDED. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-163.)

June 20, 2013

S.B. 528, AN ACT TO CLARIFY THAT PETIT JURORS ARE REQUIRED TO TAKE THE OATH SET FORTH IN THE NORTH CAROLINA CONSTITUTION AND TO PROVIDE CONSISTENCY BETWEEN THE STATUTES SETTING FORTH THE OATHS TO BE TAKEN BY PETIT JURORS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-164.)

S.B. 530, AN ACT TO PROHIBIT THE DISTRIBUTION OF TOBACCO-DERIVED PRODUCTS AND VAPOR PRODUCTS TO MINORS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-165.)

S.B. 539, AN ACT TO AUTHORIZE A COUNTY JURY COMMISSION TO OBTAIN DATE OF BIRTH INFORMATION FROM BOARDS OF ELECTIONS WHEN PREPARING THE MASTER JURY LIST AND TO ENSURE THE CONFIDENTIALITY OF THE DATES OF BIRTH OF PROSPECTIVE JURORS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-166.)

S.B. 542, AN ACT TO REQUIRE LONG-TERM CARE FACILITIES TO REQUIRE APPLICANTS FOR EMPLOYMENT AND CERTAIN EMPLOYEES TO SUBMIT TO DRUG TESTING FOR CONTROLLED SUBSTANCES. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-167.)

S.B. 545, AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-168.)

S.B. 583, AN ACT TO MAKE VARIOUS AMENDMENTS TO THE STATUTES THAT REGULATE SECONDARY METALS RECYCLERS. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-169.)

S.B. 584, AN ACT TO EXPAND THE PROTECTION AGAINST FALSE LIENS TO INCLUDE THE IMMEDIATE FAMILY OF A PUBLIC OFFICER OR PUBLIC EMPLOYEE. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-170.)

S.B. 630, 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. (Became law upon approval of the Governor, June 19, 2013 - S.L. 2013-171.)

June 20, 2013

H.B. 140, AN ACT TO ALLOW THE CITY OF LOWELL TO REGULATE UTILITY VEHICLES. (Became law upon ratification, June 20, 2013 - S.L. 2013-172.)

H.B. 305, AN ACT AMENDING THE CHARTER OF THE TOWN OF CHAPEL HILL TO AUTHORIZE THE TOWN TO PARTICIPATE IN ECONOMIC DEVELOPMENT PROJECTS THAT ARE NOT IN THE TOWN'S DOWNTOWN AREA. (Became law upon ratification, June 20, 2013 - S.L. 2013-173.)

H.B. 326, AN ACT REQUIRING THE CONSENT OF RUTHERFORD COUNTY BEFORE LAND IN THE COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY. (Became law upon ratification, June 20, 2013 - S.L. 2013-174.)

H.B. 354, AN ACT AUTHORIZING TWO COUNTY COMMISSIONERS TO SERVE ON THE BOARD OF ASHEVILLE-BUNCOMBE TECHNICAL COMMUNITY COLLEGE. (Became law upon ratification, June 20, 2013 - S.L. 2013-175.)

H.B. 408, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM OR BOW AND ARROW FROM THE RIGHT-OF-WAY IN BEAUFORT COUNTY. (Became law upon ratification, June 20, 2013 - S.L. 2013-176.)

H.B. 427, AN ACT AMENDING THE CHARTER OF THE TOWN OF MIDDLESEX TO EXTEND THE TERM OF OFFICE OF THE MAYOR FROM TWO TO FOUR YEARS. (Became law upon ratification, June 20, 2013 - S.L. 2013-177.)

H.B. 562, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CRAMERTON. (Became law upon ratification, June 20, 2013 - S.L. 2013-178.)

CALENDAR *(continued)*

H.B. 229 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN 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 enrolled.

H.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES, upon second reading.

June 20, 2013

The Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon the appearance of Senator Newton in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

S.B. 328 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A PORTION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 28, noes 18, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Curtis, Daniel, J. Davis, Gunn, Harrington, Hartsell, Hise, Jackson, Newton, Pate, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---28.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, Cook, D. Davis, Graham, Hunt, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Parmon, Rabin, Stein, Walters and Woodard---18.

The Committee Substitute bill No. 2 remains on the calendar for Monday, June 24, upon third reading.

June 20, 2013

S.B. 18 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES, 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 sent to the House of Representatives.

S.B. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS, 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 sent to the House of Representatives by special message.

S.B. 407 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTERESTS AND CERTIFICATE OF TITLE DATA, 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 sent to the House of Representatives.

H.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER, 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.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 467 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, June 25.

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CALENDAR (*continued*)

H.B. 832 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS, 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 for concurrence in the Senate Committee Substitute bill.

WITHDRAWALS FROM COMMITTEES

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS, referred to the **Rules and Operations of the Senate Committee** on March 27.

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 **Education/Higher Education Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 285 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE RESPIRATORY CARE PRACTICE ACT, referred to the **Rules and Operations of the Senate Committee** on April 1.

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 **Health Care Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE, referred to the **Rules and Operations of the Senate Committee** on May 16.

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, and the Chair so orders.

June 20, 2013

H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY, referred to the **State and Local Government Committee** on April 23.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the **State and Local Government Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 688 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE CONTINUING EDUCATION REQUIREMENTS FOR CERTIFIED WELL CONTRACTORS.

Pursuant to the message from the House of Representatives received on June 13 that the House fails to concur in the Senate Committee Substitute bill for H.B. 688 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Wade, Chair; Senator J. Davis, Senator Tillman, 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.

S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 409 on June 20, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Tarte, Chair; Senator Daniel, Senator J. Davis, 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.

H.B. 649 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA'S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS.

Pursuant to the message from the House of Representatives received on June 18 that the House fails to concur in the Senate Committee Substitute bill for H.B. 649 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Hise, Chair; Senator Jackson and Senator Meredith 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 20, 2013

H.B. 255 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE.

Pursuant to the message from the House of Representatives received on June 17 that the House fails to concur in the Senate Committee Substitute bill for H.B. 255 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Soucek, Chair; Senator Barefoot, Senator Curtis, 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.

Upon motion of Senator Pate, seconded by Senator Cook, the Senate adjourns at 11:58 a.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, June 24, at 7:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO CREATE A REBUTTABLE PRESUMPTION ON PRETRIAL RELEASE FOR REPEAT OFFENDERS WHO SELL DRUGS AT A PLACE OF BUSINESS, for concurrence in House Amendment No. 2, which would change the title upon concurrence to read **S.B. 264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES.

The Committee Substitute bill is placed on the calendar of Monday, June 24.

S.B. 377 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF SEVERE ECONOMIC LOSS OF LIVESTOCK OR POULTRY OR WIDESPREAD OR SEVERE DAMAGE TO CROPS READY TO BE HARVESTED, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 24.

June 20, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 402** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, and requests conferees.

Speaker Tillis appoints:

Representative Dollar, Chair
Representative Burr
Representative Johnson
Representative Holloway
Representative Torbett
Representative Shepherd
Representative Brisson
Representative Avila
Representative Hollo
Representative Horn
Representative McGrady
Representative Blackwell
Representative Daughtry
Representative Hurley
Representative Boles
Representative Faircloth
Representative West
Representative McElraft
Representative Cleveland
Representative R. Brown
Representative Saine
Representative T. Moore 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 20, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 393**, A BILL TO BE ENTITLED AN ACT RELATING TO THE LIMITATIONS PERIOD FOR ACTIONS ON THE GROUND OF CONSTRUCTIVE FRAUD, and requests conferees.

Speaker Tillis appoints:

Representative Daughtry, Chair
Representative Blust
Representative Arp and
Representative Jackson

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 20, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 76**, A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT

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PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) MODIFY PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY

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COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, and requests conferees.

Speaker Tillis appoints:

Representative Stone, Chair
Representative Boles
Representative Samuelson
Representative Hager and
Representative Goodman

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 20, 2013

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. 614**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT, and requests conferees.

Speaker Tillis has appointed:

Representative Ramsey, Chair
Representative Daughtry
Representative T. Moore and
Representative Brisson

June 20, 2013

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 20, 2013

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. 243** (Conference Report), A BILL TO BE ENTITLED AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 231 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, for concurrence in the House Committee Substitute bill.

June 20, 2013

The House Committee Substitute bill is placed on the calendar of Monday, June 24.

S.B. 568 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, June 24.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 409**, A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS' FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, and requests conferees.

Speaker Tillis appoints:

Representative Stevens, Chair
Representative Horn
Representative Turner
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

June 20, 2013

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 20, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Brisson has been removed and Representative L. Bell has been added as a conferee to **H.B. 614** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS' FEES TO A PREVAILING DEFENDANT.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Pate's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-FOURTH DAY

Senate Chamber
Monday, June 24, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Honorable Ellie Kinnaird, Senator from Orange County, as follows:

"To our higher power, you have given us the word, and the word is to be and to live by. The word is to love one another, to do justice, and to know that as we do unto the least of these, we do unto Him. You have given us much, and you have told us to whom much is given, much is expected. Let us listen and hear your word. May we set our hearts to love one another, do justice, and be always mindful that we are in the service to the least among us. Let us find your light in each of us and see your light in others. Amen."

June 24, 2013

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator Graham, Senator Jenkins, Senator Meredith, and Senator Nesbitt.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Thursday, 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 Mary "Betsy" Gidley from Greenville, 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 Daniel for the **Judiciary II Committee**:

H.B. 92 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO ALLOW THE NORTH CAROLINA BOARD OF ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL 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, 70464, which changes the title to read **H.B. 92** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND OTHERS, TO MAKE A TECHNICAL CORRECTION TO THE STATUTE PROVIDING THAT CAR RENTAL AGENCIES ARE INNOCENT OWNERS IF A RENTED VEHICLE BECOMES SUBJECT TO SEIZURE UNDER CHAPTER 20 OF THE GENERAL STATUTES, AND TO ALLOW THE NORTH CAROLINA BOARD OF ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL PROPERTY, is adopted and engrossed.

H.B. 510 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80391, is adopted and engrossed.

June 24, 2013

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 712, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES.

H.B. 57, 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 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.

H.B. 147, AN ACT TO AMEND VARIOUS LAWS PERTAINING TO ADOPTION.

H.B. 209, AN ACT TO PROVIDE THAT A CONSENT PROTECTIVE ORDER ENTERED UNDER CHAPTER 50B OF THE GENERAL STATUTES MAY BE ENTERED WITHOUT FINDINGS OF FACT AND CONCLUSIONS OF LAW UPON THE WRITTEN AGREEMENT OF THE PARTIES.

H.B. 249, AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER.

H.B. 626, AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE VEHICLE.

H.B. 628, AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM.

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H.B. 785, AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED SERVICES COST-SAVINGS.

H.B. 868, AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE CONFORMING CHANGES TO THE GENERAL STATUTES, AND CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 229, AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS.

H.B. 234, AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT 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. 229, AN ACT AUTHORIZING THE TOWNS OF HOLDEN BEACH AND OCEAN ISLE BEACH TO ACCUMULATE FUNDS IN A CAPITAL RESERVE FUND FOR THE PURPOSE OF CANAL DREDGING AND MAINTENANCE FOR A PERIOD OF TEN YEARS. (Became law upon ratification, June 24, 2013 - S.L. 2013-179.)

H.B. 234, AN ACT TO CLARIFY THE DISTRIBUTION OF CERTAIN NET PROFITS FROM THE PENDER COUNTY BOARD OF ALCOHOLIC CONTROL FOR LAW ENFORCEMENT PURPOSES. (Became law upon ratification, June 24, 2013 - S.L. 2013-180.)

MOTION RELATIVE TO THE CALENDAR

Upon motion of Senator Apodaca, the following bills are withdrawn from tonight's calendar and placed on the calendar of Wednesday, June 26.

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, upon third reading.

June 24, 2013

H.B. 261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS, upon third reading.

H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS, upon third reading.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, upon third reading.

H.B. 421 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, upon third reading.

H.B. 526 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, upon third reading.

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX, upon third reading.

H.B. 567 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon third reading.

WITHDRAWALS FROM COMMITTEES

H.B. 336, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN-STATE HIGH SCHOOL STUDENTS ENROLLED AT THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS MAY BE CHARGED FEES TO ASSIST WITH THE EXPENSES OF THE INSTITUTION, referred to the **Rules and Operations of the Senate Committee** on May 13.

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 **Appropriations/Base Budget Committee**, which motion prevails with unanimous consent, and the Chair so orders.

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H.B. 522 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD'S NAME, referred to the **Rules and Operations of the Senate Committee** on May 20.

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, and the Chair so orders.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, referred to the **Rules and Operations of the Senate Committee** on May 15.

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, and the Chair so orders.

H.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT, referred to the **Agriculture/Environment/Natural Resources Committee** on April 9.

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 **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 828 (Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT, referred to the **Rules and Operations of the Senate Committee** on May 30.

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, and the Chair so orders.

H.B. 492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE

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ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, referred to the **Appropriations/Base Budget Committee** on May 29.

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 the calendar of Tuesday, June 25, which motion prevails with unanimous consent, and the Chair so orders.

WITHDRAWAL FROM FUTURE CALENDAR

H.B. 201 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REINSTATE THE 2009 NORTH CAROLINA ENERGY CONSERVATION CODES FOR COMMERCIAL BUILDINGS AND REPEAL THE PORTIONS OF THE 2012 NORTH CAROLINA ENERGY CONSERVATION CODES THAT APPLY TO COMMERCIAL BUILDINGS, placed on the calendar of Wednesday, June 26.

Senator Apodaca offers a motion that the bill be withdrawn from the calendar of Wednesday, June 26, and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 328 (Committee Substitute Bill No. 2), A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE

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LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A PORTION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES, upon third reading.

Senator Wade offers Amendment No. 1, which is adopted (36-9).

Senator Brown offers Amendment No. 2, which is adopted (44-1).

Senator Clark offers Amendment No. 3, which fails (13-32).

The Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 29, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Jackson, Newton, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---29.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Hunt, Kinnaird, McKissick, McLaurin, Parmon, Pate, Rabin, Robinson, Stein, Walters and Woodard---16.

The Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives.

S.B. 231 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-45) and the House of Representatives is notified.

S.B. 264 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES AND TO CREATE A REBUTTABLE PRESUMPTION ON PRETRIAL RELEASE FOR REPEAT OFFENDERS WHO SELL DRUGS AT A PLACE OF BUSINESS, for concurrence in House Amendment No. 2.

Upon motion of Senator Brown, the Senate concurs in House Amendment No. 2 (45-0) which changes the title to read **S.B. 264** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES, and the bill is ordered enrolled and sent to the Governor.

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S.B. 377 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF SEVERE ECONOMIC LOSS OF LIVESTOCK OR POULTRY OR WIDESPREAD OR SEVERE DAMAGE TO CROPS READY TO BE HARVESTED, for concurrence in the House Committee Substitute bill.

Upon the appearance of Senator Graham in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Jackson, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 568 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brock, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

McKenzie Armes, Raleigh; Garrett Barlow, Boone; Taylor Dozier, Raleigh; Jacob Dubois, Hendersonville; Victoria Fahenestock, Rocky Mount; Jacob Fuqua, Hendersonville; Ava Gruchacz, Oxford; Evan Harakas, Gastonia; Cammie Holland, Greensboro; Reaves Houston, Dunn; Rebekah Howard, Garner; Tripp Kelly III, Advance; Ashley King, Sneads Ferry; Mackenzie Lander, Burlington; Trae Macon II, Enfield; Anna Marrujo, Greensboro; Grant Murphy-Herndon, Durham; Sarah Newby, Raleigh; Kena Nolan, Charlotte; A.J. Smith IV, Concord; Tharon Suggs, Garner; Dana Walker, Chapel Hill; and Michael Walker, Jr., Huntersville.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 231 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 231 earlier today, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator J. Davis, Chair; Senator Apodaca, and Senator Hise 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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WITHDRAWAL FROM COMMITTEE

S.B. 485, A BILL TO BE ENTITLED AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA, referred to the **Rules and Operations of the Senate Committee** on March 28.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Sanderson, the Senate adjourns at 7:47 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, June 25, at 2:30 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following special message is received from the House of Representatives:

House of Representatives
June 24, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute No. 2 for **H.B. 122**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, and requests conferees.

Speaker Tillis has appointed:

Representative Glazier, Chair
Representative Stevens
Representative Stam and
Representative Daughtry

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 168 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, June 25.

H.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

H.B. 563, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF A "PUBLIC CORPORATION" FOR THE PURPOSE OF ESTABLISHING FOREIGN TRADE ZONES.

Referred to the **Commerce Committee**.

H.B. 680 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE JUMP-START OUR BUSINESS START-UPS ACT.

Referred to the **Commerce Committee** and upon a favorable report, re-referred to the **Finance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-FIFTH DAY

Senate Chamber
Tuesday, June 25, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord, we come before you, and we are so grateful that we can do that in this place. We all have differences, and we all have different ailments, Lord, and you know them because you are a God of comfort. Lord, we pray that these servants here in these positions of public trust would serve justice and that they would promote dignity and freedom throughout this state for every person. We pray

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that to you, Lord, we ask you to shine your light of wisdom upon these deliberations, and come hastily to help us. Come quick to help us, Lord, because we need you. In Jesus' name we pray, who was and is and shall be the Light. Amen."

Senator Berger, President *Pro Tempore* announces that the Senate Journal of Monday, June 24, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Shonda M. Stacey from Zebulon, 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. 264, AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES.

S.B. 377, AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF SEVERE ECONOMIC LOSS OF LIVESTOCK OR POULTRY OR WIDESPREAD OR SEVERE DAMAGE TO CROPS READY TO BE HARVESTED.

S.B. 568, AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES.

H.B. 243, AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS.

H.B. 656, AN ACT TO REVISE THE LAWS GOVERNING THE SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE ARREST.

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H.B. 784, AN ACT TO PROVIDE THAT THE REMEDIES AND PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF DIFFERENT LISTED TERMS.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Goolsby for the **Judiciary I Committee**:

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, with a favorable report.

H.B. 982 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A., with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70467, is adopted and engrossed.

By Senator Hunt for the **Appropriations/Base Budget Committee**:

H.B. 336, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN-STATE HIGH SCHOOL STUDENTS ENROLLED AT THE UNIVERSITY OF NORTH CAROLINA SCHOOL OF THE ARTS MAY BE CHARGED FEES TO ASSIST WITH THE EXPENSES OF THE INSTITUTION, 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, 80397, which changes the title to read **H.B. 336** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2013, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed at the beginning of today's calendar.

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By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS, with a favorable report.

H.J.R. 1006, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JERRY DOCKHAM AND JAMES PATTERSON TO THE UTILITIES COMMISSION, with a favorable report.

Upon motion of Senator Apodaca, the Joint Resolution is placed at the beginning of today's calendar.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES, with a favorable report.

H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, with a favorable report.

H.B. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT CREATING A FIREMEN'S BENEFIT FUND FOR FIREMEN IN THE CITY OF WILMINGTON, AS AMENDED, AND TO MODIFY THE APPLICATION OF G.S. 58-84-35 TO THE CITY OF WILMINGTON, with a favorable report.

H.B. 347, A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70466, which changes the title to read **H.B. 347** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER, is adopted and engrossed.

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H.B. 391, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSE OF THAT DEFINITION, 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, 70465, which changes the title to read **H.B. 391** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION, is adopted and engrossed.

H.B. 402, A BILL TO BE ENTITLED AN ACT TO ALLOW A TRICARE SUPPLEMENT FOR FLEXIBLE COMPENSATION PLANS OFFERED BY THE STATE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30576, which changes the title to read **H.B. 402** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE, is adopted and engrossed.

H.B. 834 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, 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, 30578, is adopted and engrossed.

By Senator Rucho for the **Finance Committee**:

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, with a favorable report.

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H.B. 340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, with a favorable report.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, with a favorable report.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, with a favorable report.

H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY, with a favorable report.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed at the end of today's calendar.

S.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES, with a favorable report.

S.B. 640, A BILL TO BE ENTITLED AN ACT TO EXEMPT COMPENSATION PAID TO AN H-2A AGRICULTURAL WORKER FROM STATE INCOME TAX WITHHOLDING TO THE EXTENT THE COMPENSATION IS EXEMPT FROM FEDERAL INCOME TAX WITHHOLDING, with a favorable report.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

By Senator Tucker for the **State and Local Government Committee**:

H.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, with a favorable report.

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H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY, with a favorable report.

H.B. 490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN, with a favorable report.

H.B. 544, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION, with a favorable report.

MOTION RELATIVE TO THE CALENDAR

Upon motion of Senator Apodaca, the following bills are withdrawn from today's calendar and disposed of as follows.

H.B. 92 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND OTHERS, TO MAKE A TECHNICAL CORRECTION TO THE STATUTE PROVIDING THAT CAR RENTAL AGENCIES ARE INNOCENT OWNERS IF A RENTED VEHICLE BECOMES SUBJECT TO SEIZURE UNDER CHAPTER 20 OF THE GENERAL STATUTES, AND TO ALLOW THE NORTH CAROLINA BOARD OF ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL PROPERTY, upon second reading.

Re-referred to the **Rules and Operations of the Senate Committee**.

H.B. 467 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, upon second reading.

Placed on the calendar of Thursday, June 27.

H.B. 492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE

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ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

Placed on the calendar of Thursday, June 27.

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, upon second reading.

Placed on the calendar of Thursday, June 27.

WITHDRAWALS FROM A FUTURE CALENDAR

H.B. 567 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon third reading, placed on the calendar of Wednesday, June 26.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from the calendar of Wednesday, June 26, and placed on today's calendar.

H.B. 421 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, upon third reading, placed on the calendar of Wednesday, June 26.

Upon motion of Senator Apodaca, the Senate Committee Substitute is withdrawn from the calendar of Wednesday, June 26, and placed on today's calendar.

CALENDAR

Bills and resolutions on today's calendar are taken up and disposed of as follows:

H.J.R. 1006, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JERRY DOCKHAM AND JAMES PATTERSON TO THE UTILITIES COMMISSION, upon second reading.

The Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 336 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2013, upon second reading.

June 25, 2013

The Senate Committee Substitute bill passes its second reading (37-12) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message for concurrence in the Senate Committee Substitute bill.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 819, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BOBBY HAROLD BARBEE, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Upon motion of Senator Apodaca, the Joint Resolution is placed on today's calendar for immediate consideration.

CALENDAR *(continued)*

H.J.R. 819, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BOBBY HAROLD BARBEE, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

The Joint Resolution passes its second reading (49-0) and, without objection, is read a third time and passes its third reading, with all present members standing, and is ordered enrolled.

H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY, upon second reading.

Without objection, Senator Harrington is excused from voting on the bill due to a possible conflict of interest.

The Committee Substitute bill passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Committee Substitute bill remains on the calendar for Wednesday, June 26, upon third reading.

H.B. 567 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON, upon third reading.

June 25, 2013

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---47.

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. 421 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---47.

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.

S.B. 168 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 543 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES.

June 25, 2013

Pursuant to the message from the House of Representatives received on June 19 that the House fails to concur in the Senate Committee Substitute bill for H.B. 543 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Randleman, Chair; Senator Barringer and Senator Robinson 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

H.B. 318, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER, 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, 80399, is adopted and engrossed.

H.B. 441 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80398, is adopted and engrossed.

WITHDRAWALS FROM COMMITTEES

H.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS, referred to the **Finance Committee** on April 23.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Finance Committee** and re-referred to the **Commerce Committee**, which motion prevails with unanimous consent, and the Chair so orders.

June 25, 2013

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, referred to the **Rules and Operations of the Senate Committee** on May 20.

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, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Daniel, the Senate adjourns at 3:23 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, June 26, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 205 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 26.

S.B. 613 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 26.

S.B. 635 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, June 26.

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGEcombe COUNTY TO LEVY AN OCCUPANCY TAX.

Referred to the **Finance 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 25, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for **S.B. 231** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, and requests conferees,

Speaker Tillis appoints:

Representative C. Graham, Chair
Representative Pierce
Representative Boles and
Representative Jordan

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

RE-REFERRAL OF A BILL

S.B. 480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, referred to the **Education/Higher Education Committee** on March 28.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the bill is withdrawn from the **Education/Higher Education Committee** and re-referred to the **Finance Committee**.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 257, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS, 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, is adopted and engrossed.

H.B. 362 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70468, is adopted and engrossed.

H.B. 418 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY, OR BUNCOMBE COUNTY AND MUNICIPALITIES LOCATED THEREIN, TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, 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, 70469, which changes the title to read **H.B. 418** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, is adopted and engrossed.

By Senator Tucker for the **State and Local Government Committee**:

H.B. 917, A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL, 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, 80400, is adopted and engrossed.

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By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 816 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70471, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

By Senator Rabon for the **Finance Committee**:

H.B. 334, A BILL TO BE ENTITLED AN ACT TO AUGMENT THE USES OF CERTAIN MONEYS IN THE BUNCOMBE SCHOOL CAPITAL FUND, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70470, which changes the title to read **H.B. 334** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO USE SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS, is adopted and engrossed.

H.B. 343 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, 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, 80402, which changes the title to read **H.B. 343** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS, is adopted and engrossed.

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RE-REFERRAL OF A BILL

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, referred to the **Appropriations/Base Budget Committee** on June 18.

Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the Committee Substitute bill is withdrawn from the **Appropriations/Base Budget Committee** and re-referred to the **Finance Committee**.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-SIXTH DAY

Senate Chamber
Wednesday, June 26, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Lord Jesus, would you come and visit us and relieve our burdens? Would that you would shift the sand beneath our feet. O Lord, we sure do need your help today, here. We need your gentle pricking and your pressing love to quicken us. Let your ears, Heavenly Father, hear us. Be attentive to our pleas for mercy. If you, O Lord, could mark inequities, who could stand before you? But with you there is forgiveness, and with you there is relief. With you there are headwaters of refreshment. With you there is everlasting refreshment to each of us during this time. Teach us how to press on. I pray in the name of Jesus. Amen."

The Chair grants leaves of absence for today to Senator D. Davis and Senator Hartsell.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Tuesday, 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 Rebecca Wellborn from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

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Without objection, Senator McLaurin submits a Senatorial Statement out of order:

A SENATORIAL STATEMENT
Submitted by Senator Gene McLaurin

Honoring the Town of Badin on its 100th Anniversary

WHEREAS, the Stanly County Town of Badin was founded by French Industrialists of L'Aluminium Française and its subsidiary Southern Aluminum Company; and

WHEREAS, in 1913, the French Engineers began development of hydro electrical power potential on the Yadkin River at Badin; and

WHEREAS, Badin Township received its name from L'Aluminium Française general superintendent Adrien Badin; and

WHEREAS, in 1913, Badin had its own water distribution and purification facilities, waste water treatment plant, and electrical distribution system; and

WHEREAS, Badin's garden city designed curvilinear streets were named for Native American Tribes, indigenous trees, and United States presidents and generals; and

WHEREAS, Badin was and remains architecturally unique because of its French designed quadruplexes, cottages, bungalows, and club house; and

WHEREAS, Badin was home to Stanly County's first hospital, opera house, golf course, and aluminum smelter; and

WHEREAS, Badin was placed on the National Register of Historic Places in 1983; and

WHEREAS, 2013 marks Badin's 100th anniversary, an event filled occasion for all to join in and to celebrate the Town's abundant natural and deep cultural history;

NOW, THEREFORE, the Town of Badin deserves recognition on its 100th anniversary.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-sixth day of June, 2013.

S/Senator Gene McLaurin

S/Sarah Lang
Senate Principal Clerk

ENROLLED BILLS AND RESOLUTIONS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 168, AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS.

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H.B. 56, AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

H.B. 220, AN ACT DESIGNATING JULY TWENTY-SECOND OF EACH YEAR AS NORTH CAROLINA FRAGILE X AWARENESS DAY.

H.B. 336, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2013.

H.B. 743, AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

The Enrolling Clerk reports the following bills and resolutions duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 290, AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY AIRPORT AUTHORITY.

H.B. 294, AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS.

H.J.R. 819, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BOBBY HAROLD BARBEE, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 2013-17)

H.J.R. 1006, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF JERRY DOCKHAM AND JAMES PATTERSON TO THE UTILITIES COMMISSION. (Res. 2013-18)

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Brock for the **Agriculture/Environment/Natural Resources Committee**:

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H.B. 94 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (2) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (3) REPEAL THE REQUIREMENT FOR AIR POLLUTION PERMIT HOLDERS TO SUBMIT A WRITTEN DESCRIPTION OF PLANS TO REDUCE EMISSIONS OF AIR CONTAMINANTS BY SOURCE REDUCTION OR RECYCLING; (4) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (5) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; AND (6) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30579, which changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID

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CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S.113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS

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FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES, is adopted and engrossed.

By Senator Apodaca for the **Pensions & Retirement and Aging Committee**:

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, with a favorable report.

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H.B. 357 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80396, is adopted and engrossed.

H.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, 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, 80393, is adopted and engrossed.

H.B. 327 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS, 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, 80394, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 359 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS

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PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70475, which changes the title to read **H.B. 359** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

CONFERENCE REPORT

Senator Randleman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 543** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, submits for adoption the following report:

To: The President of the Senate
 The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on House Bill 543, A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, Senate Health Care Committee Substitute Adopted 6/5/13, submit the following report:

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The House and Senate agree to the following amendments to the Senate Health Care Committee Substitute Adopted 6/5/13, and the House concurs in the Senate Committee Substitute as amended:

On page 1, lines 24 through 31, by rewriting the lines to read:

“(2) A member of the ward’s immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and ~~is~~was serving as a guardian ~~as of~~on January 1, 2013. For the purposes of this subsection, the term “immediate family” is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 26, 2013.

<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Shirley B. Randleman, Chair	S/Bert Jones, Chair
S/Tamara Barringer	S/Marilyn Avila
S/Gladys A. Robinson	S/Rena W. Turner
	S/Rick Glazier

The Conference Report is placed on the calendar of Thursday, June 27, for adoption.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

H.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD, with a favorable report.

By Senator Hise for the **Health Care Committee**:

H.B. 392 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE TO NEEDY FAMILY (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING

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FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, AND TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80405, which changes the title to read **H.B. 392** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, is adopted and engrossed.

By Senator Rabon for the **Finance Committee**:

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM, with a favorable report.

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGEcombe COUNTY TO LEVY AN OCCUPANCY TAX, with a favorable report.

H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, with a favorable report.

H.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION ON A TAX RETURN BY AN INDIVIDUAL FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND, with a favorable report.

S.B. 261, A BILL TO BE ENTITLED AN ACT TO ALLOW A SALES TAX REFUND FOR REGIONAL JAILS, with a favorable report.

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S.B. 485, A BILL TO BE ENTITLED AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR 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, 85245, which changes the title to read **S.B. 485** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA, TO ALLOW THE BOARD OF GOVERNORS TO PROVIDE FOR THE IMPLEMENTATION AND EXPANSION OF E-COMMERCE INFRASTRUCTURE, AND TO CLARIFY THE PROPERTY TAX STATUS OF CERTAIN IMPROVEMENTS ON UNIVERSITY LANDS THAT ARE OWNED BY CERTAIN SOCIAL ORGANIZATIONS, is adopted and engrossed.

By Senator Soucek for the **Education/Higher Education Committee**:

H.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80404, which changes the title to read **H.B. 250** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, is adopted and engrossed.

H.B. 269 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80403, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 767 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENACTING THE BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDED CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES, 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, 70476, which changes the title to read **H.B. 767** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE CORPORAL PRUITT RAINEY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDING CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES, is adopted and engrossed.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 143, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 261 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

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.

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H.B. 302, A BILL TO BE ENTITLED AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaid, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 412, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, 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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaid, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The bill is ordered enrolled.

H.B. 526 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaid, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

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.

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H.B. 409 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY, upon third reading.

Without objection, Senator Harrington is excused from voting on the bill due to a possible conflict of interest.

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, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 553 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX, upon third reading.

The Committee Substitute bill passes its third reading, by roll-call vote, ayes 40, noes 9, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, D. Davis, J. Davis, Ford, Graham, Gunn, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Sanderson, Stein, Tarte, Tillman, Wade, Walters and Woodard---40.

Voting in the negative: Senators Blue, Daniel, Goolsby, Harrington, Meredith, Newton, Rucho, Soucek and Tucker---9.

The Committee Substitute bill is ordered enrolled.

H.B. 418 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 remains on the calendar for Thursday, June 27, upon third reading.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, upon second reading.

Upon motion of Senator Apodaca, the bill is withdrawn from today's calendar and placed on the calendar of Thursday, June 27.

CALENDAR *(continued)*

H.B. 318 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER, 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.

H.B. 334 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO USE SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS, 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.

H.B. 347 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS' SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER, 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.

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H.B. 441 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT, 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.

H.B. 544, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION, 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. 551 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ACT CREATING A FIREMEN'S BENEFIT FUND FOR FIREMEN IN THE CITY OF WILMINGTON, AS AMENDED, AND TO MODIFY THE APPLICATION OF G.S. 58-84-35 TO THE CITY OF WILMINGTON, 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 enrolled.

H.B. 490 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN, upon second reading.

Senator Kinnaird offers Amendment No. 1.

Senator Apodaca moves that Amendment No. 1 lie upon the table, seconded by Senator Brunstetter, which motion prevails (32-17).

The Committee Substitute bill passes its second reading (32-17) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

MOTION RELATIVE TO THE CALENDAR

Upon motion of Senator Apodaca, the following bills are withdrawn from today's calendar and placed on the calendar of Thursday, June 27.

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, upon second reading.

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H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, upon second reading.

H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES, upon second reading.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, upon second reading.

H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, upon second reading.

H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY, upon second reading.

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS, upon second reading.

H.B. 340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, upon second reading.

H.B. 362 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS, upon second reading.

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H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, upon second reading.

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION, upon second reading.

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE, upon second reading.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, upon second reading.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, upon second reading, as amended in committee.

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, upon second reading.

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H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS, upon second reading.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL, upon second reading.

H.B. 982 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A., upon second reading.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 192 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and re-referred to the **State and Local Government Committee**.

CALENDAR (*continued*)

H.B. 343 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 488 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES, 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.

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S.B. 640, A BILL TO BE ENTITLED AN ACT TO EXEMPT COMPENSATION PAID TO AN H-2A AGRICULTURAL WORKER FROM STATE INCOME TAX WITHHOLDING TO THE EXTENT THE COMPENSATION IS EXEMPT FROM FEDERAL INCOME TAX WITHHOLDING, 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. 205 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Walters, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 613 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 635 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Newton, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.J.R. 259, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY, referred to the **Rules and Operations of the Senate Committee** on April 4.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Joint Resolution be withdrawn from the **Rules and Operations of the Senate Committee** and placed on the calendar of Thursday, June 27, which motion prevails with unanimous consent, and the Chair so orders.

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND AND CLARIFY THE HUNTER EDUCATION REQUIREMENTS AND TO ESTABLISH A HUNTING HERITAGE APPRENTICE PERMIT, 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, 70477, which changes the title to read **H.B. 296** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION'S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Clark, the Senate adjourns at 3:14 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, June 27, at 11:00 a.m.

A SENATORIAL STATEMENT
Submitted by Senator Ellie Kinnaird

**Congratulating the East Chapel Hill High School Girls Lacrosse Team on
Winning the State Title**

WHEREAS, the East Chapel Hill High School girls lacrosse team won the North Carolina High School Athletic Association State title on May 18, 2013; and

WHEREAS, the Wildcats defeated Charlotte Catholic High School by a score of 15-13 to win the title; and

WHEREAS, the Wildcats defeated Green Hope High School in the semifinals; and

WHEREAS, East Chapel Hill High School has had a number of successful girls lacrosse teams; and

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WHEREAS, Sydney Holman became the State all-time girls lacrosse scorer and was named the most valuable player for the championship game; and

WHEREAS, Coach Michelle Michaels proved to be a superb coach; and

WHEREAS, athletics develops skills, character, teamwork, cooperation, and individual development; and

WHEREAS, the members of the team have excelled as students as well as in sports;

NOW, THEREFORE, the East Chapel Hill High School girls lacrosse team should be commended on winning the North Carolina High School Athletic Association State title and the players, coaches, parents, and fans deserve recognition for their roles in making this championship possible. Sydney Holman also deserves recognition for her many achievements.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-sixth day of June, 2013.

S/Senator Ellie Kinnaird

S/Sarah Lang
Senate Principal Clerk

REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

H.B. 192 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70473, is adopted and engrossed.

The Committee Substitute bill was reported out of committee incorrectly on 6/25/13 and, as a result, was removed from the Senate calendar 6/26/13 and referred back to committee to be reported out correctly.

By Senator Rabon for the **Finance Committee**:

H.B. 107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70480, is adopted and engrossed.

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Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-SEVENTH DAY

Senate Chamber
Thursday, June 27, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

"Gracious God, thanks for last night's rain. Boy, did we ever need it. You supply all things. I am astonished at how little we realize in life how famished we are, how dry we are, how much of a valley of dry bones that we are. Sometimes a fresh rain can recalibrate us and bring us hope. So help us to lean on that hope today, Lord, that there is a better day coming. There is a day when every tear will be wiped clean, but for today we know that there is a job to be done for each of us. May we work at our jobs knowing that there is sanctity in all of our work. Bless the legislative assistants. Bless the interns—the wonderful high school students that visit us from across the state, like Garrett and Jacob—our visitors in the gallery, our governor, our House. Let our work be unto you, Lord. Let our work be unto you, always remembering that there is fresh hope with the morning. In Jesus' name, Amen."

The Chair grants leaves of absence for today to Senator Blue, Senator Clodfelter, Senator Hartsell, and Senator Jenkins.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Wednesday, 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.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 205, AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS.

S.B. 613, AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION.

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S.B. 635, AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE.

H.B. 832, AN ACT TO PROTECT THE PUBLIC'S HEALTH BY INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

H.B. 143, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS.

H.B. 302, AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS.

H.B. 409, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY.

H.B. 412, AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

H.B. 490, AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN.

H.B. 544, AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION.

H.B. 551, AN ACT TO AMEND THE ACT CREATING A FIREMEN'S BENEFIT FUND FOR FIREMEN IN THE CITY OF WILMINGTON, AS AMENDED, AND TO MODIFY THE APPLICATION OF G.S. 58-84-35 TO THE CITY OF WILMINGTON.

H.B. 553, AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

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H.B. 290, AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY TO SERVE EX OFFICIO AS THE RUTHERFORD COUNTY AIRPORT AUTHORITY. (Became law upon ratification, June 26, 2013 - S.L. 2013-181.)

H.B. 294, AN ACT TO ALLOW CERTAIN COUNTIES TO REMOVE ABANDONED VESSELS FROM NAVIGABLE WATERS. (Became law upon ratification, June 26, 2013 - S.L. 2013-182.)

H.B. 817, AN ACT TO STRENGTHEN THE ECONOMY THROUGH STRATEGIC TRANSPORTATION INVESTMENTS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-183.)

H.B. 336, AN ACT AUTHORIZING THE DIRECTOR OF THE BUDGET TO CONTINUE EXPENDITURES FOR THE OPERATION OF GOVERNMENT AT A PERCENTAGE OF THE LEVEL IN EFFECT ON JUNE 30, 2013. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-184.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 490 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed on today's calendar.

MOTION RELATIVE TO THE CALENDAR

Upon motion of Senator Apodaca, without objection, the following bills are withdrawn from today's calendar and ordered held in the Office of the Principal Clerk until further notice.

H.B. 418 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, upon third reading.

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGEcombe COUNTY TO LEVY AN OCCUPANCY TAX, upon second reading.

H.B. 107 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, upon second reading.

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H.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD, upon second reading.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, upon second reading.

H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, upon second reading.

H.B. 94 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL

GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION

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OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES, upon second reading.

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, upon second reading.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, upon second reading.

H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES, upon second reading.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, upon second reading.

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H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, upon second reading.

H.B. 192 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, upon second reading.

H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, upon second reading.

H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY, upon second reading.

H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, upon second reading.

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS, upon second reading.

H.J.R. 259, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

H.B. 296 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE

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LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION'S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND, upon second reading.

H.B. 340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, upon second reading.

H.B. 357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES, upon second reading.

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, upon second reading.

H.B. 362 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS, upon second reading.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, upon second reading.

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H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION, upon second reading.

H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE, upon second reading.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, upon second reading.

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H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM, upon second reading.

H.B. 467 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, upon second reading.

H.B. 492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, upon second reading.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, upon second reading, as amended in committee.

H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE CORPORAL PRUITT RAINEY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDED CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES, upon second reading.

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE'S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, upon second reading.

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H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS, upon second reading.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL, upon second reading.

H.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION ON A TAX RETURN BY AN INDIVIDUAL FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND, upon second reading.

H.B. 982 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A., upon second reading.

H.B. 543 (Conference Report), A BILL TO BE ENTITLED AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES, for adoption.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

S.B. 490 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Gunn, the Senate concurs in the House Committee Substitute bill (44-2) and the bill is ordered enrolled and sent to the Governor.

S.B. 261, A BILL TO BE ENTITLED AN ACT TO ALLOW A SALES TAX REFUND FOR REGIONAL JAILS, 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.

S.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA, TO ALLOW THE BOARD OF GOVERNORS TO PROVIDE FOR THE IMPLEMENTATION AND

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EXPANSION OF E-COMMERCE INFRASTRUCTURE, AND TO CLARIFY THE PROPERTY TAX STATUS OF CERTAIN IMPROVEMENTS ON UNIVERSITY LANDS THAT ARE OWNED BY CERTAIN SOCIAL ORGANIZATIONS, upon second reading.

Senator Apodaca 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.

Upon motion of Senator Berger, seconded by Senator Pate, the Senate adjourns at 11:28 a.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, July 1, at 7:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

S.B. 480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75361, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 343, AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

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H.B. 261, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS.

H.B. 421, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE.

H.B. 526, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN.

H.B. 567, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

H.B. 683 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80407, is adopted and engrossed.

H.B. 828 (Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80406, is adopted and engrossed.

Pursuant to Senator Berger's motion to adjourn having prevailed, the Senate stands adjourned.

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EIGHTY-EIGHTH DAY

Senate Chamber
Monday, July 1, 2013

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:

“Heavenly Father, lift up your countenance upon us, Lord, and bless those that work or weep this night. Give us calm; give us peace in the knowledge that you are our rock. Just like David hid in the desert while Saul sought after him to kill him, be the rock that is higher than I. Shelter us underneath the shadow of your rock. For who is God but the Lord? Who is the Rock except our God? It is God who girds me about with strength and makes our way secure. Make us sure footed like a deer, O Lord, and let us stand firm on the heights. In Jesus’ name, Amen.”

The Chair grants leaves of absence for tonight to Senator Clodfelter, Senator D. Davis, Senator Jenkins, and Senator Robinson.

Senator Pate, Deputy President *Pro Tempore*, announces that the Senate Journal of Thursday, 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 Susan Jackson from Clayton, North Carolina, who is serving the Senate as Nurse of the Day.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 490, AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX.

H.B. 543, AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

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H.B. 664, AN ACT TO FACILITATE THE DEPLOYMENT OF MOBILE BROADBAND AND OTHER ENHANCED WIRELESS COMMUNICATIONS SERVICES BY STREAMLINING THE PROCESSES USED BY STATE AGENCIES AND LOCAL GOVERNMENTS TO APPROVE THE PLACEMENT OF WIRELESS FACILITIES IN THEIR JURISDICTIONS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-185.)

H.B. 60, AN ACT TO TERMINATE LEASES AT THE INDIAN CULTURAL CENTER SITE AND THEN SELL OR ALLOCATE CERTAIN PORTIONS OF THE PROPERTY, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-186.)

H.B. 223, AN ACT EXEMPTING ELECTRIC MEMBERSHIP CORPORATIONS FROM INTEGRATED RESOURCE PLANNING AND SERVICE REGULATIONS REQUIREMENTS ESTABLISHED BY THE UTILITIES COMMISSION, RETURNING OVERSIGHT OF THE CORPORATIONS TO THEIR MEMBER BOARD OF DIRECTORS, AND CLARIFYING THE AUTHORITY OF THE NORTH CAROLINA RURAL ELECTRIFICATION AUTHORITY TO RECEIVE AND INVESTIGATE COMPLAINTS FROM MEMBERS OF ELECTRIC MEMBERSHIP CORPORATIONS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-187.)

H.B. 390, AN ACT MAKING VARIOUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-188.)

H.B. 830, AN ACT TO ADOPT AN OFFICIAL STATE FOSSIL, FROG, SALAMANDER, MARSUPIAL, FOLK ART, AND ART MEDIUM. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-189.)

S.B. 8, AN ACT TO INCREASE THE FINE FOR THE REMOVAL OF UNAUTHORIZED VEHICLES FROM PRIVATE LOTS PURSUANT TO G.S. 20-219.2. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-190.)

S.B. 25, AN ACT TO PROVIDE THAT MEMBERS OF THE ARMED FORCES WHO ARE SERVING ON ACTIVE MILITARY DUTY IN THE ARMED FORCES OF THE UNITED STATES OUTSIDE THE STATE OF NORTH CAROLINA SHALL BE CONSIDERED RESIDENTS FOR PURPOSES OF OBTAINING CERTAIN HUNTING, FISHING, TRAPPING, AND SPECIAL ACTIVITY LICENSES. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-191.)

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S.B. 336, AN ACT REQUIRING THE DIVISIONS OF MEDICAL ASSISTANCE AND PUBLIC HEALTH WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND THE STATE HEALTH PLAN DIVISION WITHIN THE DEPARTMENT OF THE STATE TREASURER, TO COORDINATE THE DIABETES PROGRAMS THEY EACH ADMINISTER; TO EACH DEVELOP PLANS TO REDUCE THE INCIDENCE OF DIABETES, TO IMPROVE CARE, AND TO CONTROL COMPLICATIONS; AND TO REPORT TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES AND THE FISCAL RESEARCH DIVISION. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-192.)

S.B. 358, AN ACT TO AUTHORIZE GUARANTEED ASSET PROTECTION WAIVERS TO BE AUTHORIZED IN THIS STATE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-193.)

S.B. 285, AN ACT TO ELIMINATE THE REQUIREMENT THAT WOULD COME INTO EFFECT ON JULY 1, 2013, THAT A LABORATORY PROVIDING CHEMICAL ANALYSES UNDER G.S. 20-139.1 BE ACCREDITED BY AN ACCREDITING BODY THAT IS A SIGNATORY TO THE INTERNATIONAL LABORATORY ACCREDITATION COOPERATION (ILAC) MUTUAL RECOGNITION ARRANGEMENT AND TO CLARIFY THAT THE RESULTS OF CHEMICAL ANALYSIS OF BLOOD OR URINE FROM ALL HOSPITAL LABORATORIES IN NORTH CAROLINA THAT ARE APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO THE CLINICAL LABORATORY IMPROVEMENT AMENDMENTS OF 1988 (CLIA) PROGRAM ARE ADMISSIBLE AS EVIDENCE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-194.)

S.B. 461, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ALLOW THIRD-PARTY COMMERCIAL DRIVERS LICENSE SKILLS TESTING ANY DAY OF THE WEEK AND TO EXTEND THE VALIDITY OF A TEMPORARY DRIVING CERTIFICATE ISSUED TO AN APPLICANT FOR A COMMERCIAL DRIVERS LICENSE TO SIXTY DAYS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-195.)

S.B. 494, AN ACT TO AUTHORIZE COMMUNITY SERVICE AS A DISCRETIONARY CONDITION OF POST-RELEASE SUPERVISION AND TO AMEND THE REQUIREMENTS FOR VOTING BY THE POST-RELEASE SUPERVISION AND PAROLE COMMISSION ON MATTERS COMING BEFORE THE COMMISSION. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-196.)

S.B. 639, AN ACT TO CLARIFY THE AUTHORITY OF THE BOARD OF AGRICULTURE OVER PLANTS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-197.)

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H.B. 219, AN ACT TO MODERNIZE THE WAYS CHILDREN BORN OUT OF WEDLOCK ARE REFERENCED IN THE GENERAL STATUTES BY REMOVING REFERENCES TO "ILLEGITIMATE" WHEN USED IN CONNECTION WITH AN INDIVIDUAL AND TO "BASTARDY", TO ALLOW A CHILD BORN OUT OF WEDLOCK TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO THE STATUTES BEING AMENDED. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-198.)

H.B. 240, AN ACT TO EXPAND THE CHOICES FOR HEALTH INSURANCE IN NORTH CAROLINA BY EXEMPTING HEALTH INSURANCE COMPANIES FROM OUTDATED RISK EXPOSURE REQUIREMENTS; TO REMOVE A PHOTO IDENTIFICATION REQUIREMENT FOR NEW DOMESTIC COMPANIES; TO HELP MORTGAGE GUARANTY COMPANIES ADJUST THEIR CAPITAL AND SURPLUS REQUIREMENTS; TO REVISE CERTAIN RISK-BASED CAPITAL REQUIREMENTS IN ORDER TO MAINTAIN NORTH CAROLINA'S NAIC ACCREDITATION; TO CLARIFY CONSUMER CHOICE IN HOMEOWNER'S COVERAGE FOR WIND AND HAIL; TO CLARIFY THE CERTIFICATION REQUIREMENTS FOR AN ACTUARY WHO PRESENTS A SCHEDULE OF PREMIUM RATES; TO SHORTEN CERTAIN TIME PERIODS FOR AN EXTERNAL REVIEW BY THE COMMISSIONER OF CERTAIN INSURER DETERMINATIONS; TO EXPAND ACCESS OF COVERAGE TO BUSINESSES WHO NEED BLANKET ACCIDENT AND HEALTH COVERAGE; TO MAKE CERTAIN CONFORMING CHANGES RELATED TO THE RENAMING OF THE OFFICE OF MANAGED CARE PATIENT ASSISTANCE PROGRAM AS HEALTH INSURANCE SMART NC; TO AMEND THE DEFINITION OF PRIVATE PASSENGER MOTOR VEHICLE; TO CLARIFY WHEN AN INSURER CAN COMMUNICATE WITH THE INSURED AFTER A PUBLIC ADJUSTER HAS BEEN RETAINED; AND TO CLARIFY WHEN AN AUTOMATIC STAY OF PROOF OF LOSS REQUIREMENTS, PREMIUM AND DEBT DEFERRALS, AND LOSS ADJUSTMENTS ARE TRIGGERED; TO PROVIDE NOTICE AND AN OPPORTUNITY FOR A HEARING WHEN A SUPERIOR COURT JUDGE IS CALLED UPON TO SELECT AN UMPIRE IN CERTAIN PROPERTY INSURANCE DISPUTES; AND TO ALLOW THE DEPARTMENT OF INSURANCE TO ENFORCE CERTAIN PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT BY REQUIRING INSURANCE COMPANIES TO COMPLY WITH THOSE PROVISIONS WITHIN THIS STATE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-199.)

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H.B. 248, AN ACT TO REQUIRE DISCLOSURE ON THE BALLOT THAT AUTHORIZATION OF INDEBTEDNESS INCLUDES INTEREST AND THAT TAXES MAY BE LEVIED TO REPAY THE INDEBTEDNESS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-200.)

H.B. 322, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO WAIVE THE COMMERCIAL SKILLS TEST FOR RETIRED OR DISCHARGED MEMBERS OF THE ARMED FORCES WHO ALSO SATISFY OTHER REQUIREMENTS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-201.)

H.B. 331, AN ACT TO STABILIZE TITLES AND TO PROVIDE A UNIFORM PROCEDURE TO ENFORCE CLAIMS OF LIEN SECURING SUMS DUE CONDOMINIUM AND PLANNED COMMUNITY ASSOCIATIONS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-202.)

H.B. 891, AN ACT TO ALLOW THE DISTRICT ATTORNEY TO PETITION THE COURT TO FREEZE THE ASSETS OF A DEFENDANT CHARGED WITH FINANCIAL EXPLOITATION OF AN ELDER ADULT OR DISABLED ADULT AND TO ESTABLISH A PROCEDURE TO PETITION FOR THE FREEZING OR SEIZURE OF THE DEFENDANT'S ASSETS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-203.)

H.B. 332, AN ACT MAKING CORRECTIONS AND OTHER AMENDMENTS TO THE NOTARY PUBLIC ACT, MAKING OTHER CONFORMING CHANGES, AND PROVIDING FOR AN ALTERNATIVE PROCEDURE FOR SATISFACTION OF SECURITY INSTRUMENTS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-204.)

H.B. 333, AN ACT TO CLARIFY SEX OFFENDER STATUTES RELATING TO RESIDENCY AND REGISTRATION. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-205.)

H.B. 433, AN ACT TO SUPPORT THE ACTIVITIES OF THE ARMED FORCES AND TO MAINTAIN AND ENHANCE THE MILITARY'S PRESENCE IN NORTH CAROLINA BY REGULATING THE HEIGHT OF BUILDINGS AND STRUCTURES LOCATED IN AREAS THAT SURROUND MILITARY INSTALLATIONS IN THE STATE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-206.)

H.B. 459, AN ACT TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO COORDINATE CHRONIC DISEASE CARE. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-207.)

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H.B. 587, AN ACT TO REQUIRE AN ALTERNATE ACT AND PLAN PRECURSOR TEST FOR CERTAIN STUDENTS. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-208.)

H.B. 597, AN ACT TO APPROVE AN OFFICIAL SHIELD FOR BAIL BONDSMEN. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-209.)

H.B. 641, AN ACT TO PROVIDE THAT A COURT HAS THE DISCRETION TO DETERMINE WHETHER TO GRANT A CONDITIONAL DISCHARGE FOR A FIRST OFFENSE OF CERTAIN DRUG OFFENSES. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-210.)

H.B. 686, AN ACT TO RENAME THE NC SEAFOOD INDUSTRIAL PARK AUTHORITY TO REFLECT ITS BROADER MISSION AND TO MAKE OTHER MODIFICATIONS TO THE AUTHORITY'S ENABLING LEGISLATION. (Became law upon approval of the Governor, June 26, 2013 - S.L. 2013-211.)

H.B. 261, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF KANNAPOLIS AND ADDING THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF LANDIS. (Became law upon ratification, June 27, 2013 - S.L. 2013-212.)

H.B. 421, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MARSHVILLE. (Became law upon ratification, June 27, 2013 - S.L. 2013-213.)

H.B. 526, AN ACT ADDING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF CHADBOURN. (Became law upon ratification, June 27, 2013 - S.L. 2013-214.)

H.B. 567, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF LUMBERTON. (Became law upon ratification, June 27, 2013 - S.L. 2013-215.)

H.B. 143, AN ACT TO ALLOW THE CITY OF EDEN TO NEGOTIATE ANNEXATION CONTRACTS. (Became law upon ratification, June 27, 2013 - S.L. 2013-216.)

H.B. 302, AN ACT REPEALING THE ANNEXATION OF CERTAIN DESCRIBED PROPERTY BY THE CITY OF KANNAPOLIS. (Became law upon ratification, June 27, 2013 - S.L. 2013-217.)

H.B. 409, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF SHELBY. (Became law upon ratification, June 27, 2013 - S.L. 2013-218.)

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H.B. 412, AN ACT TO AUTHORIZE THE CITY OF EDEN TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION. (Became law upon ratification, June 27, 2013 - S.L. 2013-219.)

H.B. 490, AN ACT TO CHANGE THE MANNER OF ELECTION FOR THE LEE COUNTY BOARD OF EDUCATION AND FOR THE CITY OF SANFORD TO PARTISAN. (Became law upon ratification, June 27, 2013 - S.L. 2013-220.)

H.B. 544, AN ACT AMENDING THE CHARTER OF THE CITY OF WILMINGTON TO DELETE LANGUAGE THAT RESTRICTED THE LENGTH OF THE TERM OF A MEMBER OF THE CIVIL SERVICE COMMISSION. (Became law upon ratification, June 27, 2013 - S.L. 2013-221.)

H.B. 551, AN ACT TO AMEND THE ACT CREATING A FIREMEN'S BENEFIT FUND FOR FIREMEN IN THE CITY OF WILMINGTON, AS AMENDED, AND TO MODIFY THE APPLICATION OF G.S. 58-84-35 TO THE CITY OF WILMINGTON. (Became law upon ratification, June 27, 2013 - S.L. 2013-222.)

H.B. 553, AN ACT TO MODIFY CARTERET COUNTY'S AUTHORITY TO LEVY AN ADDITIONAL ONE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO MODIFY THE DISTRIBUTION OF THE PROCEEDS OF THE TAX. (Became law upon ratification, June 27, 2013 - S.L. 2013-223.)

H.B. 743, AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS. (Became law upon approval of the Governor, June 27, 2013 - S.L. 2013-224.)

H.B. 343, AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS. (Became law upon approval of the Governor, June 30, 2013 - S.L. 2013-225.)

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Allran for the **Judiciary II Committee**:

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE OR ELECTRONIC MAIL TRANSMISSION AN INVOLUNTARY INPATIENT

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COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY, (2) ESTABLISH PROTOCOLS FOR THE TRAINING OF PHYSICIANS, ELIGIBLE PSYCHOLOGISTS, OR DESIGNEES, AND (3) DIRECT THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW AND REVISE THE RULES DESIGNATING FACILITIES FOR THE CUSTODY AND TREATMENT OF INVOLUNTARY CLIENTS, with a favorable report.

H.B. 345 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, TO PROVIDE THAT THE POLICE CHIEF APPOINTED TO THE 911 BOARD SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE NORTH CAROLINA ASSOCIATION OF CHIEFS OF POLICE, TO EXTEND THE DATE FOR IMPLEMENTATION OF OPERATING STANDARDS SET BY THE 911 BOARD, AND TO PROVIDE FOR A STUDY OF 911 SERVICE BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70482, which changes the title to read **H.B. 345** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, AND TO PROVIDE FOR RECOMMENDATIONS FOR CERTAIN APPOINTMENTS TO THE STATE 911 BOARD, is adopted and engrossed.

H.B. 615 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE PUNISHMENT OF REVOKING A PERSON'S DRIVERS LICENSE FOR COMMITTING CERTAIN DRIVING WHILE LICENSE REVOKED OFFENSES; TO MAKE DRIVING WHILE LICENSE REVOKED A NONMOVING VIOLATION FOR CERTAIN PURPOSES; AND TO MAKE OTHER CONFORMING CHANGES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30585, is adopted and engrossed.

Upon recommendation of Senator Allran, the Senate Committee Substitute bill is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 802 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30586, is adopted and engrossed.

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H.B. 783 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS, 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, 70483, is adopted and engrossed.

H.B. 399 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; AND PUBLIC HEALTH, 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, 80390, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 2 is re-referred to the **Finance Committee**.

WITHDRAWALS FROM THE CLERK'S OFFICE

Upon motion of Senator Apodaca, without objection, the following bills, having been referred to the Office of the Principal Clerk on Thursday, June 27, are withdrawn from that office and placed on tonight's supplemental calendar:

H.B. 107 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, upon second reading.

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, upon second reading.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, upon second reading.

H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES, upon second reading.

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H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, upon second reading.

H.B. 192 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, upon second reading.

H.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD, upon second reading.

H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, upon second reading.

H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY, upon second reading.

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS, upon second reading.

H.J.R. 259, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

H.B. 340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, upon second reading.

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H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS, upon second reading.

H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL, upon second reading.

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION, upon second reading.

CONFERENCE REPORT

Senator J. Davis, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 231** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, 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 231, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, House Committee Substitute Favorable 6/18/13 Third Edition Engrossed 6/19/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/18/13 Third Edition Engrossed 6/19/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/18/13 Third Edition Engrossed 6/19/13, and substitute the attached Proposed Conference Committee Substitute S231-PCCS75360-RQ-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: June 27, 2013.

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<i>Conferees for the Senate</i>	<i>Conferees for the House of Representatives</i>
S/Jim Davis, Chair	S/Charles Graham, Chair
S/Tom Apodaca	S/Garland E. Pierce
S/Ralph Hise	S/James L. Boles, Jr.
	S/Jonathan C. Jordan

The full text of the proposed Conference Committee Substitute can be found in Chapter 295 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, July 2, for adoption.

CALENDAR

Bills on tonight's calendar are taken up and disposed of as follows:

S.B. 480 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon second reading.

Senator Apodaca offers Amendment No. 1, which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading, by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---46.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the calendar for Tuesday, July 2, upon third reading.

H.B. 683 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE, upon second reading.

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The Senate Committee Substitute bill passes its second reading (37-9) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

WITHDRAWAL FROM COMMITTEE

H.J.R. 90, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HAYESVILLE, referred to the **Rules and Operations of the Senate Committee** on May 30.

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 at the end of tonight's supplemental calendar, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR *(continued)*

H.B. 828 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT, 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 for concurrence in the Senate Committee Substitute bill.

The Senate recesses at 7:23 p.m. to reconvene at 7:38 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Philip E. Berger, President *Pro Tempore*.

MOTION RELATIVE TO THE SUPPLEMENTAL CALENDAR

The following change is made to tonight's supplemental calendar:

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is withdrawn from tonight's supplemental calendar and placed on the calendar of Tuesday, July 2.

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SUPPLEMENTAL CALENDAR

Bills and resolutions on tonight's supplemental calendar are taken up and disposed of as follows:

H.B. 107 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES, 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.

H.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD, 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.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

H.B. 998 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, 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, 80408, is adopted and engrossed.

SUPPLEMENTAL CALENDAR *(continued)*

H.B. 137, A BILL TO BE ENTITLED AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE, 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.

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H.B. 161 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES, 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.

H.B. 176, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES, 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.

H.B. 192 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 241, A BILL TO BE ENTITLED AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY, 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 enrolled and sent to the Governor.

H.B. 257 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHEAT FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE

PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS, 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 for concurrence in the Senate Committee Substitute bill.

H.J.R. 259, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD L. "ED" WILLIAMSON, FORMER MEMBER OF THE GENERAL ASSEMBLY, upon second reading.

The Joint Resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 340 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 391 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 895, A BILL TO BE ENTITLED AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS, upon second reading.

The bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading, with all present members standing, and is ordered enrolled and sent to the Governor.

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H.B. 917 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL, 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 for concurrence in the Senate Committee Substitute bill.

H.J.R. 90, A JOINT RESOLUTION HONORING THE FOUNDERS OF THE TOWN OF HAYESVILLE, upon second reading.

The Joint Resolution passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

SENATE PAGES

The Chair recognizes the following pages serving in the Senate this week:

Warren Babb, Charlotte; Isabel Ferguson, Raleigh; Melissa Fu, Waxhaw; Rodney Harrison II, Huntersville; Xavier Roscoe, Gatesville; Bailey Sherrill, Hiddenite; Bryanna Thompson, Knightdale; Nathaniel Vang, Charlotte; Laura Whittington, Chocowinity; Jackson Widener, Charlotte; and Sierra Wiley, Charlotte.

WITHDRAWALS FROM THE CLERK'S OFFICE

Upon motion of Senator Apodaca, without objection, the following bills, having been referred to the Office of the Principal Clerk on Thursday, June 27, are withdrawn from that office and placed on the calendar of Tuesday, July 2:

H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, upon second reading.

H.B. 296 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING

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LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION'S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND, upon second reading.

H.B. 94 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION

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CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION

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OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES, upon second reading.

H.B. 357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES, upon second reading.

H.B. 362 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS, upon second reading.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, upon second reading.

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H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE, upon second reading.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES, upon second reading.

H.B. 418 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, upon second reading.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, upon second reading.

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H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM, upon second reading.

H.B. 492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, upon second reading.

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGEcombe COUNTY TO LEVY AN OCCUPANCY TAX, upon second reading.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, upon second reading.

H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE CORPORAL PRUITT RAINEY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDED CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES, upon second reading.

H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, upon second reading.

H.B. 982 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A, upon second reading.

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, upon second reading.

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H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, upon second reading.

WITHDRAWAL FROM COMMITTEE

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS, referred to the **Appropriations/Base Budget Committee** on June 26.

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 the calendar of Tuesday, July 2, which motion prevails with unanimous consent, and the Chair so orders.

WITHDRAWALS FROM THE CLERK'S OFFICE

H.B. 951 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE DESIGNATION ON A TAX RETURN BY AN INDIVIDUAL FOR THE NORTH CAROLINA POLITICAL PARTIES FINANCING FUND, referred to the Office of the Principal Clerk on June 27.

Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the Office of the Principal Clerk and re-referred to the **Rules and Operations of the Senate Committee**, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 467 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, referred to the Office of the Principal Clerk on June 27.

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Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the Office of the Principal Clerk and placed on the calendar of Monday, July 8, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Pate, seconded by Senator Nesbitt, the Senate adjourns at 8:14 p.m., subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, July 2, at 2:00 p.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, for concurrence in the House Committee Substitute bill.

Referred to the **Finance Committee** and, upon a favorable report, re-referred to the **Commerce Committee** and, upon a favorable report, re-referred to the **Appropriations/Base Budget Committee**.

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, for concurrence in House Amendments No. 1 and No. 5.

The Committee Substitute bill, with House Amendments No. 1 and No. 5, is placed on the calendar of Tuesday, July 2.

S.B. 174 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, TO PROVIDE SPECIFIC DIRECTIONS TO THE INDUSTRIAL COMMISSION TO REPLACE THE RULES, AND TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 2.

S.B. 280 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING NON-STATE EMPLOYEES AFFILIATED WITH THE TRANSPORTATION MUSEUM TO DRIVE STATE-OWNED VEHICLES; EXPANDING THE AUTHORITY OF THE DEPARTMENT OF CULTURAL RESOURCES AND THE TRYON PALACE TO CHARGE ADMISSION AND

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RELATED ACTIVITY FEES; AND ESTABLISHING THE A+ SCHOOLS SPECIAL FUND IN THE DEPARTMENT OF CULTURAL RESOURCES, THE NORTH CAROLINA ARTS COUNCIL, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 2.

S.B. 399 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE IN SUPERIOR COURT FOR WHICH THE STATE IS NOT SEEKING A SENTENCE OF DEATH MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 2.

S.B. 638 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING

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STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Tuesday, July 2.

S.B. 683 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 2.

S.B. 717 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, AND TO CLARIFY THE MOTOR VEHICLE DEALERS' AND MANUFACTURERS' LICENSING LAW, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 2.

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHARTER SCHOOLS ELIGIBLE TO RECEIVE PERMANENT REGISTRATION PLATES.

Referred to the **Finance Committee**.

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H.B. 292 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMITTEE ON MUSIC THERAPY LICENSURE.

Referred to the **Education/Higher Education Committee**.

Pursuant to Senator Pate's motion to adjourn having prevailed, the Senate stands adjourned.

EIGHTY-NINTH DAY

Senate Chamber
Tuesday, July 2, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, we come before you, and you know what is on this calendar today, Lord, way before we did. Lord, wide is the gate that leads to destruction and narrow is the path that leads to life. Lord, what is our path? We seek your wisdom for walking on that path. None of us know that path. There are so many people here with so many opinions—so many great ideas—that it's hard to hear what is actually the right path sometimes. You actually are that path, Jesus, you are that narrow little road. You have a love for us that shines like ten thousand suns—a love of God that is the hymn of this road. The crippled can come, and they can sing this hymn. So let the needy join this throng. Let the widow hear and hope, and bring everyone around this table that will come. You will not send us away empty handed. Amen.”

The Chair grants leaves of absence for today to Senator D. Davis, Senator Jenkins, and Senator Robinson.

Senator Berger, President *Pro Tempore*, announces that the Senate Journal of Monday, July 1, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Dr. Patricia B. Crane from Asheboro, North Carolina, who is serving the Senate as Nurse of the Day.

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REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

H.B. 191, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the **Finance Committee**.

By Senator Jackson for the **Agriculture/Environment/Natural Resources Committee**:

H.B. 15 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30588, which changes the title to read **H.B. 15** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 321 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80410, which changes the title to read **H.B. 321** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE

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MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the **Appropriations/Base Budget Committee**.

H.B. 546, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on today's supplemental calendar.

By Senator Gunn for the **Commerce Committee**:

H.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on today's supplemental calendar.

H.B. 761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT WELL CONTRACTORS FROM ELECTRICAL CONTRACTORS LICENSING REQUIREMENTS AND TO REQUIRE ELECTRICAL TRAINING FOR INITIAL WELL CONTRACTOR CERTIFICATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30589, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION, 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, 30590, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Finance Committee**.

H.B. 796, A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30591, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

H.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 80411, is adopted and engrossed.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is placed on today's supplemental calendar.

By Senator Apodaca for the **Rules and Operations of the Senate Committee**:

H.B. 214, A BILL TO BE ENTITLED AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS, with a favorable report.

Upon motion of Senator Apodaca, the bill is placed on today's supplemental calendar.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 418 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from today's calendar and placed on the calendar of Tuesday, July 9.

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WITHDRAWAL FROM COMMITTEE

H.B. 194, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS, referred to the **Rules and Operations of the Senate Committee** on April 1.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the **Rules and Operations of the Senate Committee** and re-referred to the **Finance Committee**, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR

Bills on today's calendar are taken up and disposed of as follows:

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGEcombe COUNTY TO LEVY AN OCCUPANCY TAX, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 34, noes 13, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, J. Davis, Ford, Graham, Gunn, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Rabin, Rabon, Randleman, Sanderson, Stein, Tarte, Wade, Walters and Woodard---34.

Voting in the negative: Senators Barefoot, Curtis, Daniel, Goolsby, Harrington, Hartsell, Meredith, Newton, Pate, Rucho, Soucek, Tillman and Tucker---13.

The bill remains on the calendar for Wednesday, July 3, upon third reading.

H.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY 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. 480 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, upon third reading, as amended.

The Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 47, noes 0, as follows:

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Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---47.

Voting in the negative: None.

The Committee Substitute bill is ordered engrossed and sent to the House of Representatives.

H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---47.

Voting in the negative: None.

The Senate Committee Substitute bill remains on the calendar for Wednesday, July 3, upon third reading.

H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, upon second reading.

Senator Rabon offers Amendment No. 1, which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading, by roll-call vote, ayes 32, noes 15, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, Ford, Graham, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Rucho, Stein, Walters and Woodard---15.

The Senate Committee Substitute bill No. 2, as amended, remains on the calendar for Wednesday, July 3, upon third reading.

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H.B. 94 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14)

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MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE

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EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES, upon second reading.

Senator Jackson offers Amendment No. 1, which is adopted (46-0) and changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR

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WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (28) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (29) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION

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REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (30) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (31) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (32) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (33) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (34) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES.

Senator Jackson offers Amendment No. 2, which is adopted (47-0).

Senator Brown offers Amendment No. 3, which is adopted (47-0) and changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING

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FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS

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WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (28) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (29) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (30) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (31) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (32) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (33) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; (34) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES; AND (35) LIMIT REVIEW OF ENGINEERING WORK.

Senator Newton offers Amendment No. 4, which is adopted (35-12) and changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT

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MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND DIRECTION TO THE MINING ENERGY COMMISSION CONCERNING ADOPTION OF RULES GOVERNING DISCLOSURE OF INFORMATION PERTAINING TO HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR

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BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (28) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (29) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (30) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (31) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (32) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (33) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; (34) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES; AND (35) LIMIT REVIEW OF ENGINEERING WORK.

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Senator Clodfelter to be recused from voting on Amendment No. 5 only, because a portion of this bill may affect litigation in which he is involved.

Senator Pate offers Amendment No. 5, which is adopted (46-0) and changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2)

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DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND DIRECTION TO THE MINING ENERGY COMMISSION CONCERNING ADOPTION OF RULES GOVERNING DISCLOSURE OF INFORMATION PERTAINING TO HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE

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WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (28) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (29) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (30) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (31) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (32) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (33) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES; AND (34) LIMIT REVIEW OF ENGINEERING WORK.

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The Chair grants a leave of absence for the remainder of today's session to Senator Barringer.

Senator Wade offers Amendment No. 6, which is adopted (36-10) and changes the title to read **H.B. 94** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND DIRECTION TO THE MINING ENERGY COMMISSION CONCERNING ADOPTION OF RULES GOVERNING DISCLOSURE OF INFORMATION PERTAINING TO HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE

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TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) AMEND THE DEFINITION OF "BUILT-UPON AREA" FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (28) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (29) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (30) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (31) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (32) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW

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SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (33) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES; (34) LIMIT REVIEW OF ENGINEERING WORK; AND (35) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO CLARIFY ITS RULES THAT IMPLEMENT THE PROHIBITION ON SMOKING IN BARS AND RESTAURANTS.

The Senate Committee Substitute bill, as amended, passes its second reading (35-11).

Senator Bryant objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill, as amended, placed on the calendar of Wednesday, July 3, upon third reading.

H.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS, upon second reading.

The Committee Substitute bill passes its second reading (44-2) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, upon second reading.

Senator Goolsby offers Amendment No. 1, which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, upon second reading.

Without objection, Senator Hartsell is excused from voting on the bill due to pending litigation.

Senator Sanderson offers Amendment No. 1, which is adopted (38-7).

Senator Tillman offers Amendment No. 2, which is adopted (34-11).

Senator Tillman offers Amendment No. 3, which is adopted (37-8).

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The Senate Committee Substitute bill, as amended, passes its second reading (34-11) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 296 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION'S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (45-1).

The Senate Committee Substitute bill, as amended, passes its second reading (42-4).

Senator Sanderson objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill, as amended, placed on the calendar of Wednesday, July 3, upon third reading.

H.B. 327 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO

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ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 345 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, AND TO PROVIDE FOR RECOMMENDATIONS FOR CERTAIN APPOINTMENTS TO THE STATE 911 BOARD, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 357 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES, upon second reading.

Senator Barefoot offers Amendment No. 1, which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 358 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS, upon second reading.

The Committee Substitute bill passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 362 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS, 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 for concurrence in the Senate Committee Substitute bill.

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The Chair grants a leave of absence for the remainder of today's session to Senator Rabin.

H.B. 371, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS, 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.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today's calendar:

H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, July 9.

CALENDAR *(continued)*

H.B. 402 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 428 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON'S

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DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON'S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES, upon second reading.

Senator Parmon offers Amendment No. 1, which is adopted (44-1).

Senator McKissick offers Amendment No. 2, which is adopted (33-12).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 450 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT, 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 enrolled and sent to the Governor.

H.B. 462, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM, upon second reading.

The bill passes its second reading (39-5) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 492 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (44-0).

The Senate Committee Substitute bill, as amended, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

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MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today's calendar:

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN'S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, July 9.

H.B. 802 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's calendar and placed on the calendar of Tuesday, July 9.

CALENDAR *(continued)*

H.B. 635 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ALLOW A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE OR ELECTRONIC MAIL TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY, (2) ESTABLISH PROTOCOLS FOR THE TRAINING OF PHYSICIANS, ELIGIBLE PSYCHOLOGISTS, OR DESIGNEES, AND (3) DIRECT THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW AND REVISE THE RULES DESIGNATING FACILITIES FOR THE CUSTODY AND TREATMENT OF INVOLUNTARY CLIENTS, 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 enrolled and sent to the Governor.

H.B. 754 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE, upon second reading, as amended in committee.

The Committee Substitute bill, as amended in committee, passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

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H.B. 767 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENACTING THE CORPORAL PRUITT RAINEY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDING CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES, 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 for concurrence in the Senate Committee Substitute bill.

H.B. 783 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS, upon second reading.

The Chair grants a leave of absence for the remainder of today's session to Senator 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.

H.B. 982 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A., upon second reading.

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.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE'S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION.

Having voted with the majority, Senator Goolsby offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Committee Substitute bill placed on the calendar of Wednesday, July 3, upon third reading.

S.B. 399 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE IN SUPERIOR COURT FOR WHICH THE STATE IS NOT SEEKING A SENTENCE OF DEATH MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE, for concurrence, upon second reading.

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Upon motion of Senator Brunstetter, the Senate concurs on its second reading by a three-fifth's majority vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tucker, Wade, Walters and Woodard---43.

Voting in the negative: None.

Upon motion of Senator Brunstetter, the Senate concurs on its third reading by a three-fifth's majority vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---44.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, for concurrence in House Amendments No. 1 and No. 5.

Upon motion of Senator Daniel, the Senate concurs in House Amendments No. 1 and No. 5 (32-12) and the bill is ordered enrolled and sent to the Governor.

S.B. 174 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, TO PROVIDE SPECIFIC DIRECTIONS TO THE INDUSTRIAL COMMISSION TO REPLACE THE RULES, AND TO AMEND CERTAIN PROVISIONS OF THE WORKERS' COMPENSATION LAW, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brown, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 280 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ALLOWING NON-STATE EMPLOYEES AFFILIATED WITH THE TRANSPORTATION MUSEUM TO DRIVE STATE-OWNED VEHICLES; EXPANDING THE AUTHORITY OF THE DEPARTMENT OF CULTURAL RESOURCES AND THE TRYON PALACE TO CHARGE ADMISSION AND

RELATED ACTIVITY FEES; AND ESTABLISHING THE A+ SCHOOLS SPECIAL FUND IN THE DEPARTMENT OF CULTURAL RESOURCES, THE NORTH CAROLINA ARTS COUNCIL, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Meredith, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 638 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE

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EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Jackson, the Senate concurs in the House Committee Substitute bill No. 2 (41-3) and the bill is ordered enrolled and sent to the Governor.

S.B. 683 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (4-40) and the House of Representatives is notified.

S.B. 717 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, AND TO CLARIFY THE MOTOR VEHICLE DEALERS' AND MANUFACTURERS' LICENSING LAW, for concurrence in the House Committee Substitute bill.

Without objection, Senator Brown is excused from voting on the bill due to a business conflict.

Without objection, Senator Bingham is excused from voting on the bill because he is in the inspection business.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (42-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 231 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION, for adoption.

Upon motion of Senator J. Davis, the Senate adopts the Conference Committee Substitute bill (44-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 1005 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30593, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the **Education/Higher Education Committee**.

**WITHDRAWALS FROM THE
SUPPLEMENTAL CALENDAR**

Upon motion of Senator Apodaca, the following bills are withdrawn from today's supplemental calendar and placed on the calendar of Tuesday, July 9.

H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, upon second reading.

H.B. 321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES, upon second reading.

H.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS, upon second reading.

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H.B. 546, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT, upon second reading.

H.B. 796 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT, upon second reading.

H.B. 616 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR, upon second reading.

H.B. 214, A BILL TO BE ENTITLED AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS, upon second reading.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 122 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES.

Pursuant to the message from the House of Representatives received on June 24 that the House fails to concur in the Senate Committee Substitute bill No. 2 for H.B. 122 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Goolsby, Chair; Senator Barringer, 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.

S.B. 200 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 200 on June 10, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Bingham, Chair; Senator Goolsby, Senator Kinnaird, 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 and requesting conferees.

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H.B. 662 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS.

Pursuant to the message from the House of Representatives received on June 17 that the House fails to concur in the Senate Committee Substitute bill for H.B. 662 and requests conferees, Senator Louis Pate, Deputy President *Pro Tempore*, announces the appointment of Senator Gunn, Chair; Senator Barringer, Senator McLaurin, and Senator Meredith as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

WITHDRAWAL FROM TODAY'S SUPPLEMENTAL CALENDAR

H.B. 761 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT WELL CONTRACTORS FROM ELECTRICAL CONTRACTORS LICENSING REQUIREMENTS AND TO REQUIRE ELECTRICAL TRAINING FOR INITIAL WELL CONTRACTOR CERTIFICATION, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today's supplemental calendar and re-referred to the **Rules and Operations of the Senate Committee**.

The Senate recesses at 5:20 p.m., subject to the receipt of committee reports, to reconvene at 7:00 p.m.

RECESS

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Newton for the **Judiciary I Committee**:

H.B. 695 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, 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, 30592, which changes the title to read **H.B. 695** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, AND TO AMEND THE WOMEN'S RIGHT TO KNOW ACT, is adopted and engrossed.

A SENATORIAL STATEMENT

Submitted by Senator Dan Blue and Senator Chad Barefoot

Recognizing Garner as an All-America City

WHEREAS, on June 16, 2013, Garner, North Carolina, was recognized as a 2013 All-America City by the National Civic League and was one of 10 communities across the country to win the Award. Garner is the first locality in the Triangle to win the award since Durham in 1982-1983 and the first Wake County municipality to earn the award since Raleigh in 1974-1975. The Award is often called the Nobel Prize of civic accomplishment; and

WHEREAS, the All-America City Award program was founded in 1949 to recognize cities for civic achievements. To be named an All-America City, the community must demonstrate innovation, inclusiveness, civic engagement, and cross-sector collaboration by describing successful efforts to address pressing local challenges. In their applications, All-America City finalists briefly tell their community stories, listing two of their most pressing challenges and three outstanding community projects; and

WHEREAS, in a video presentation, the 2011 American Idol winner, Scotty McCreery of Garner, described Garner's three best projects that have resulted in significant local impact and action planning within the past five years. The three projects included the Garner Veterans Memorial at Lake Benson Park, Community of Hope Charity operating out of First Baptist Church of Garner, and the Garner Performing Arts Center. The video also highlighted this year's community-wide initiatives to honor and benefit veterans and military families; and

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WHEREAS, Garner's application for the Award and the video presentation also cited other citizen-led efforts in Garner, such as the Meals on Wheels program at the Garner Senior Center, the Town's annual Relay For Life event at Lake Benson Park, and the grassroots efforts to save Garner from the "red route" of the Triangle Expressway and to block the closure of the Wake County Library Southeast Regional Branch in Garner;

NOW, THEREFORE, Garner deserves recognition for being named a 2013 All-America City and the Town's citizens deserve acknowledgement for their community spirit in helping the Town achieve this Award.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the second day July, 2013.

S/Senator Dan Blue
S/Senator Chad Barefoot

S/Sarah Lang
Senate Principal Clerk

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the **State and Local Government Committee**:

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL 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, 90116, which changes the title to read **H.B. 468** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON, is adopted and engrossed.

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

The Chair grants leaves of absence for the remainder of today's session to Senator Bingham, Senator Hartsell, Senator McLaurin, and Senator Rucho.

Upon the appearance of Senator Berger in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

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MOTION TO SUSPEND THE RULES

Senator Apodaca moves to suspend the rules to the end that H.B. 695 be brought before the Senate for immediate consideration, which motion is objected to by Senator Nesbitt.

The motion to suspend the rules prevails by a three-fifths majority of the Senators present and voting (28-13) and H.B. 695 is brought before the Senate for immediate consideration.

CALENDAR *(continued)*

H.B. 695 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, AND TO AMEND THE WOMEN'S RIGHT TO KNOW ACT, upon second reading.

The Senate Committee Substitute bill passes its second reading (27-14).

Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Wednesday, July 3, upon third reading.

Upon motion of Senator Berger, seconded by Senator Barefoot, the Senate adjourns at 8:03 p.m., subject to the receipt of committee reports, the receipt of messages from the Governor, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, July 3, at 9:00 a.m.
